

**VILLAGE OF NORTH PALM BEACH  
BUILDING AND ZONING DEPARTMENT  
VILLAGE ATTORNEY'S OFFICE**

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TO: Honorable Mayor and Council

THRU: Chuck Huff, Village Manager

FROM: Leonard G. Rubin, Village Attorney  
Valentino Perez, Building Director

DATE: May 22, 2025

SUBJECT: **ORDINANCE 1<sup>ST</sup> READING** – Ordinance amending Section 45-32.1 of the Village Code of Ordinances to adopt a new Table of Uses for the C-T Transitional Commercial Zoning District.

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**Background:**

Village Staff recognizes that portions of the Village's Zoning Code are outdated, and Staff is in the process of modernizing the document. Recently, recently the owner of property located in the C-T Transitional Commercial District contacted the Village regarding amending the uses in this zoning district to provide more flexibility and bring them in line with the use tables for other commercial zoning districts. The uses within the C-T Zoning District were last updated in 1999. Currently, Section 45-32.1(B) of the Village Code lists the following permitted used within the C-T Zoning District:

1. Financial institutions;
2. Professional and business offices, not including medical and dental clinics;
3. Florists;
4. Clothing stores;
5. Stationery stores;
6. Photo studios/camera shops;
7. Sporting goods stores;
8. Gift shops;
9. Candy shops;
10. Seamstress/tailor shop;
11. Personal service establishments, such as barber shops, hair salons, and nail salons;
12. Instructional dance/music studios;
13. Family day care home;
14. Multiple-family dwelling structures of two (2), three (3), or four (4) dwelling units, provided that residential density does not exceed twelve (12) units per acre.

If a use is listed as permitted, it is deemed prohibited.

The Village presently has eleven (11) properties with a C-T zoning designation. These properties are predominately along the east side of Alternate A1A, with one property located on Prosperity Farms Road (Village Grocery Store)

Village Staff reviewed the existing uses and examined what other jurisdictions allowed within transitional zoning districts.

### Discussion:

Transitional zoning districts are used to create a gradual shift between different land use types, like residential and commercial, by establishing buffer zones with mixed uses or less intensive development. The creation of these buffer zones mitigates potential conflicts between incompatible land uses and promotes a smoother transition between areas, ultimately enhancing livability and property values within a community.

The general description of the C-T Transitional Commercial District is to provide for the development of low-intensity residential and business uses. The C-T district is intended to serve as a transition between strictly residential areas and intense commercial development. Consequently, the Village should consider the impacts that a permitted commercial business will have on adjacent residential properties, including, but not limited, noise, litter, and traffic.

Over time, uses have changed substantially and it is uncommon to see a standalone photo studio/camera shop or candy store. Sporting goods stores tend to be big box stores like Dick's Sporting Goods, which is opposite to the "mom and pop" stores that have historically been operating in the Village. Further, many uses were not considered when the Code of Ordinance was adopted. For example, Live/Work Units did not exist then. In addition, the nature of the areas where the CT District is located has also changed. Alternate A1A and Northlake Boulevard are not the same as they were fifty years ago. There is more traffic and the area has been built out.

As a result, Village Staff agrees that the C-T Transitional Commercial District uses should be updated. Village Staff is proposing to provide general categories, which are determined by their nature, rather than specific business types. The Village has already utilized this approach in the C-NB Northlake Boulevard Commercial District, the C-MU US-1 Mixed-Use District, and the C-3 Regional Business District.

Below is the proposed Use Chart for the C-T Zoning District, which has been revised to incorporate the comments received from the Village Council at its May 8<sup>th</sup> workshop:

	PERMITTED USES	SPECIAL EXCEPTION	NOT PERMITTED
<b>RESIDENTIAL USES</b>			
Mobile home park			X
Dwelling, one family detached			X
Dwelling, all other dwelling types (Maximum 12 units per acre)	X		
Live/Work Units	X		
Assisted living facility			X

Community residential home <sup>1</sup>	X		
<b>LODGING USES</b>			
Hotel/Motel			X
Timeshare unit			X
Bed and Breakfast			X
<b>BUSINESS USES</b>			
Office, general	X		
Office or clinic, medical or dental	X		
Stores & services, general	X		
Store & services, large format			X
Adult Entertainment			X
Convenience Store without fuel		X	
Drive-thru facility (for any use)			X
Heavy commercial and light industrial			X
Medical marijuana treatment center			X
Restaurant less than 3,000 sq. ft. and no table service	X		
All other restaurants			X
Telecommunications antennas			X
Vehicle sales or repair			X
Cocktail lounges and bars			X
<b>CIVIC &amp; EDUCATION USES</b>			
Child care		X	
Civic space	X		
Family day care	X		
Government Building	X		
Hospital or Medical Center			X
Public Space	X		
School, public or private		X	
Church or Place of Worship		X	

<sup>1</sup> Subject to the same requirements as apply in the R-2 zoning district.

