



**VILLAGE OF NORTH PALM BEACH  
PLANNING COMMISSION  
AGENDA  
TUESDAY OCTOBER 11, 2022  
Council Chambers-501 US HWY 1  
6:30 P.M.**

Cory Cross, Chair  
Donald Solodar, Vice Chair  
Thomas Hogarth, Member  
Jonathan Haigh, Member  
Kathryn DeWitt, Member  
Scott Hicks, Member  
Nathan Kennedy, Member

Alex Ahrenholz, AICP, Acting Community Development Director  
Len Rubin, Village Attorney

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Meeting backup available for the current Planning Commission meeting at:  
<http://fl-northpalmbeach.civicplus.com/DocumentCenter/Index/195>

*Archived meeting backup can be found at:*  
<http://www.npbweblink.com/WebLink/Browse.aspx?startid=147916&dbid=0>

- I. ROLL CALL**
- II. DECLARATION OF EX PARTE COMMUNICATIONS**
- III. QUASI JUDICIAL MATTERS / PUBLIC HEARING**

Village Attorney to swear in all persons speaking

**a. APPROVAL OF THE MINUTES**

- i. [August 2, 2022 Minutes](#)

**b. SITE PLAN AND APPEARANCE REVIEW**

- i. [Public Safety Building Parking](#)

Application by the Village of North Palm Beach amending the Site Plan for the Public Safety building to add two (2) parking spaces.

- ii. [420 US Highway One Paint Colors](#)

Application by SOVS Holdings, LLC for new building paint colors.

- iii. [Pelican Carwash- Tabled in June 2022](#)

Application by PGA Wash LLC for site improvements to the existing carwash

**c. RECOMMENDATIONS TO VILLAGE COUNCIL**

- i. [Village Initiated Zoning Text Amendment](#)

Amendment to Section 45-27, R1- Single Family Zoning District for regulations to second story size of single-family homes and Section 45-64, Nonconforming Structures.

**IV. ADMINISTRATION MATTERS**

- a. Staff Updates
- b. Commission Member Comments

**V. 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 841-3355 at least 72 hours prior to the meeting date.*

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



**VILLAGE OF NORTH PALM BEACH  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY AUGUST 2, 2022**

Present: Cory Cross, Chairman  
Donald Solodar, Vice Chair  
Jonathan Haigh, Member  
Scott Hicks, Member  
Nathan Kennedy, Member  
Kathryn DeWitt, Member

Len Rubin, Village Attorney  
Alex Ahrenholz, Principal Planner

Not Present: Thomas Hogarth, Member

Council Member: Susan Bickel

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**I. CALL TO ORDER**

Chairman Cross called the meeting to order at 6:30 PM.

**A. ROLL CALL**

All members of the Planning Commission were present except Mr. Hogarth. Ms. DeWitt arrived at 6:34 PM.

**II. DECLARATION OF EX PARTE COMMUNICATIONS**

There were no Ex Parte Communications declared by the Board.

**III. QUASI JUDICIAL MATTERS / PUBLIC HEARING**

Attorney Len Rubin swears in all persons speaking.

**A. SITE PLAN AND APPEARANCE REVIEW**

**1. 202 US Highway 1**

Application by Signarama NPB for the creation of a master sign program. Tabled July 5, 2022

Motion: Mr. Solodar moved to remove the application from the table. Mr. Hicks seconded the motion, which passed 6-0.

This application was presented at the July 5th Planning Commission meeting for approval of a master sign program. The commission had a few issues with the request and ultimately decided to table the item. Those issues included:

1. The ground sign, as currently constructed, does not meet the landscaping requirements of the code.

**Minutes of Village Planning Commission Regular Meeting held on August 2, 2022**

2. The building signs were not specified to be any uniform look in font or color
3. The building signs are roof mounted and staff needs to confirm if prohibited
4. No detailed rendering or specification was provided with the sign plan.

The applicant has since updated the master sign program to include a proposed color scheme of blues and whites on a white background. The specifications of the signs have remained, but a detailed picture has been included for future reference with the sign program. Fonts were not included in the sign program because the applicant believes there should remain some flexibility in design as long as the colors are consistent.

The signs are roof mounted, which is a prohibited sign per section 6-113, but are further defined in Section 6-111 to be “a sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees”. As the slope of the roof is greater than 45 degrees, the signs shall be permitted in their current location.

The ground sign is placed in front of a parking space that has been confirmed to be sixteen (16) feet in length, with approximately two (2) feet of space between the wheel stop and the base of the sign. This space is required for the vehicle overhang and cannot be reduced to provide landscaping. The back of the parking space is in line with the rest of the row and cannot be shifted further in to the drive aisle without affecting access for the entire site. The rear of the sign is located on the property line, which is permitted since there is no side setback for commercial properties. A shrub could be added on the east and west sides of the sign, but this thin strip of landscaping does not have irrigation, so the survivability of the shrubs is unlikely.

Staff recommends one (1) condition of approval:

1. Ground sign dimension shall be updated to show the entire sign area.

The Planning Commissions members discussed the project application. Discussion included narrowing the color selection to just a few choices; and whether the background color will remain white.

Henry Cromwell, owner of 202 US 1, was present to represent the project.

The Chairman asked for questions from the public.

Deborah Cross, 2560 Pepperwood Circle South, North Palm Beach, expressed concern that the colors need to be specific so as not to get colors that clash or do not complement each other.

Lisa Mardar, Signarama, 802 Old Dixie Hwy., Suite 3, Lake Park, suggested that two colors with specific pantone numbers be chosen which are acceptable to the landlord and can be chosen by the tenant.

Seeing there were no further questions, the Chairman closed the public comments.

Motion: Dr. Kennedy moved to approve the application with Staff’s condition and that specific pantone colors be chosen. Mr. Solodar seconded the motion, which passed 5-0.

**2. 120 US Highway 1 site improvements**

Application by Pure Nene, LLC for site and façade improvements to the existing retail building. Tabled July 5, 2022

**Minutes of Village Planning Commission Regular Meeting held on August 2, 2022**

Motion: Mr. Solodar moved to remove the application from the table. Dr. Kennedy seconded the motion, which passed 5-0.

Mr. Ahrenholz presented the staff report and recommendations. This application was presented at the July 5th Planning Commission meeting for approval of the site and facade changes to the existing facility. The commission had a few issues with the proposal and moved to table the application for the following items to be resolved:

1. The handicap spaces need to be amended to allow for proper access to the front door
2. Parking in the rear is too close to the ramp
3. Drive aisles are not meeting code minimum widths
4. Parking lot landscape islands are not provided at the western end of the parking spaces
5. Parking lot lighting not provided

Mr. Ahrenholz updated the Commission on the applicant's changes to the foundation planting area, reduction of the handicapped spaces with a single space including a five foot walkway at the front door, landscape islands will be at the western end of the parking spaces and will be a minimum 15 feet long and eight feet wide. Ground cover shrubs within the islands will be required as a condition of approval. The applicant has made no changes to the building façade, but has indicated that there will be lights aimed at the building at night. The Public Works Department has requested that dumpster enclosure in the rear remain as is, as it conforms to the other businesses along the alley. Another condition of approval is a ramp to the rear door for deliveries. The building is only six inches higher than the parking lot so the sides of the ramp can be sloped for a car to mount if necessary.

Staff proposes two conditions of approval:

1. Shrubs with mulch or a groundcover shall be provided at the base of the trees proposed on the western edge of the parking lot.
2. The ramp at the rear of the building shall be angled on the north and south sides to be mountable if necessary.

The Planning Commissions members discussed whether the addition of landscaping could be added to the rear of the building; whether the handicapped access aisle needs to be striped; whether any signage will be added to direct which is the entrance/exit; whether lighting will be addressed in the code; and whether the gravel can be replaced with ground cover.

Veridiana Lucchesi, Applicant, 9602 LaBelle Ct., Delray Beach, was present to represent the project.

The Chairman asked for questions from the public.

Deborah Cross, 2560 Pepperwood Circle South, North Palm Beach, expressed concerns for more green space and less paving.

Seeing there were no further questions, the Chairman closed the public comments.

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Motion: Mr. Haigh moved to approve the application with Staffs two conditions of approval and that the handicapped parking spaces be striped per Florida Building Code. Mr. Solodar seconded the motion, which passed 5-0.

