

ORDINANCE NO. 2024-___

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING APPENDIX C (CHAPTER 45), "ZONING," OF THE VILLAGE CODE OF ORDINANCES TO READOPT CERTAIN REGULATIONS RELATING TO THE VOLUME AND MASSING OF SINGLE-FAMILY DWELLINGS; AMENDING SECTION 45-27, "R-1 SINGLE-FAMILY DWELLING DISTRICT," TO REQUIRE ADDITIONAL SETBACKS FOR SECOND STORIES, LIMIT THE FLOOR AREA OF THE SECOND STORY, AND PROHIBIT BLANK WALLS; 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. 2022-18 on October 27, 2022, the Village Council implemented the recommendations of the Ad Hoc Committee and adopted new regulations to address the volume and massing of two-story single-family dwellings, including additional second-story setbacks, building wall articulation requirements, and a limitation on the floor area of the second story; and

WHEREAS, through the enactment of Section 14 of Chapter 2023-304, Laws of Florida (Senate Bill 250), the Florida Legislature prohibited the Village from proposing or adopting more restrictive or burdensome amendments to its land development regulations retroactive to September 28, 2022 and declared any such amendments void ab initio; and

WHEREAS, through the adoption of Ordinance No. 2023-17 on October 12, 2023, the Village Council formally recognized the statutory preemption, repealed the new regulations, and adopted a guidance statement encouraging voluntary compliance; and

WHEREAS, through the enactment of Chapter 2023-349, Laws of Florida (House Bill 1C), the Florida Legislature amended Section 14 of Chapter 2023-14 to remove Palm Beach County from the prohibition against proposing or adopting more restrictive or burdensome amendments to its land development regulations; and

WHEREAS, due to the removal of the statutory preemption, the Village Council wishes to formally readopt the regulations relating to the volume and massing of two-story single-family dwellings with certain modifications; and

WHEREAS, on January 2, 2024, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, conducted a public hearing to review this Ordinance and provided a recommendation to the Village Council; and

WHEREAS, having considered the recommendation of the Planning, Zoning and Adjustment Board 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.

1 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE
2 OF NORTH PALM BEACH, FLORIDA as follows:
3

4 Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.
5

6 Section 2. The Village Council hereby amends Article III, "District Regulations," of
7 Appendix C (Chapter 45), "Zoning," of the Village Code of Ordinances by amending Section 45-
8 27, "R-1 Single-Family District," to read as follows (additional language is underlined and deleted
9 language is ~~stricken through~~):
10

11 **Sec. 45-27. R-1 single-family dwelling district.**
12

13 A. *Uses permitted.* Within any R-1 single-family dwelling district no
14 building, structure, land or water shall be used except for one (1) or
15 more of the following uses:
16

- 17 1. Single-family dwellings with accessory buildings
18 customarily incident thereto, subject to each of the
19 requirements set forth in this section and throughout this
20 chapter.
21
- 22 2. Public schools.
23
- 24 3. Parks and recreation facilities owned or leased by or
25 operated under the supervision of the Village of North Palm
26 Beach.
27
- 28 4. Detached fence storage areas.
29
- 30 5. Satellite dish antenna.
31
- 32 6. Community residential homes. Community residential
33 homes of six (6) or fewer residents which otherwise meet the
34 definition of a community residential home, provided that
35 such homes shall not be located within a radius of one
36 thousand (1,000) feet of another existing such home with six
37 (6) or fewer residents.
38
- 39 7. Family day care home.
40
- 41 8. Lamp post.
42
- 43 9. Decorative post structure.
44

45 B. *Building height regulations.* All single-family dwellings shall be
46 limited to two (2) stories and thirty feet (30') in height. For the
47 purposes of this subsection, height shall be measured from the
48 average elevation of the existing grade prior to land alteration for
49 properties outside of special flood hazard areas and from the

1 required design flood elevation for properties within special flood
2 hazard areas. Height shall be measured to the highest point of the
3 following:

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

10 Decorative architectural elements, chimneys, mechanical
11 equipment, non-habitable cupolas, elevator shafts or similar
12 appurtenances shall be excluded from the foregoing height
13 restrictions. Rooftops shall not be used for pools, decks, or other
14 spaces to congregate.
15

16 C. *Building site area regulations.* The minimum lot or building site
17 area for each single-family dwelling shall be seven thousand five
18 hundred (7,500) square feet and have a width of not less than
19 seventy-five (75) feet, measured at the building line.
20

21 D. *Yard space regulations.*

22 1. *Front yard.* There shall be a front yard of not less than
23 twenty-five (25) feet for the first story and thirty (30) feet for
24 the second story measured from the street line to the front
25 building line.
26

27 2. *Rear yard.* There shall be a rear yard of not less than twenty
28 (20) feet for the first story and twenty-five (25) feet for the
29 second story measured from the rear building line to the rear
30 lot line.
31

32 3. *Side yards.* There shall be a side yard on each side of the side
33 building line of not less than ten (10) feet for the first story
34 and fifteen (15) feet for the second story. In the case of
35 corner lots, no building and no addition to any building shall
36 be erected or placed nearer than twenty (20) feet to the side
37 street line of any such lot.
38

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

44 4. *Applicability of second story setback.* The second story
45 setback shall apply only to the roofed portion of the second
46 story.
47

1 story of a two-story, single-family dwelling and shall not
2 apply to non-roofed second story patios or balconies.

3
4 **E.** Wall treatment. All exterior walls shall contain articulation creating
5 visual interest in accordance with the following:

6
7 **1.** At least two (2) of the following features must be included:

8
9 (a) Projecting cornice.

10
11 (b) Projecting metal canopy.

12
13 (c) Opaque, translucent, or transparent glass windows.

14
15 (d) Vertical articulation.

16
17 (e) Recesses.

18
19 **2.** At least two (2) of the following features must be included:

20
21 (a) Masonry (but not flat concrete block).

22
23 (b) Concrete or masonry plinth at wall base.

24
25 (c) Belt courses of a different texture and color.

26
27 (d) Decorative tile work.

28
29 (e) Medallions.

30
31 (f) Lighting fixtures.

32
33 **3.** One of the above features may be replaced by an
34 architectural element or feature not listed above, as approved
35 by the village, that meets the intent of this section.

36
37 **4.** Each wall treatment feature must be no less than nine (9)
38 square feet.

39
40 **5.** If the single-family dwelling is more than one story, at least
41 thirty-five percent (35%) of the wall treatment features must
42 be located above the first story.

43
44 **Figure 1 Building Wall Articulation (Figure Deleted)**

45
46 **F.** Second-story floor area. The floor area of the second story of a
47 single-family dwelling shall not exceed seventy-five percent (75%)
48 of the floor area of the first story. For the purposes of this
49 subsection, floor area shall include all areas lying within the

1 building perimeter established by the interior side of the exterior
2 walls of the building, including garages, covered patios, and other
3 open-air exterior areas that are under roof. The floor area for the
4 second story shall include areas open to below.
5

6 ~~E. — *Guidance on volume and massing of single-family dwellings.* Due~~
7 ~~to the legislature’s enactment of Chapter 2023-304, Laws of Florida~~
8 ~~(Senate Bill No. 250), the village was required to repeal recently~~
9 ~~adopted regulations relating to the volume and massing of single-~~
10 ~~family dwellings. However, to preserve the character of the~~
11 ~~village’s existing single-family neighborhoods, the village~~
12 ~~encourages the use of the following guidelines when constructing or~~
13 ~~substantially altering single-family dwellings:~~
14

15 1. ~~Second-story setbacks should be five (5) feet greater than the~~
16 ~~required first-story setbacks. These enhanced setbacks~~
17 ~~should apply to the roofed portion of the second story of a~~
18 ~~two-story, single-family dwelling.~~
19