In addition to eliminating the specific types of permitted commercial uses, the primary differences between the proposed Table of Uses and the uses currently permitted within the C-T zoning district are as follows:

- The specific types of multi-family dwellings (two, three, or four units) permitted have been eliminated (but the maximum density of 12 units per acre has been carried over);
- A medical or dental office or clinic has been added to the list of permitted uses;
- A restaurant of less than 3,000 square feet with no table services has been added to the list of permitted uses; and
- New special exception uses have been added, namely, convenience store without fuel, child care facility, public or private school, and church or place of worship.

As set forth in Section 45-16.2 of the Village Code (copy attached), special exception uses are uses that are generally compatible with use characteristics of a zoning district, but which require individual review of their location, design intensity, configuration, and public facility impact to determine the appropriateness on any particular site. Village Council approval is required for any special exception use, and the Council may impose additional conditions “to make uses compatible within their specific contexts.” An applicant seeking to establish a special exception use must demonstrate that: (1) the proposed use is consistent with the Comprehensive Plan and the Village’s land development regulations; (2) the proposed use will not have an undue adverse effect upon nearby properties or generate excessive traffic or noise; (3) the proposed use is compatible with the existing or planned character of the neighborhood; (4) all reasonable steps have been taken to minimize any adverse effect on the immediate vicinity; (5) the proposed use will not interfere with the development and use of neighboring properties; and (6) the proposed use will protect the Village’s tax base, will not create a financial burden, and will be in the interests of the public health, safety, and welfare.

The Planning, Zoning and Adjustment Board conducted a public hearing on the proposed Ordinance at its March 4, 2025 meeting and recommended approval of the Ordinance with minor revisions.

**Recommendation:**

**Village Staff requests Council consideration and adoption on first reading of the attached Ordinance adopting a new table of uses for C-T Transitional Commercial Zoning District in accordance with Village policies and procedures.**

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B. *Uses permitted.* The following allowable uses are permitted in the C-T transitional commercial district are listed in Table 1 (in addition those specifically identified in the third column, uses not listed in the Table are not permitted in the C-T district).

- :
1. Financial institutions;
  2. Professional and business offices, not including medical and dental clinics;
  3. Florists;
  4. Clothing stores;
  5. Stationery stores;
  6. Photo studios/camera shops;
  7. Sporting goods stores;
  8. Gift shops;
  9. Candy shops;
  10. Seamstress/tailor shop;
  11. Personal service establishments, such as barber shops, hair salons, and nail salons;
  12. Instructional dance/music studios;
  13. Family day care home;
  14. Multiple family dwelling structures of two (2), three (3), or four (4) dwelling units, provided that residential density does not exceed twelve (12) units per acre.

Table 1

	<u>PERMITTED USES</u>	<u>SPECIAL EXCEPTION</u>	<u>NOT PERMITTED</u>
<b><u>RESIDENTIAL USES</u></b>			
<u>Mobile home park</u>			<u>X</u>
<u>Dwelling, one family detached</u>			<u>X</u>
<u>Dwelling, all other dwelling types (maximum 12 units per acre)</u>	<u>X</u>		
<u>Live/Work Units</u>	<u>X</u>		
<u>Assisted living facility</u>			<u>X</u>
<u>Community residential home<sup>1</sup></u>	<u>X</u>		
<b><u>LODGING USES</u></b>			
<u>Hotel/Motel</u>			<u>X</u>
<u>Timeshare unit</u>			<u>X</u>
<u>Bed and Breakfast</u>			<u>X</u>
<b><u>BUSINESS USES</u></b>			
<u>Office, general</u>	<u>X</u>		