**V. ADMINISTRATION MATTERS**

**A. Staff Updates:**

- Discussion on whether the Planning Commission should impose time limits for completing approved projects, or making an expiration date for new projects to be completed. Consensus of the discussion is that expiration dates should be put into an ordinance.
- 200 Yacht Club Dr. project has resubmitted their application. Will come before the Planning Commission in September. Staff is requiring them to post notices. The Planning Commission requested receiving the proposed changes in advance of the meeting.

**B. Commission Member Comments:**

- Discussion on the level of site requirement differences between the two applications presented. One was signage and paint colors and the other was a total façade makeover, landscape and addition of a ramp in the rear of the building, but they were both held to the same standards.
- Discussion of the Joint meeting with Lake Park and when the next meeting date is planned.

**VI. ADJOURNMENT**

With there being no further business to come before the Board, the meeting adjourned at 7:33 PM.

Minutes typed by Jane Lerner



# MEMORANDUM

James Anthony  
Facilities Manager/Public Works  
(561) 691.3443  
E-MAIL: [janthony@village-npb.org](mailto:janthony@village-npb.org)

The Village of  
NORTH PALM BEACH  
645 Prosperity Farms Rd.  
North Palm Beach, Florida 33408

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10/7/2022

To: Alex Ahrenholz  
Community Development Director

Alex,

Attached you will find the pictures and measurements for the two parking spots Public Safety has requested be added to the front of the fire bay at the south end.

These two spots will enable senior fire staff to deploy their vehicles from the front of the building with the rest of the emergency vehicles. These vehicles were stored inside, but with the new vehicle this is no longer possible. Deploying from the rear of the building does not give them the opportunity to use the emergency signal in front of the station and wastes valuable time responding to emergencies.

This request is to pave these two spots for minimal maintenance and provide permanent spots for senior fire staff. The dimensions of the proposed spots are approximately 18' x 44'. This increase in paved surface should be a negligible addition of non-pervious surface area to the overall property. Pervious surface alternatives have been explored and found to be less than ideal due to maintenance, safety and aesthetic concerns.

Due to the small footprint of this project we are asking that we forgo the full application process and go directly to the planning commission for authorization to proceed.

Thank you for your help with this issue and feel free to reach out if you have any further questions about the project.

V/R,  
James Anthony

Sep 8 2022 at 13:41:36

560 US-1 N

North Palm Beach FL 33408

18'

44'







## Village of North Palm Beach

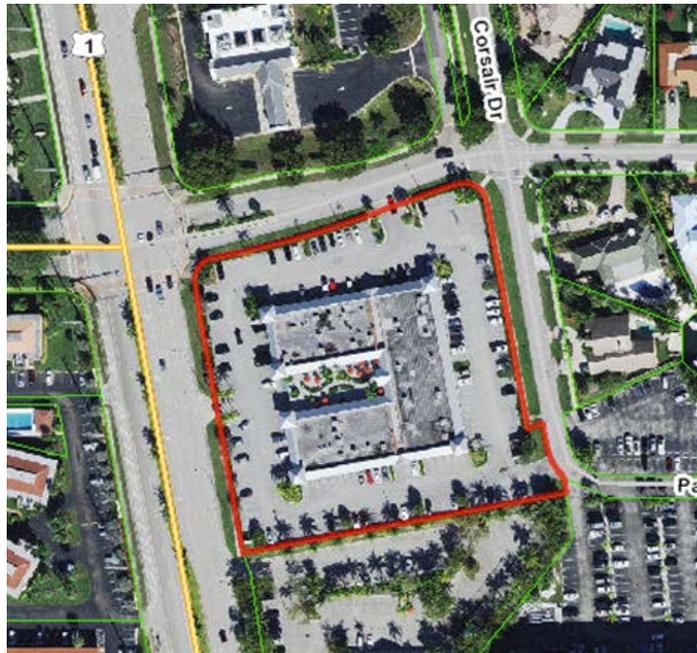
Department of Community Development

420 U.S. HIGHWAY ONE, SUITE 21 • NORTH PALM BEACH, FLORIDA 33408  
561-882-1156 • FAX 561.841.8242 • [WWW.VILLAGE-NPB.ORG](http://WWW.VILLAGE-NPB.ORG)

**DATE:** October 11, 2022  
**TO:** Planning Commission  
**FROM:** Alex Ahrenholz, AICP, Acting Director of Community Development  
**RE:** 420 US Highway 1- Paint Colors  
October 11, 2022 Meeting  
P&Z# 2022-1794

### I. APPLICATION

<b>Location:</b>	420 US Highway 1, at the Southeast corner of Anchorage Drive South and US1
<b>PCN:</b>	68-43-42-16-00-004-0011
<b>Request:</b>	Application by SOVS Holdings LLC for new building paint colors



### II. SUMMARY OF REQUEST

The subject property is a commercial plaza building known as The Shoppes at Village Square. The exterior walls were previously approved in 2014 to be yellow Benjamin Moore Man in The Moon (OC-106) with white accent in Benjamin Moore Simply White (OC-117). The newly proposed exterior wall color will be white Benjamin Moore (OC 150) with accent painted in gray Benjamin Moore (HC 170). Existing building signage was approved as and consists of translucent vinyl Light Blue (#053) letters on white acrylic background and a combination of nationally registered tenant sign colors.

Pictures reflecting the existing color scheme of the building and pictures reflecting the proposed white and gray color scheme have been included as attachments to this staff report for reference. The new white building color is similar to the existing white trim while the gray accent offers more updated contrast from the previous existing yellow with white trim combination. New colors are generally consistent with the architectural guidelines that specify harmonious colors.

The current Future Land Use (FLU) and current Zoning designations for the property are summarized in the table below.

<b>Future Land Use (FLU) Designation</b>	<b>Zoning Designation</b>
Commercial	C-MU-US-1 Mixed-Use District

The following table summarizes the uses, FLU designations, and zoning districts of the surrounding properties:

	<b>Existing Use</b>	<b>FLU</b>	<b>Zoning</b>
<b>North</b>	Commercial	Commercial	C-MU-US-1 Mixed-Use District
<b>East</b>	Residential	Low Density Residential	R-1 Single Family Residential
<b>South</b>	Commercial	Commercial	C-MU-US-1 Mixed-Use District
<b>West</b>	Multi-Family	High Density Residential	R-3 Apartment Dwelling District

### **III. 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

**IV. CONCLUSION & FINDING OF FACT**

In Staff's analysis, the proposed application is consistent with the appearance plan and other code requirements. Should the Planning Commission determine that the Applicant has met the prerequisites for the granting of site plan and appearance approval, staff recommends approval with no conditions.

## Existing Color Scheme Conditions



## Proposed Color Scheme





# Village of North Palm Beach

Department of Community Development

420 U.S. HIGHWAY ONE, SUITE 21 • NORTH PALM BEACH, FLORIDA 33408

561-882-1156 • FAX 561.841.8242 • [WWW.VILLAGE-NPB.ORG](http://WWW.VILLAGE-NPB.ORG)

**DATE:** June 7, 2022- Tabled  
Updated October 11, 2022

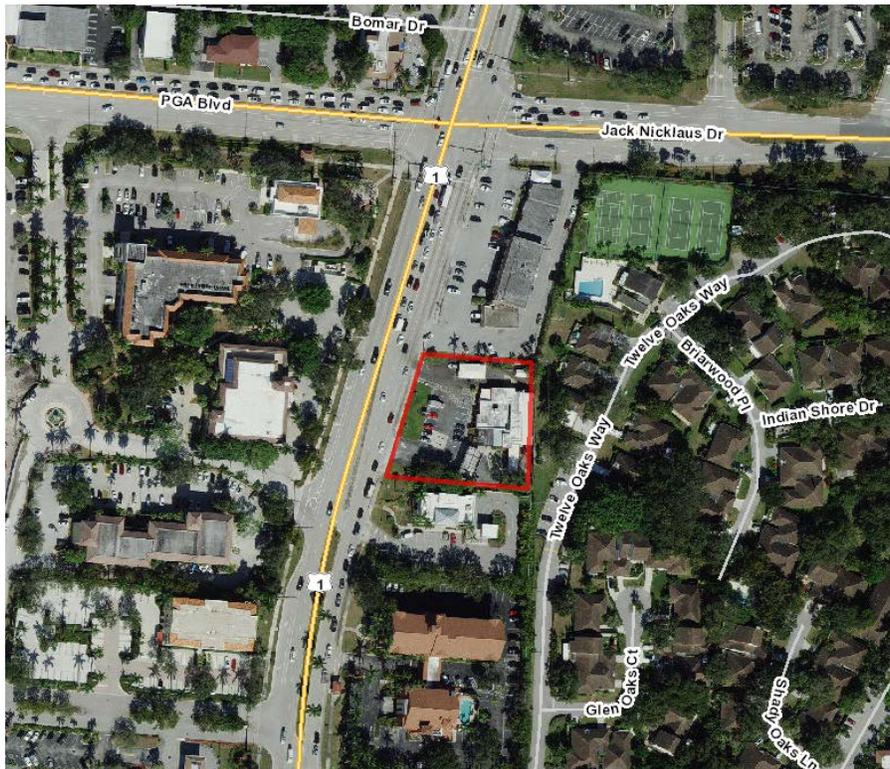
**TO:** Planning Commission

**FROM:** Alex Ahrenholz, AICP, Acting Director of Community Development

**RE:** Pelican Carwash  
October 11, 2022 Meeting  
P&Z# 2022-0993

## I. APPLICATION

<b>Location:</b>	11370 US Highway 1, 500 ft south of PGA Blvd.
<b>PCN:</b>	68-43-42-04-00-007-0040
<b>Request:</b>	Application by PGA Wash, LLC for site improvements to the existing carwash.