20 2. ~~Building wall articulation should be provided on all walls~~
21 ~~with an unbroken plane in excess of fifteen (15) feet in height~~
22 ~~and thirty (30) feet in length. The articulation should be in~~
23 ~~the form of a wall perpendicular to the property line at a~~
24 ~~minimum distance of two (2) feet, extending parallel to the~~
25 ~~property line a minimum of ten (10) feet, and should extend~~
26 ~~evenly over the entire height of the building wall (see Figure~~
27 ~~1 above).~~
28

29 3. ~~The second story of a single-family dwelling should not~~
30 ~~exceed seventy-five percent (75%) of the floor area of the~~
31 ~~first story. Floor area includes all areas lying within the~~
32 ~~building perimeter established by the interior side of the~~
33 ~~exterior walls of the building, including garages, covered~~
34 ~~patios and open-air exterior areas under roof. The floor area~~
35 ~~of the second story should include areas open to below.~~
36

37 ~~The village council intends to readopt these regulations as of~~
38 ~~October 1, 2024.~~
39

40 G F. *Off street parking regulations.* At least one parking space measuring
41 at least nine (9) feet by eighteen (18) feet (one hundred sixty-two
42 (162) square feet) shall be provided. All parking spaces shall consist
43 of a durable surfaced area as approved by the community
44 development director, and may be enclosed in the dwelling, in an
45 accessory building or in an unenclosed area or a driveway. All
46 vehicles parking on a lot must be parked on a durable surface.
47

48 H G. *Accessory structures.* One detached automobile garage and one
49 open-air pavilion may be constructed on any lot within the R-1

1 single-family dwelling district provided that all requirements of this
2 chapter are met. Open air pavilions shall be subject to the following
3 additional conditions and restrictions:
4

5 1. *Permitting.*
6

7 (a) All open-air pavilions must be permitted in
8 accordance with all Florida Building Code and
9 Village Code requirements.
10

11 (b) Open-air pavilions meeting the definition of a
12 traditional chickee hut are exempt from the Florida
13 Building Code but shall be subject to consistency
14 review by the village. Consistency shall be
15 demonstrated through the issuance of a zoning
16 permit and shall require the submittal of the
17 following information:
18

19 (1) A survey that includes scaled dimensions of
20 the proposed structure, including setbacks;
21

22 (2) Proof that the builder of the chickee hut is a
23 member of either the Miccosukee Tribe of
24 Indians of Florida or the Seminole Tribe of
25 Florida (such proof consisting of a copy of
26 the tribal member's identification card); and
27

28 (3) Drawings of the proposed structure
29 depicting, at a minimum, the overall design,
30 dimensions, roof materials, and height.
31

32 2. *Dimensions.* Open-air pavilions shall not exceed two
33 hundred (200) square feet in floor area. The floor area shall
34 be measured from outside the support posts, provided that
35 the roof overhang does not exceed three (3) feet from the
36 support posts. If the roof overhang exceeds three (3) feet, the
37 floor area shall consist of the entire roofed area. For
38 structures supported by a single-pole, i.e., umbrella shape,
39 the floor area shall be measured from the drip line of the roof
40 material.
41

42 3. *Height.* Open-air pavilions shall not exceed twelve (12) feet
43 in height or the height of the principal building located on
44 the lot, whichever is more restrictive. For sloped roofs, the
45 height shall be measured at the mean roof height.
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- 4. *Location and Setbacks.*
 - (a) No open-air pavilion may be erected within ten (10) feet of the side property line. This side setback shall be increased to twenty (20) feet for corner lots.
 - (b) No open-air pavilion may be erected within seven and one-half (7½) feet of the rear property line.
 - (c) No open-air pavilion or any portion thereof may be erected between the front line of the principal building and the front property lot line, within a utility or drainage easement, or within a required landscape buffer.