<u>Office or clinic, medical or dental</u>	<u>X</u>		
<u>Stores &amp; services, general</u>	<u>X</u>		
<u>Store &amp; services, large format</u>			<u>X</u>
<u>Adult Entertainment</u>			<u>X</u>
<u>Convenience Store without fuel</u>		<u>X</u>	
<u>Drive-thru facility (for any use)</u>			<u>X</u>
<u>Heavy commercial and light industrial</u>			<u>X</u>
<u>Medical marijuana treatment center</u>			<u>X</u>
<u>Restaurant less than 3,000 sq. ft. and no table service</u>	<u>X</u>		
<u>All other restaurants</u>			<u>X</u>
<u>Telecommunications antennas</u>			<u>X</u>
<u>Vehicle sales or repair</u>			<u>X</u>
<u>Cocktail lounges and bars</u>			<u>X</u>
<b><u>CIVIC &amp; EDUCATION USES</u></b>			
<u>Child care</u>		<u>X</u>	
<u>Civic space</u>	<u>X</u>		
<u>Family day care</u>	<u>X</u>		
<u>Government Building</u>	<u>X</u>		
<u>Hospital or Medical Center</u>			<u>X</u>
<u>Public Space</u>	<u>X</u>		
<u>School, public or private</u>		<u>X</u>	
<u>Church or Place of Worship</u>		<u>X</u>	

<sup>1</sup>Subject to the same requirements as apply in the R-2 zoning district.

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

**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.

1 Section 6. This Ordinance shall take effect immediately upon adoption.

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3 PLACED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

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5 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_  
6 \_\_\_\_\_, 2025.

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9 (Village Seal)

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MAYOR

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13 ATTEST:

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16 VILLAGE CLERK

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18 APPROVED AS TO FORM AND  
19 LEGAL SUFFICIENCY:

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21 \_\_\_\_\_  
22 VILLAGE ATTORNEY



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## Sec. 45-16.2. Special exception uses.

(a) *General provisions.*

- (1) *Purpose.* The purpose of this section is to provide for review of uses that are generally compatible with use characteristics of a zoning district, but which require individual review of their location, design, intensity, configuration and public facility impact in order to determine the appropriateness of the use on any particular site in the zoning district and their compatibility with adjacent uses. Special exception uses may require the imposition of additional conditions to make uses compatible within their specific contexts.
- (2) *Authority.* The village council may, in accordance with the procedures, standards and limitations of this section, grant special exception use approvals for those uses enumerated as special exception uses in any zoning district.
- (3) *Persons entitled to initiate applications.* An application for special exception approval may be submitted by the owner of the property or any other person having a contractual interest in the lot or parcel of land proposed for a special exception use.

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

- (1) *Consistency with the land development regulations and comprehensive plan.* The proposed special exception use shall comply with all requirements and be consistent with the general purpose, goals, objectives and standards of the village's land development regulations and comprehensive plan.
- (2) *Effect on adjacent properties.*
  - a. The proposed special exception use will not have an undue adverse effect upon nearby property or generate excessive traffic or noise.
  - b. The proposed special exception use is compatible with the existing or planned character of the neighborhood or area in which it would be located and is compatible with existing and future development.
  - c. All reasonable steps have been taken to minimize any adverse effect of the proposed special exception use on the immediate vicinity through building design, site design, landscaping and screening.
  - d. The proposed special exception use will be constructed, arranged and operated so as not to interfere with the development and use of neighboring properties, in accordance with applicable zoning district regulations.
- (3) *Public welfare.* The proposed special exception use will protect the village's tax base, will not create a financial burden on the village, and will be in the interests of the public health, safety, comfort, convenience and general welfare.

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

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- (d) *Special exception uses within planned unit developments.* When the proposed special exception use will be located within a planned unit development, the special exception use review shall be conducted concurrently with the planned unit development approval process and any conditions relating to the proposed special exception use shall be set forth in the ordinance approving the planned unit development.
- (e) *Procedure.*
- (1) The special exception use shall be subject to preliminary review by the community development department. Once the community development director certifies that the application is complete, the director shall forward it to the planning commission for a public hearing.
  - (2) The planning commission shall review the application and forward a recommendation of approval, approval with conditions or denial to the village council. If the special exception request was included with a site plan and appearance application, the planning commission shall forward the complete application to the village council for final decision.
  - (3) Upon receipt of a recommendation of the planning commission, the village council shall conduct a public hearing and determine whether the proposed special exception use meets the requirements of this section. The village council shall approve, approve with conditions or deny the application at the close of the public hearing. The approval of a special exception use, with or without conditions, shall be in the form of a written order, resolution or ordinance.
  - (4) Upon denial of an application for special exception use approval in whole or in part, a period of one (1) year must elapse prior to the filing of a substantially similar application affecting the same property.
- (f) *Public notice.* Public notice of all hearings shall be provided as required by Section 21-3.
- (Ord. No. 2015-13, § 2, 7-23-15; Ord. No. 2020-06, § 13, 9-24-20)