## **II. SUMMARY OF REQUEST**

Pelican Carwash has operated at this location since 1977. In fact, little has changed with the site plan layout since the original approvals to include fuel service and additional retail to the site. The property has changed hands a few times over the decades until the most recent purchase in 2021 by the current property owner. Over a few months, numerous projects were completed on site without a permit including, but not limited to, replacing the awnings, repainting the building, replacing the signage, replacing the pay stations and removing a fuel pump. There was also an unfortunate incident of a driver crashing into the fuel canopy, resulting in its demolition for safety.

After code enforcement action was taken against the property owner, the Village Special Magistrate set a strict schedule to receive planning commission approval in June 2022 and building permits in July 2022 before being issued daily fines. The property owner has complied with the special magistrate requirements thus far and is on schedule. Below describes the items within the application for consideration by the planning commission.

### **Site Plan**

The previous site plan on file was from the original construction in 1977. The only change to that approval was the removal of five (5) parking spaces on the north side and replaced with a large awning for the drying and vacuuming of vehicles, which will be discussed in more detail below. The rest of the site layout, uses, overall square footage and vehicle movements have not changed since the old plan.

### **Awnings**

There were a total of four (4) awnings installed on site without a permit. Three were existing at least since 1985, per historical aerial research. The property is within the CS- Shopping Commercial Zoning district, which has the following restriction in subsection G.1. *“A car wash and car waxing business whether in conjunction with a filling station or as an independent enterprise shall be allowed to utilize an awning structure or structure which shall be located in the rear yard with a minimum five-foot setback and within the building side lines extended.”* Per this regulation, only one of the awnings installed would meet this standard. All four are referenced below:

1. The rear awning was shown in the original 1977 approval, and has been replaced in generally the same location after the payment and fuel area. It is a dark blue color.
2. Another awning was added over the waiting area, originally shown as an open patio. It is an awning connected to the building and not directly related to the carwash use, so does not fall under the regulation to be located in the rear of the structure. It has been on site since at least 1985 and was more recently an off white. The new color installed is orange.
3. The front-most awning was on site in 1985, in the area previous marked for parking spaces. Those 5 parking spaces are no longer there, but the pavement area is used for vacuuming and hand drying of vehicles. It was expanded with the recent replacement to the orange fabric. Though the poles remained in the same location, the eaves extend out farther and the height has increased from approximately 11 feet to 14 feet. There are no records of the size and exact location of the previous awning, but it is clearly larger than before. The structure would fall under code section 45-64 *nonconforming structures* which states *“No such structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity”*.
4. The final awning is blue, situated between the orange awnings that were previously on site. This awning would not fall under the nonconforming structures regulation and would be required to be removed, since it is for a carwash not in the rear yard.

### **Fuel pumps and pay station**

Fuel pumps and carwash payment was originally shown on the 1977 site plan. The main change is to add gate arms to restrict access, automatic payment cameras that scan license plates of cars with memberships, and smaller shade canopies over the pay stations. Additions of these elements do not greatly affect the use of the site and would only fall under the appearance code for approval by the planning commission.

### Signage

This application includes a proposed Monument sign, and three (3) directional signs. The monument sign was approved by the Planning Commission in 2016. The acrylic face faded over time and the new one installed was a direct face change. This is considered maintenance and does not require Planning Commission approval, but did need to receive a building permit. Of the directional signage, one (1) is currently installed at the entrance and two (2) are proposed passed the pay station and not visible from the roadway.

### Paint Colors and green wall

The building was a beige for many years with a terracotta colored mansard type roof. The new color is an off white with midnight blue accents. The roof was also replaced to be a darker red color. Under the orange waiting area awning, an artificial plant wall was added to the western façade.

### Vacuums

There are 5 vacuums proposed at the front parking spaces along US 1. Though there is no prohibition of mechanical equipment in the front of a building, it is not typical and the landscape section 45-88.B. requires that screening be provided.

### III. UPDATE FROM JUNE 2022

The Planning Commission tabled the application at the June 2022 meeting for the applicant to respond to the below issues:

1. Provide striping plan for movement throughout the site
2. Provide landscape specifications
3. Clarify the location and colors of the readers, canopies and directional signage.
4. Redesign the location of the vacuums. The location was not ideal and the middle ones would be in conflict with the monument signage.

The above items have been addressed in the updated site plans, renderings, and striping plan. Per some of the conditions of approval proposed by staff and the discussion by the Planning Commission at the last meeting, the applicant has additionally proposed to add new landscaping at the base of the building, update the existing cabinet wall sign to match their new branding, and repaint the building to white with a blue roof.

The current Future Land Use (FLU) and current Zoning designations for the property are summarized in the table below.

Future Land Use (FLU) Designation	Zoning Designation
Commercial	CS- Shopping Commercial

The following table summarizes the uses, FLU designations, and zoning districts of the surrounding properties:

	Existing Use	FLU	Zoning
<b>North</b>	Commercial	Commercial (PBG)	Commercial (PBG)
<b>East</b>	Residential	High Density Residential	R-3 Apartment Dwelling District
<b>South</b>	Commercial	Commercial (PBG)	Commercial (PBG)
<b>West</b>	Commercial	Mixed Use (PBG)	Mixed Use (PBG)

#### **IV. APPEARANCE CODE – PLANNING COMMISSION ROLE & RESPONSIBILITIES**

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

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

#### **B RELATIONSHIP OF BUILDING AND SITE TO ADJOINING AREA**

1. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, site breaks, and materials.
2. Attractive landscape transitions to adjoining properties are encouraged.
3. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

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

## **C LANDSCAPE AND SITE TREATMENT**

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

## **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.

## **E SIGNS**

1. Wall 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.
2. 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.
3. Identification signs of a prototype design shall conform to the criteria for building and ground signs.
4. Materials used in signs shall have good architectural character and be harmonious with building design and surrounding landscape.
5. Every sign shall have good scale in its design and in its visual relationship to buildings and surroundings.
6. 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.
7. The sign provisions of the North Palm Beach Village Code shall be part of the criteria of this subsection.

## **F MISCELLANEOUS STRUCTURES AND STREET HARDWARE**

1. Miscellaneous structures include any structures, other than buildings, visible to view from any public way or ways. Street hardware includes all objects not commonly referred to as structures and located in streets and public ways and outside of buildings. (See Section VIII, DEFINITIONS)
2. Miscellaneous structures and street hardware located on private property shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
3. Miscellaneous structures and street hardware located in public ways and other public property shall be harmonious with design of adjacent buildings and other structures and Village landscape.
4. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings, and signs.
5. The provisions of the Village of 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

**V. CONCLUSION & FINDING OF FACT**

In Staff's analysis, the proposed application is consistent with the Village Master Plan, the Appearance Code, and other zoning requirements. Should the Planning Commission determine that the Applicant has met the prerequisites for granting approval, staff proposes the following conditions:

1. The largest, most western orange awning shall be replaced with a smaller awning of similar size canopy as before to not increase the nonconformity.
2. The blue awning in the front the building shall be removed.

