



THE VILLAGE OF NORTH PALM BEACH COMMUNITY DEVELOPMENT DEPARTMENT 420
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Village's Single Family Home District (R-1) Homeowner Handout

NOTE: Code Sections 45-27. D., E., F. have been modified in part or in whole based on Senate Bill 250.

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

- A. *Uses permitted.* Within any R-1 single-family dwelling district no building, structure, land or water shall be used except for one (1) or more of the following uses:
1. Single-family dwellings with accessory buildings customarily incident thereto, subject to each of the requirements set forth in this section and throughout this chapter.
 2. Public schools.
 3. Parks and recreation facilities owned or leased by or operated under the supervision of the Village of North Palm Beach.
 4. Detached fence storage areas.
 5. Satellite dish antenna.
 6. Community residential homes. Community residential homes of six (6) or fewer residents which otherwise meet the definition of a community residential home, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another existing such home with six (6) or fewer residents.
 7. Family day care home.
 8. Lamp post.
 9. Decorative post structure.
- B. *Building height regulations.* All single-family dwellings shall be limited to two (2) stories and thirty feet (30') in height. 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. 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. *Applicability of second story setback.* The second story setback shall apply only to the roofed portion of the second story of a two-story, single-family dwelling and shall not apply to non-roofed second story patios or balconies.

E. *Wall treatment.* All exterior walls shall contain articulation creating visual interest utilizing at least four (4) features in accordance with the following:

1. At least two (2) different features listed below must be included; however, windows may be used for all four (4) features so long as each window meets the requirements of subsection E.4.:
 - a. Projecting cornice.
 - b. Projecting metal canopy.
 - c. Opaque, translucent, or transparent glass windows.
 - d. Vertical articulation.
 - e. Recesses.
2. The following features listed below may also be included and count toward the required four (4) features:
 - a. Masonry (but not flat concrete block).
 - b. Concrete or masonry plinth at wall base.
 - c. Belt courses of a different texture and color.
 - d. Decorative tile work.
 - e. Medallions.
 - f. Lighting fixtures.
3. One of the above features may be replaced by an architectural element or feature not listed above, as approved by the village, that meets the intent of this section.
4. Each wall treatment feature must be no less than nine (9) square feet.
5. If the single-family dwelling is more than one story, at least thirty-five (35) percent of the wall treatment features must be located above the first story.

(Figure Deleted)

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

- G. *Off street parking regulations.* At least one parking space measuring at least nine (9) feet by eighteen (18) feet (one hundred sixty-two (162) square feet) shall be provided. All parking spaces shall consist of a durable surfaced area as approved by the community development director, and may be enclosed in the dwelling, in an accessory building or in an unenclosed area or a driveway. All vehicles parking on a lot must be parked on a durable surface.
- H. *Accessory structures.* One detached automobile garage and one open-air pavilion may be constructed on any lot within the R-1 single-family dwelling district provided that all requirements of this chapter are met. Open air pavilions shall be subject to the following additional conditions and restrictions:
1. *Permitting.*
 - a. All open-air pavilions must be permitted in accordance with all Florida Building Code and Village Code requirements.
 - b. Open-air pavilions meeting the definition of a traditional chickee hut are exempt from the Florida Building Code but shall be subject to consistency review by the village. Consistency shall be demonstrated through the issuance of a zoning permit and shall require the submittal of the following information:
 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 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.
- 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. *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. *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 (50) percent in the required twenty-five-foot front yard setback. Properties with frontage along urban collector roads (Lighthouse Drive and Prosperity Farms Road) shall provide a minimum landscaped area of forty (40) percent in the required twenty-five-foot front yard setback. Properties having 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 (25) percent in the required twenty-five-foot front yard setback.
 - 3. A property owner who meets the overall minimum landscaped area requirement set forth in subsection (1) above and who does not meet the minimum landscaped area requirement in the twenty-five-foot front yard setback set forth in subsection (2) above

may request a waiver of up to five (5) percent of the minimum required area by filing a request with the Community Development Department. The request shall be forwarded to the Planning Commission for final action. A property owner seeking such a waiver shall be required to demonstrate to the Planning Commission that he or she has made a reasonable attempt to comply with the required minimum landscaped area within the front yard setback and has mitigated any deficiency through the installation of enhanced landscaping materials, the use of permeable hardscape materials or some other acceptable means.