- 5. *Use restrictions.*
 - (a) An open-air pavilion shall be used only for private recreational activities as an accessory use to the principal residential use and shall not be used for habitation, for a tool room, storage room or workshop, or for any commercial purpose whatsoever.
 - (b) Open-air pavilions shall not be used for storage of items of personal property, including, but not limited to, the following:
 - (1) Operable or inoperable vehicles, boats, boat trailers, utility trailers or similar items of personal property;
 - (2) Building materials, lawn equipment, tools or similar items; and
 - (3) Ice boxes, refrigerators and other types of food storage facilities with the exception of under-counter units.
 - (c) No gas, charcoal or propane grills, stoves or other types of cooking devices may be stored or utilized within a traditional chickee hut.

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

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7. *Design.*

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

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

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

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

J I. *Minimum landscaped area.*

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

2. All single-family dwellings (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 urban 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 yard setback.

1 Properties having an irregular lot shape, meaning a lot which
2 is not close to rectangular or square and in which the width
3 of the property at the front property line is less than required
4 by the underlying zoning district, shall provide a minimum
5 landscaped area of twenty-five percent (25%) in the required
6 twenty-five-foot (25') front yard setback.
7

- 8 3. A property owner who meets the overall minimum
9 landscaped area requirement set forth in subsection (1)
10 above and who does not meet the minimum landscaped area
11 requirement in the twenty-five-foot (25') front yard setback
12 set forth in subsection (2) above may request a waiver of up
13 to five percent (5%) of the minimum required area by filing
14 a request with the Community Development Department.
15 The request shall be forwarded to the Planning Commission
16 for final action. A property owner seeking such a waiver
17 shall be required to demonstrate to the Planning Commission
18 that he or she has made a reasonable attempt to comply with
19 the required minimum landscaped area within the front yard
20 setback and has mitigated any deficiency through the
21 installation of enhanced landscaping materials, the use of
22 permeable hardscape materials or some other acceptable
23 means.
24

25 For the purposes of this subsection, the term minimum landscaped
26 area shall mean a pervious landscaped area unencumbered by
27 structures, buildings, paved parking lots, sidewalks, sports courts,
28 pools, decks, or any impervious surface. Landscape material shall
29 include, but not be limited to, grass, ground covers, bushes, shrubs,
30 hedges or similar plantings, or decorative rock or bark. No landscape
31 material shall be used for parking. However, pervious surfaces used
32 for the parking of recreational equipment in side and rear yards shall
33 be included in the calculation of the minimum landscaped area.
34

35 With respect to building permits for renovations of existing single-
36 family dwellings, the minimum landscaped area standards shall
37 apply only to the extent that the proposed scope of work impacts the
38 applicable standard.
39

- 40 I J. *Maximum driveway width in swale.* The total width of driveways
41 from the edge of the public roadway to the abutting privately-owned
42 property shall not exceed a total of thirty-two feet (32') in width at
43 the property line, excluding flares. For lots with ninety (90) or more
44 feet of public roadway frontage, the total width of driveways from
45 the edge of the public roadway to the abutting privately-owned
46 private shall not exceed a total of forty feet (40') in width at the
47 property line, excluding flares. Each side of a flared driveway shall
48 be no more than three feet (3') wider than the rest of the driveway.
49

1 Section 3. The provisions of this Ordinance shall become and be made a part of the Code of
2 the Village of North Palm Beach, Florida.

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

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

10
11 Section 6. This Ordinance shall take effect immediately upon adoption.

12
13 PLACED ON FIRST READING THIS 11th DAY OF JANUARY, 2024.

14
15 PLACED ON SECOND, FINAL READING AND PASSED THIS _____ DAY OF _____,
16 2024.

17
18
19 (Village Seal)

MAYOR

20
21
22 ATTEST:

23
24 _____
25 VILLAGE CLERK

26
27 APPROVED AS TO FORM AND
28 LEGAL SUFFICIENCY:

29
30 _____
31 VILLAGE ATTORNEY