**GAS DISPENSER NOTE**

THE GAS DISPENSER IS NEW BUT THE LINES ARE EXISTING. CONTRACTOR IS JUST SWITCHING TO NEW EQUIPMENT



11 VACUUMS  
3/16" = 1'-0"



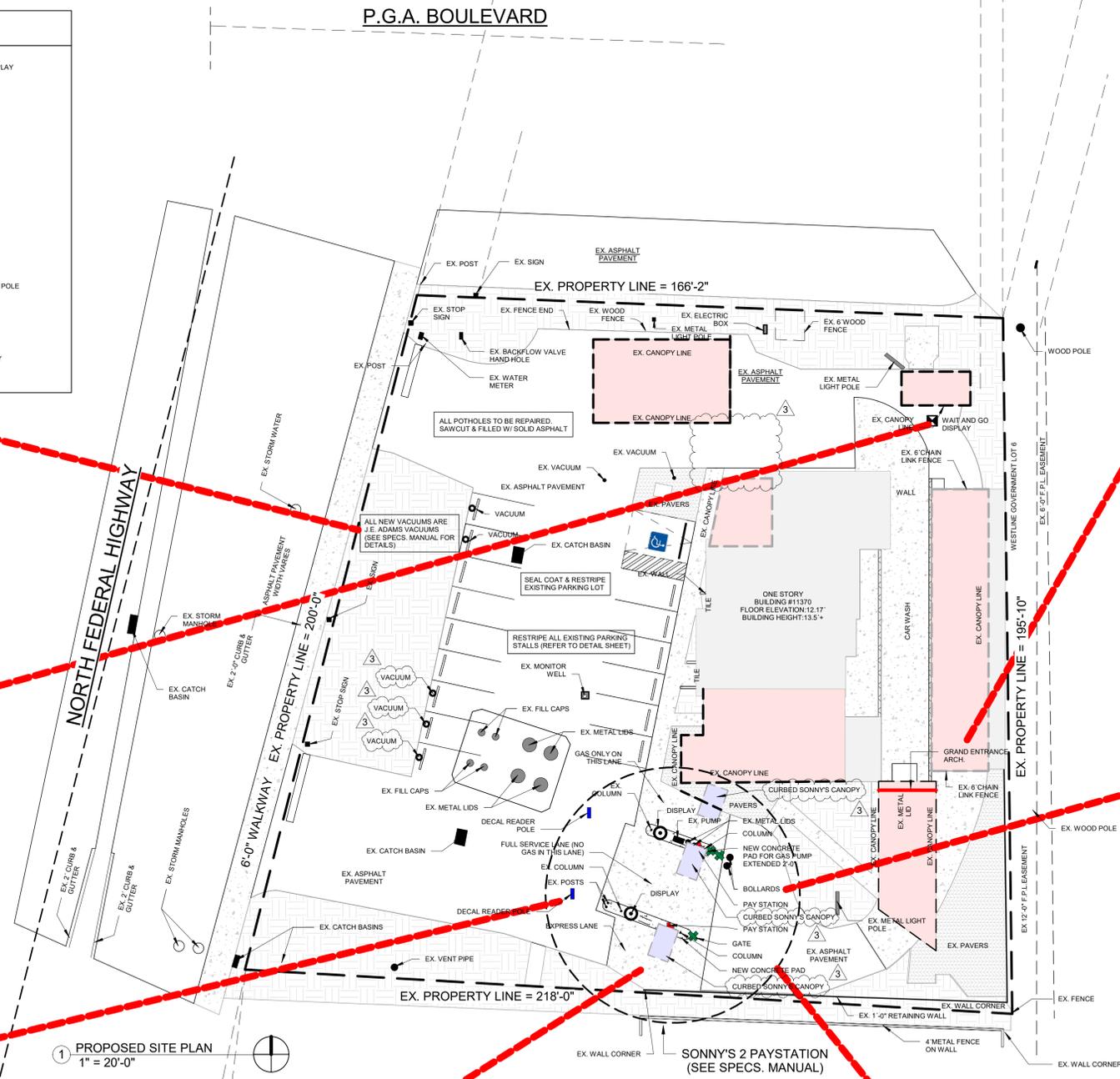
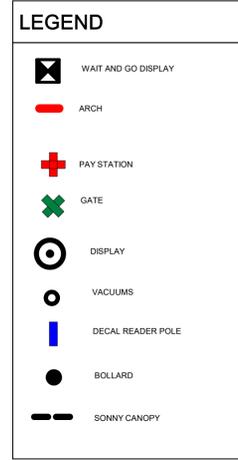
9 WAIT AND GO DISPLAY  
3/16" = 1'-0"



4 DECAL READER POST  
3/16" = 1'-0"



10 2ND DECAL READER POLE  
3/16" = 1'-0"



1 PROPOSED SITE PLAN  
1" = 20'-0"



8 GATE 2  
3/16" = 1'-0"



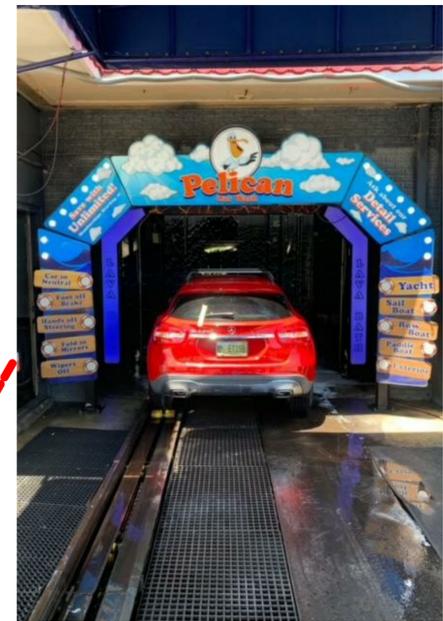
6 GATE  
3/16" = 1'-0"



7 PAY STATION 2  
3/16" = 1'-0"



5 PAY STATION  
3/16" = 1'-0"



2 GRAND ENTRANCE ARCH (SEE SPECS. MANUAL)  
3/16" = 1'-0"



3 BOLLARDS  
3/16" = 1'-0"

No.	Description	Date
3	Rework 3 - City Comments	06.15.22



Jarvis M. Wyandon, Architect  
 Architect - Interior Designer - Planner  
 Lic. # AR94338  
 4748 Rice Road  
 Shreveport, Louisiana 71119  
 P: (954) 854-4312  
 Email: jmwyandon@gmail.com

PELICAN CAR WASH  
 SITE IMPROVEMENTS  
 11370 US 1,  
 N. PALM BEACH, FL 33408

SEAL

PROJECT NO:  
 DRAWN BY: JMW  
 CHECKED BY: JMW  
 DATE: 02/16/2022

FILE NAME:  
**VIOLATION OVERALL SITE PLAN**

SHEET NO.  
**A-02**

SHEET: OF



OVERALL SITE PLAN WITH DIRECTIONAL ARROWS  
 1 3/32" = 1'-0"

No.	Description	Date

**WY**  
 Jarvis M. Wyandon, Architect  
 Architect - Interior Designer - Planner  
 Lic. # AR94338  
 4748 Rice Road  
 Shreveport, Louisiana 71119  
 P: (954) 854-4312  
 Email: jmwyanon@gmail.com

**PELICAN CAR WASH  
 SITE IMPROVEMENTS  
 11370 US 1,  
 N. PALM BEACH, FL 33408**

SEAL

PROJECT NO:  
 DRAWN BY: JMW  
 CHECKED BY: JMW  
 DATE: 02/16/2022

FILE NAME:

**OVERALL SITE  
 PLAN WITH  
 DIRECTIONALS**

SHEET NO.  
**A-02.5**

SHEET: \_\_\_\_ OF \_\_\_\_



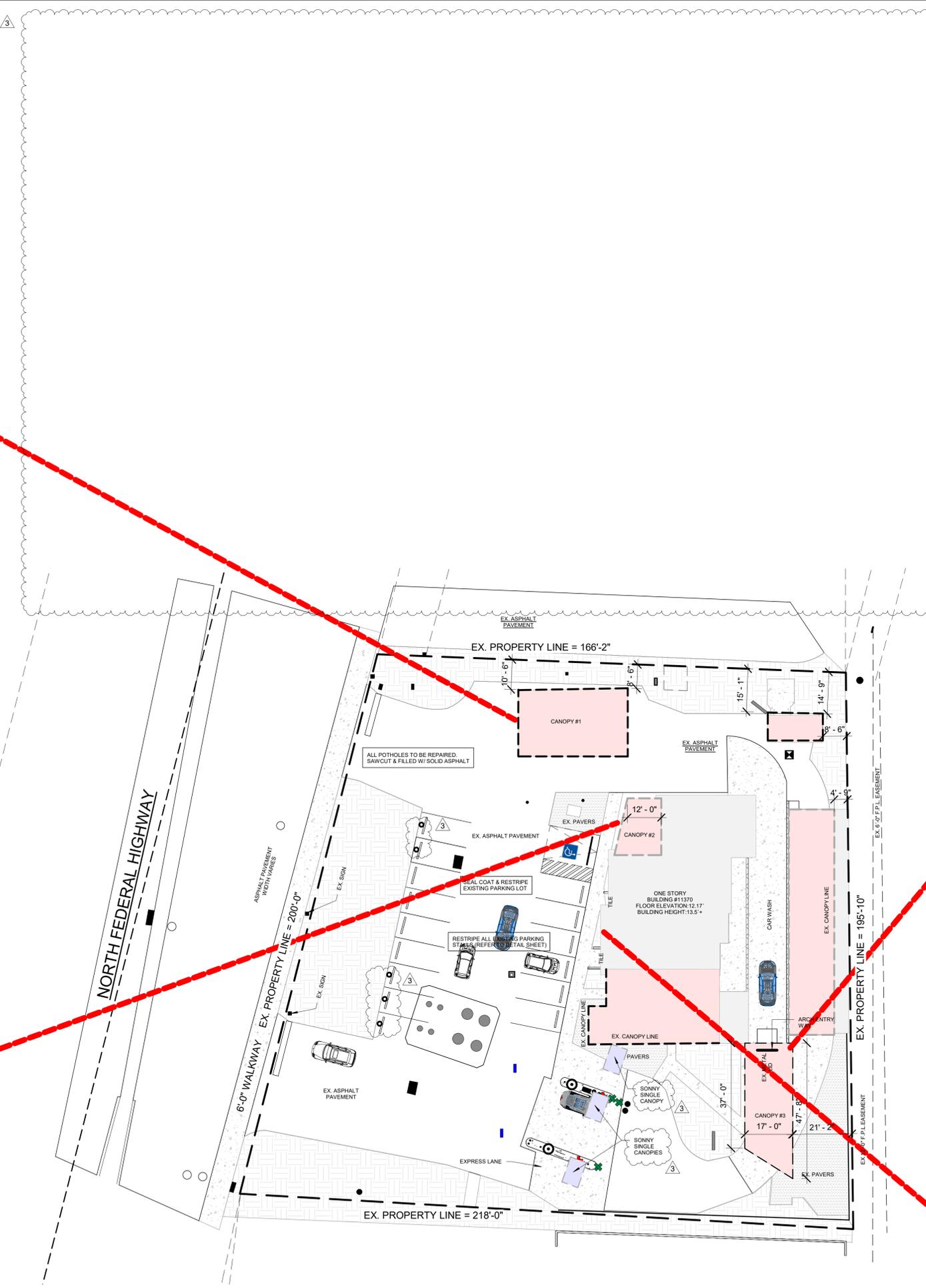
2 CANOPY #1  
1/4" = 1'-0"

**CANOPY #1 SCOPE:**  
JUST CHANGED FABRIC AND TOP FRAME  
55'-0" X 30'-0" X 4'-0" X 1'-0" (FERRARI 502 ORANGE)  
WITH AN APPROXIMATE HEIGHT OF 17'-6"



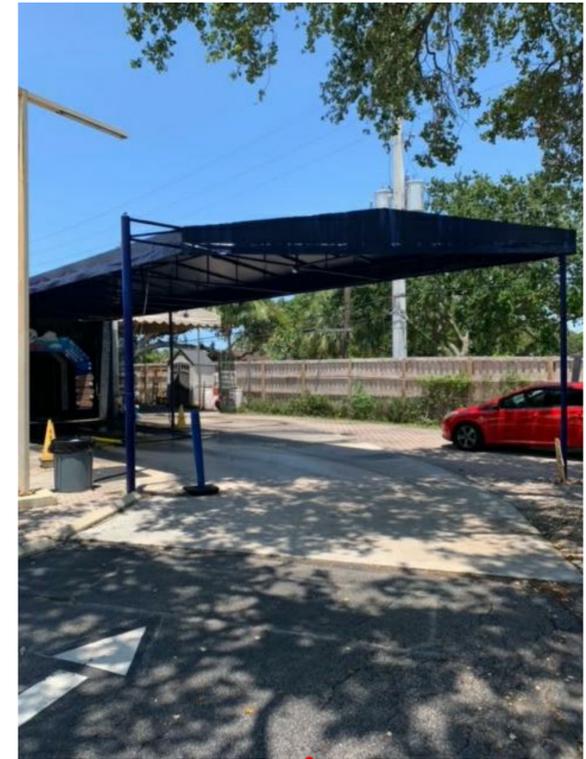
3 CANOPY #2  
1/4" = 1'-0"

**CANOPY #2 SCOPE:**  
JUST CHANGED FABRIC AND TOP FRAME  
20'-0" X 12'-0" X 4'-0" X 1'-0" (FERRARI 502 ORANGE)  
WITH AN APPROXIMATE HEIGHT OF 17'-6"



1 PROPOSED SITE PLAN.  
1" = 20'-0"

**CANOPY NOTE**  
ALL NEW CANOPY WORK UNDER SEPARATE PERMIT.  
ALL CANOPY DIMENSIONS AND SETBACKS FROM THE  
EXISTING PROPERTY LINES TO BE VERIFIED.



4 CANOPY #3  
1/4" = 1'-0"

**CANOPY #3 SCOPE:**  
JUST CHANGED FABRIC AND TOP FRAME  
37'-0" X 17'-0" NAVY BLUE (WITH AN APPROXIMATE  
HEIGHT OF 17'-6")



5 NEW PAINT  
1/4" = 1'-0"

**PAINT NOTE**  
NEW PAINT TO MATCH EXISTING MAIN BUILDING  
PAINT.

No.	Description	Date
3	Rework 3 - City Comments	06.15.22



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PELICAN CAR WASH  
SITE IMPROVEMENTS  
11370 US 1,  
N. PALM BEACH, FL 33408

SEAL

PROJECT NO:

DRAWN BY: JMW  
CHECKED BY: JMW  
DATE: 02/16/2022

FILE NAME:

OVERALL SITE  
PLAN SHOWING  
CANOPIES

SHEET NO.

A-03

SHEET: OF



NORTH FEDERAL HIGHWAY

P.G.A. BOULEVARD

6'-0" WALKWAY  
EX. PROPERTY LINE = 200'-0"

EX. PROPERTY LINE = 166'-2"

EX. PROPERTY LINE = 195'-10"

SONNY'S 2 PAVSTATION  
(SEE SPECS. MANUAL)

EX. 12'-0" F.P.L. EASEMENT

EX. 6'-0" F.P.L. EASEMENT

WESTLINE GOVERNMENT LOT 6

## PLANT LIST

- 20 Podocarpus hedge around the pergola : 15 gallons , Grows between 6 to 7 ft



- 5 Bougainvillea In Front of each Vacuums: 15 gallons , 5 ft



- 2 Foxtail , one next to the existing Bougainvillea in front of each window: 3 gallon , 2 ft
- 6 Foxtail , around the monument sign : 1 gallon , 1ft