For the purposes of this subsection, the term minimum landscaped area shall mean a pervious landscaped area unencumbered by structures, buildings, paved parking lots, sidewalks, sports courts, 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. However, pervious surfaces used for the parking of recreational equipment in side and rear yards shall be included in the calculation of the minimum landscaped area.

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

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

Sec. 21.67- Postdevelopment runoff rates, volumes and pollutant loads.

The developer/owner of any site shall be responsible for the on-site management of stormwater runoff in a manner such that postdevelopment runoff rates, volumes and pollutant loads do not exceed predevelopment conditions as per chapters 40E-4, 40E-40 and/or 40E-41, Florida Administrative Code.

Sec. 45-36- General Provisions

- B. **Swimming pools** shall be set back at least seven and one-half (7½) feet from the back property line measured from the rim of the pool and not less than five (5) feet from the side property line including the two-and-one-half-foot walk around the pool. The highest projection of the swimming pool shall not exceed two (2) feet. Outdoor fireplaces not exceeding six (6) feet in height may be erected and maintained, said structure, however, shall not be erected within five (5) feet of any rear lot line.
- (a) Swimming pools may be enclosed by screening provided same are not erected closer than five (5) feet from the side and rear yard lines.
- (b) No swimming pool shall be located in the area lying between the front property line and the front building line in the R-1 and R-2 zoning districts.
- C. **Detached garages** not more than one (1) story in height may be erected and maintained within seven and one-half (7½) feet of the rear line of any such lot.

D. **Walls and fences** built within the area between the property line and the building setback line shall not exceed six (6) feet in height; provided, however, that no walls or fences may be erected between the front yard setback and the street line except as provided in subsection D-2 below, nor may walls or fences exceed four (4) feet in height for a distance of forty (40) feet from any body of water located within the village. On corner lots, walls or fences shall not exceed four (4) feet in height for a distance of twenty (20) feet from the side property line. On all building permits for walls or fences greater than four (4) feet in height that are to be located outside building setback lines, there shall be a prominent notice that a village building permit in no way offsets the deed covenants, and that the applicant should also check the deed covenants to protect himself.

D-1. On vacant lots adjacent to any waterbody, a non-opaque galvanized metal, wrought-iron or chain link fence no greater than four (4) feet in height may be constructed within five (5) feet of the seawall or bulkhead line to restrict access to the waterbody from the vacant lot. Chain link fences may also be vinyl coated.

D-2. Where a parcel within a residential zoning district abuts a parcel within a commercial or industrial zoning district, a wall or fence not exceeding six (6) feet in height may be erected along the side property line between the front yard setback and the street line provided that such wall or fence is set back at least three (3) feet from the front property line or as otherwise required to comply with the sight triangle and clear zone requirements of the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, whichever is greater.

D-4. The height of a gate affixed to a wall or fence shall not exceed the maximum wall or fence height, provided, however, that on residential lots, one (1) gate up to twenty (20) feet in width (inclusive of gate posts) may exceed the maximum height by up two (2) feet.

H. **Patios** connected to the rear of a dwelling unit may be enclosed by screening provided there shall be a rear yard of not less than fifteen (15) feet measured from the rear of the screened enclosure to the rear lot line.

Section 24-43 Driveway Specifications

- a) Sidewalks and the driveway between the street and sidewalk or property line shall be constructed of Portland cement concrete, using durable materials in such proportions that a hard dense product with a minimum twenty-eight day strength of two thousand five hundred (2,500) pounds per square inch.
- b) Sidewalks. Sidewalks shall be at least five (5) feet in width and a minimum of four (4) inches in thickness, subject to the approval of the building official.
- c) Driveways. In addition to the specifications set forth in paragraph (a) of this section, driveways between the street and sidewalk or property line shall conform to the following specifications:(1)Minimum of six (6) inches in thickness, including the sidewalk section, with edges thickened to a minimum of eight (8) inches.(2)Minimum of eight (8) feet wide at the sidewalk and shall flare uniformly to a width of fourteen (14) feet at the edge of the paving, unless extenuating circumstances as determined by the building official suggest a variance of this flare width, and in such instances the flare requirements shall be determined by the building official.(3)The profile shall follow the roadside swale so as not to interfere with drainage.