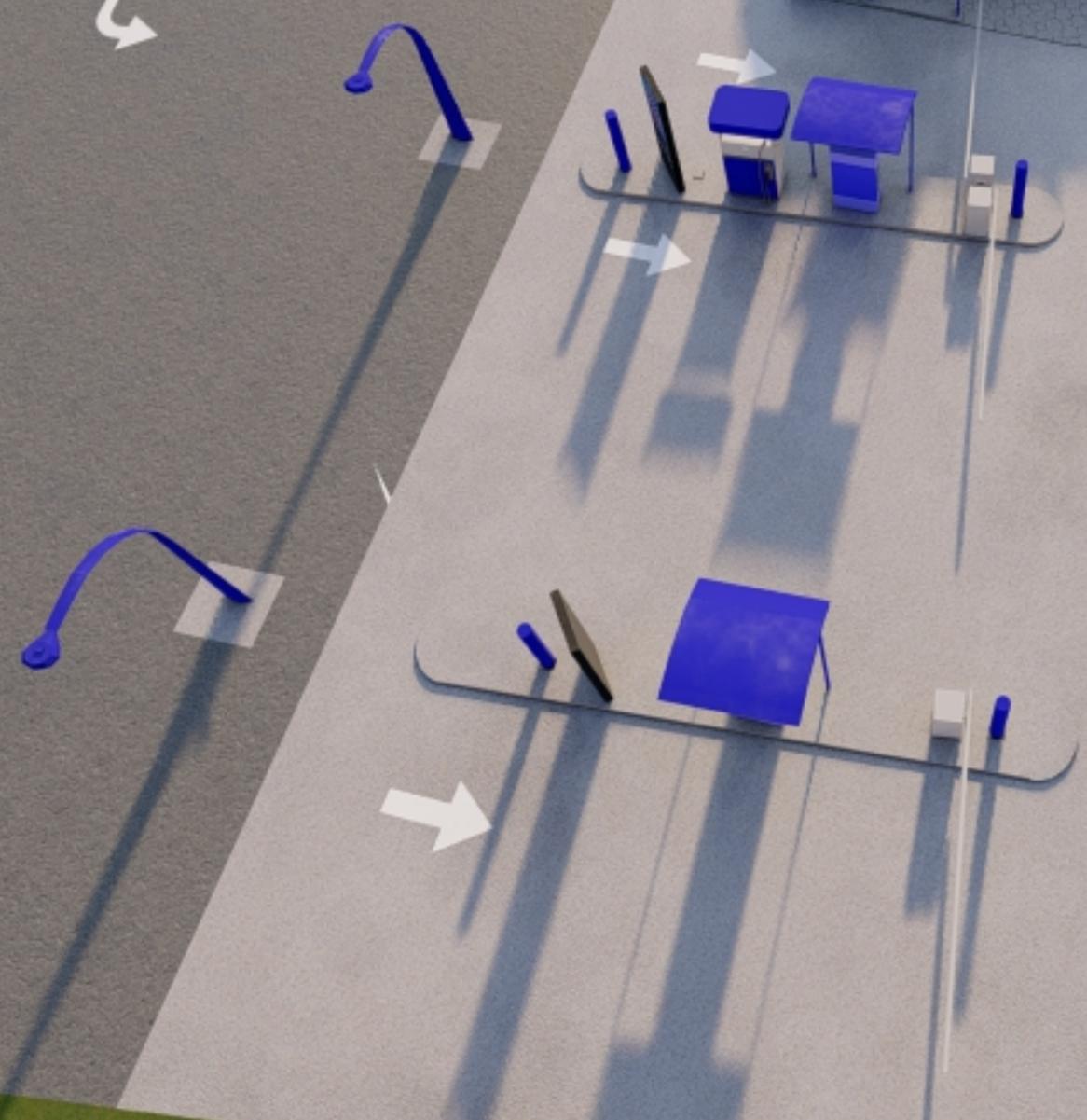
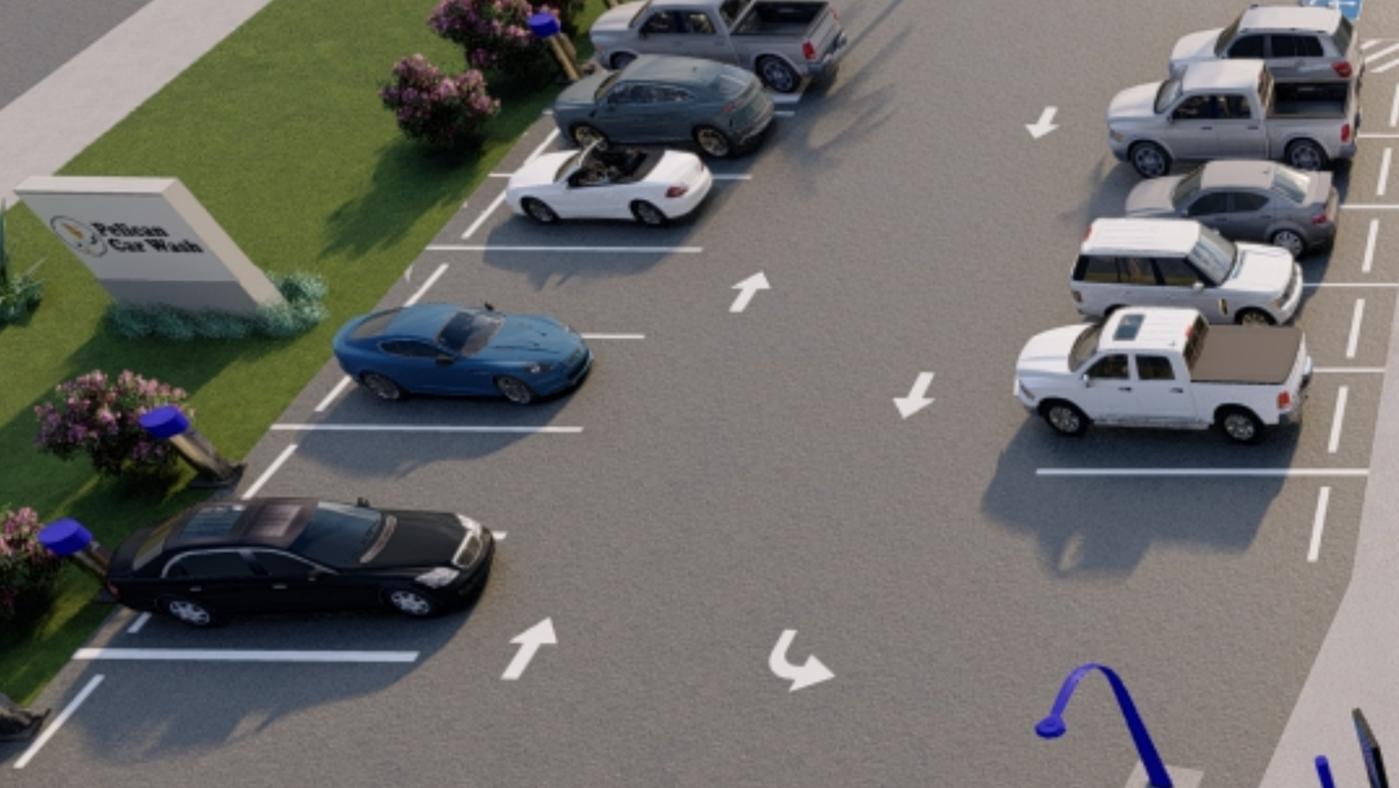




 Pelican  
Car Wash



Pelican Car Wash





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

---

TO: Planning Commission

FROM: Alex Ahrenholz, Acting Director of Community Development

DATE: October 11, 2022

SUBJECT: **Ordinance 2022-\_\_\_\_\_ Adopting Code Changes Related to Single-Family Residential Development.**

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**Summary of Code Adoption Process**

The Village Council created a voluntary Residential Ad-hoc Committee of industry professionals residing in the Village to recommend new regulations for single-family homes. With the help of the Ad-hoc committee, the Village Council adopted the Zoning-in-Progress (ZIP) on October 28, 2021. The ZIP established temporary rules for development of single-family homes within the R-1 zoning district. In April 2022 the Village Council adopted permanent rules for minimum landscape area and overall building height. At that meeting, Council approved a six (6) month extension of the restriction to second-story floor area, limiting the upper floor to seventy-five (75) percent of the lower floor (Section 2.C and D). The ZIP is set to expire on October 28, 2022, so permanent regulations need to be passed on second reading at the October 27, 2022 meeting.

Given the tight deadline, the Planning Commission shall review the ad hoc committee recommendations and provide their own recommendations to the Village Council for the October 13, 2022 public hearing.

**Recommendations:**

At its August 23, 2022 meeting, the ad-hoc committee voted 7-0 to have the second floor restricted with additional language amending the non-conformities section. The proposed code includes the following new regulations:

1. Second story setback of five (5) feet more than the first floor for the front, side and rear. Side street setback for corner lots would remain at 20 feet for both floors.
2. Second floor restriction of Seventy- Five (75) percent of the first floor, measured from outside walls and including spaces open to below.
3. Walls that exceed fifteen (15) feet in height and thirty (30) feet in length need a two (2) foot perpendicular recess in the wall. This is aimed to reduce the impact of large blank walls.
4. Non-conforming residential homes destroyed by natural disaster shall be able to rebuild per the plans on file with the Village, without having to meet these new regulations.

Additionally, the Ad-hoc committee recommended to include a diagram showing the articulation requirements of the proposed code, but did not review one. Staff has created a diagram for Planning Commission to approve, amend or eliminate from the draft ordinance.

**Attached**

- Zoning in Progress regulations (Ordinance 2021-10)
- Draft ordinance and Diagram

## ORDINANCE NO. 2021-10

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

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

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

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

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

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

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

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

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

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

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

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

A. Minimum landscaped area.

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

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

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

B. Building height

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

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

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

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

C. Second-story floor area

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

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

D. Waivers

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

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

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

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

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

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

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

PLACED ON FIRST READING THIS 11<sup>TH</sup> DAY OF OCTOBER, 2021.

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



  
MAYOR

  
VILLAGE CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
VILLAGE ATTORNEY

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

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING APPENDIX C (CHAPTER 45) OF THE VILLAGE CODE OF ORDINANCES TO IMPLEMENT THE RECOMMENDATIONS OF THE AD HOC COMMITTEE; AMENDING ARTICLE III, "DISTRICT REGULATIONS," BY AMENDING SECTION 45-27, "R-1 SINGLE-FAMILY DWELLING DISTRICT," TO REGULATE THE VOLUME AND MASSING OF TWO-STORY DWELLINGS; AMENDING ARTICLE VII, "NONCONFORMING USES OF LAND AND STRUCTURES," BY AMENDING SECTION 45-64, "NONCONFORMING STRUCTURES," TO ALLOW THE RECONSTRUCTION OF NONCONFORMING RESIDENTIAL STRUCTURES UNDER SPECIFIED CIRCUMSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

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

WHEREAS, through the adoption of Ordinance No. 2022-09 on April 28, 2022, the Village Council adopted new regulations governing height and landscaped open space within the R-1 Single Family Dwelling Zoning District, as well as revisions to the Town Code relating to construction site runoff and driveway widths, and extended the Zoning in Progress for an additional six months as it pertains to the massing of the second story; and

WHEREAS, the Ad Hoc Committee has recommended additional revisions to the R-1 Zoning District regulations to address the volume and massing of two-story homes and to address the reconstruction of nonconforming residential structures destroyed by fire, flood, wind, explosion, act of God or act of a public enemy; and

WHEREAS, on October 11, 2022, the Planning Commission, sitting as the Local Planning Agency, conducted a public hearing to review this Ordinance and provide a recommendation to the Village Council; and

WHEREAS, having considered the recommendation of the Planning Commission and conducted all required advertised public hearings, the Village Council determines that the adoption of this Ordinance is in the interests of the health, safety and welfare of the residents of the Village of North Palm Beach.

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

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

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

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

9  
10 A. *Uses permitted.* Within any R-1 single-family dwelling district no  
11 building, structure, land or water shall be used except for one (1) or  
12 more of the following uses:  
13

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

33  
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38 B. *Building height regulations.* All single-family dwellings shall be  
39 limited to two (2) stories and thirty feet (30') in height. For the  
40 purposes of this subsection, height shall be measured from the  
41 average elevation of the existing grade prior to land alteration for  
42 properties outside of special flood hazard areas and from the  
43 required design flood elevation for properties within special flood  
44 hazard areas. Height shall be measured to the highest point of the  
45 following:  
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1. the coping of a flat roof and the deck lines on a mansard roof;
2. the average height level between the eaves and roof ridges or peak for gable, hip or gambrel roofs; or
3. the average height between high and low points for a shed roof.

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

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

D. *Yard space regulations.*

1. *Front yard.* There shall be a front yard of not less than twenty-five (25) feet for the first story and thirty (30) feet for the second story measured from the street line to the front building line.
2. *Rear yard.* There shall be a rear yard of not less than twenty (20) feet for the first story and twenty-five (25) feet for the second story measured from the rear building line to the rear lot line.
3. *Side yards.* There shall be a side yard on each side of the side building line of not less than ten (10) feet for the first story and fifteen (15) feet for the second story. In the case of corner lots, no building and no addition to any building shall be erected or placed nearer than twenty (20) feet to the side street line of any such lot.
  - (a) For a distance of one block on streets intersecting U.S. #1, measured from the right-of-way line of said U.S. #1, side yards of at least twenty-five (25) feet in depth shall be provided.
4. The second story setback shall only be applicable to a building wall that exceeds fifteen (15) feet in height. The building wall shall be measured to the eave of the roofline from the average elevation of the existing grade prior to land alternation for properties outside of special flood hazard

1                    areas and from the required design flood elevation for  
2                    properties within special flood hazard areas. The second  
3                    story setback shall not be applicable to non-roofed, open-air  
4                    balconies or patios.

5  
6                    E.     *Building wall articulation.* Building wall articulation shall be  
7                    provided on all walls with an unbroken plan in excess of fifteen (15)  
8                    feet in height and thirty (30) feet in length. The articulation shall be  
9                    in the form of a wall perpendicular to the property line at a minimum  
10                   distance of two (2) feet and extending parallel to the property line a  
11                   minimum of ten (10) feet. The articulation must extend evenly over  
12                   the entire height of the building wall.

13  
14                   F.     *Second-story floor area.* The floor area of the second story of a  
15                   single-family dwelling shall not exceed seventy-five percent (75%)  
16                   of the floor area of the first story. For the purpose of this subsection,  
17                   floor area shall include all areas lying within the building perimeter  
18                   established by the interior side of the exterior walls of the building,  
19                   including garages, covered patios, and other open-air exterior areas  
20                   that are under roof. The floor area for the second story shall include  
21                   areas open to below.

22  
23                   E G.   *Off street parking regulations.* At least one parking space measuring  
24                   at least nine (9) feet by eighteen (18) feet (one hundred sixty-two  
25                   (162) square feet) shall be provided. All parking spaces shall consist  
26                   of a durable surfaced area as approved by the community  
27                   development director, and may be enclosed in the dwelling, in an  
28                   accessory building or in an unenclosed area or a driveway. All  
29                   vehicles parking on a lot must be parked on a durable surface.

30  
31                   F H.   *Accessory structures.* One detached automobile garage and one  
32                   open-air pavilion may be constructed on any lot within the R-1  
33                   single-family dwelling district provided that all requirements of this  
34                   chapter are met. Open air pavilions shall be subject to the following  
35                   additional conditions and restrictions:

36  
37                   1.     *Permitting.*

38  
39                   (a)    All open-air pavilions must be permitted in  
40                   accordance with all Florida Building Code and  
41                   Village Code requirements.

42  
43                   (b)    Open-air pavilions meeting the definition of a  
44                   traditional chickee hut are exempt from the Florida  
45                   Building Code but shall be subject to consistency  
46                   review by the village. Consistency shall be  
47                   demonstrated through the issuance of a zoning  
48                   permit and shall require the submittal of the  
49                   following information:

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- (1) A survey that includes scaled dimensions of the proposed structure, including setbacks;
- (2) Proof that the builder of the chickee hut is a member of either the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida (such proof consisting of a copy of the tribal member's identification card); and
- (3) Drawings of the proposed structure depicting, at a minimum, the overall design, dimensions, roof materials, and height.

2. *Dimensions.* Open-air pavilions shall not exceed two hundred (200) square feet in floor area. The floor area shall be measured from outside the support posts, provided that the roof overhang does not exceed three (3) feet from the support posts. If the roof overhang exceeds three (3) feet, the floor area shall consist of the entire roofed area. For structures supported by a single-pole, i.e., umbrella shape, the floor area shall be measured from the drip line of the roof material.

3. *Height.* Open-air pavilions shall not exceed twelve (12) feet in height or the height of the principal building located on the lot, whichever is more restrictive. For sloped roofs, the height shall be measured at the mean roof height.

4. *Location and Setbacks.*

- (a) No open-air pavilion may be erected within ten (10) feet of the side property line. This side setback shall be increased to twenty (20) feet for corner lots.
- (b) No open-air pavilion may be erected within seven and one-half (7½) feet of the rear property line.
- (c) No open-air pavilion or any portion thereof may be erected between the front line of the principal building and the front property lot line, within a utility or drainage easement, or within a required landscape buffer.

5. *Use restrictions.*

- (a) An open-air pavilion shall be used only for private recreational activities as an accessory use to the principal residential use and shall not be used for

1 habitation, for a tool room, storage room or  
2 workshop, or for any commercial purpose  
3 whatsoever.  
4

5 (b) Open-air pavilions shall not be used for storage of  
6 items of personal property, including, but not limited  
7 to, the following:  
8

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

12 (2) Building materials, lawn equipment, tools or  
13 similar items; and  
14

15 (3) Ice boxes, refrigerators and other types of  
16 food storage facilities with the exception of  
17 under-counter units.  
18

19 (c) No gas, charcoal or propane grills, stoves or other  
20 types of cooking devices may be stored or utilized  
21 within a traditional chickee hut.  
22

23 6. *Maintenance.* Open-air pavilions shall be maintained in  
24 good repair and in sound structural condition. Painted or  
25 stained surfaces shall be free of peeling paint, mold and  
26 mildew and void of any evidence of deterioration.  
27

28 7. *Design.*  
29

30 (a) Open-air pavilions, with the exception of traditional  
31 chickee huts, pergolas and other structures with only  
32 partial or slatted roofs, shall incorporate the same  
33 types of building materials and be consistent with the  
34 architectural theme or style of the main or principal  
35 building.  
36

37 (b) At the request of a property owner, the community  
38 development director may approve the use of  
39 different building materials or alternate architectural  
40 themes or styles when such materials, themes or  
41 styles are complementary to the main or principal  
42 building.  
43

44 (c) Should the community development director deny  
45 the request for different building materials or  
46 alternate architectural themes or styles, a property  
47 owner may appeal this decision to the planning  
48 commission by submitting a written request for a  
49 hearing to the community development director

1 within thirty (30) calendar days of the date of the  
2 determination. The appeal shall be placed on the next  
3 available agenda and the decision of the planning  
4 commission shall be final, subject only to judicial  
5 review by writ of certiorari.  
6

7 **G I.** *Mechanical equipment.* All non-roof-mounted mechanical  
8 equipment shall be located behind the front building face of the  
9 principal structure in either the side yard or the rear yard. Such  
10 equipment shall be located adjacent to the principal structure  
11 whenever practicable, provided, however, that all mechanical  
12 equipment shall be located at least five (5) feet from the side  
13 property line and at least seven and one-half feet (7½) from the rear  
14 property line.  
15

16 **H J.** *Minimum landscaped area.*  
17

18 1. All single-family dwellings shall have a minimum  
19 landscaped area of thirty percent (30%).  
20

21 2. All single-family dwellings (both one and two story) shall  
22 provide a minimum landscaped area of fifty percent (50%)  
23 in the required twenty-five-foot (25') front yard setback.  
24 Properties with frontage along urban collector roads  
25 (Lighthouse Drive and Prosperity Farms Road) shall provide  
26 a minimum landscaped area of forty percent (40%) in the  
27 required twenty-five-foot (25') front yard setback.  
28 Properties having an irregular lot shape, meaning a lot which  
29 is not close to rectangular or square and in which the width  
30 of the property at the front property line is less than required  
31 by the underlying zoning district, shall provide a minimum  
32 landscaped area of twenty-five percent (25%) in the required  
33 twenty-five-foot (25') front yard setback.  
34

35 3. A property owner who meets the overall minimum  
36 landscaped area requirement set forth in subsection (1)  
37 above and who does not meet the minimum landscaped area  
38 requirement in the twenty-five-foot (25') front yard setback  
39 set forth in subsection (2) above may request a waiver of up  
40 to five percent (5%) of the minimum required area by filing  
41 a request with the Community Development Department.  
42 The request shall be forwarded to the Planning Commission  
43 for final action. A property owner seeking such a waiver  
44 shall be required to demonstrate to the Planning Commission  
45 that he or she has made a reasonable attempt to comply with  
46 the required minimum landscaped area within the front yard  
47 setback and has mitigated any deficiency through the  
48 installation of enhanced landscaping materials, the use of

1 permeable hardscape materials or some other acceptable  
2 means.

3  
4 For the purposes of this subsection, the term minimum landscaped  
5 area shall mean a pervious landscaped area unencumbered by  
6 structures, buildings, paved parking lots, sidewalks, sports courts,  
7 pools, decks, or any impervious surface. Landscape material shall  
8 include, but not be limited to, grass, ground covers, bushes, shrubs,  
9 hedges or similar plantings, or decorative rock or bark. No landscape  
10 material shall be used for parking. However, pervious surfaces used  
11 for the parking of recreational equipment in side and rear yards shall  
12 be included in the calculation of the minimum landscaped area.

13  
14 With respect to building permits for renovations of existing single-  
15 family dwellings, the minimum landscaped area standards shall  
16 apply only to the extent that the proposed scope of work impacts the  
17 applicable standard.

18  
19 † K. *Maximum driveway width in swale.* The total width of driveways  
20 from the edge of the public roadway to the abutting privately-owned  
21 property shall not exceed a total of thirty-two feet (32') in width at  
22 the property line, excluding flares. For lots with ninety (90) or more  
23 feet of public roadway frontage, the total width of driveways from  
24 the edge of the public roadway to the abutting privately-owned  
25 private shall not exceed a total of forty feet (40') in width at the  
26 property line, excluding flares. Each side of a flared driveway shall  
27 be no more than three feet (3') wider than the rest of the driveway.  
28

29 Section 3. The Village Council hereby amends Article VII, “Nonconforming uses of land and  
30 structures,” of Appendix C (Chapter 45), “Zoning,” of the Village Code of Ordinances by  
31 amending Section 45-64, “Nonconforming structures,” to read as follows (additional language is  
32 underlined):  
33

34  
35 **Sec. 45-64. Nonconforming structures.**

36  
37 (1) Where a lawful structure exists at the effective date of adoption or  
38 amendment of this ordinance that could not be built under the terms  
39 of this ordinance by reason of restrictions on area, lot coverage,  
40 height, yards or other characteristics of the structure or its location  
41 on the lot, such structure may be continued so long as it remains  
42 otherwise lawful subject to the following provisions:  
43

44 (4 a) No such structure may be enlarged or altered in a way which  
45 increases its nonconformity, but any structure or portion  
46 thereof may be altered to decrease its nonconformity;  
47

48 (2 b) Should such structure be destroyed by any means to an  
49 extent of more than fifty (50) percent of its replacement cost

1 at time of destruction, as determined by the village engineer  
2 or village building official, it shall not be reconstructed  
3 except in conformity with the provisions of this ordinance;  
4 and

5  
6 (3 c) Should such structure be moved for any reason for any  
7 distance whatever, it shall thereafter conform to the  
8 regulations of the district in which it is located after it is  
9 moved;

10  
11 (4 2) The provisions set forth in subsection (a) above are subject to the  
12 following exceptions:

13  
14 (a) ~~However, if~~ If an existing structure was legally permitted on  
15 its site prior to changes in the C-MU or C-NB zoning  
16 districts in 2020 but could not be built under the standards in  
17 the new district, that existing structure will continue to be  
18 deemed a lawful structure and will not be subject to the  
19 restrictions in paragraphs (1) and (2). Such structure may be  
20 expanded laterally and/or vertically without complying with  
21 all new requirements for building frontages, build-to zones,  
22 and parking lot setbacks, provided the expansion brings the  
23 structure considerably closer to the 2020 requirements than  
24 the existing structure.

25  
26 (b) In the event any residential structure is damaged or  
27 destroyed by fire, flood, wind, explosion, act of God or act  
28 of a public enemy to an extent of more than fifty (50) percent  
29 of its replacement cost at the time of damage or destruction,  
30 as determined by the village engineer or village building  
31 official, the structure shall be allowed to be replaced,  
32 restored or reconstructed in accordance with all validly  
33 issued permits and approvals subject to current building code  
34 requirements. Any residential structure within a coastal high  
35 hazard area or special flood hazard area shall comply with  
36 the provisions of chapter 12.5 of the village code. Actual  
37 construction to replace, restore or reconstruct the residential  
38 structure shall be commenced within two (2) years from the  
39 date of damage or destruction or said structure shall revert  
40 back to nonconforming status and shall conform to all  
41 requirements of this chapter. The property owner may file a  
42 request with the board of adjustment for an additional one  
43 (1) year extension prior to the expiration of the two (2) year  
44 period. The decision of the board of adjustment on an  
45 extension request shall be final, subject to judicial review set  
46 forth in section 21-21(h) of this code.

47  
48 Section 4. The provisions of this Ordinance shall become and be made a part of the Code of  
49 the Village of North Palm Beach, Florida.

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Section 5. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

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

Section 7. This Ordinance shall take effect immediately upon adoption.

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

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

(Village Seal)

\_\_\_\_\_

MAYOR

ATTEST:

\_\_\_\_\_  
VILLAGE CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
VILLAGE ATTORNEY

