

ORDINANCE NO. 463

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, CREATING A NEW ARTICLE VII OF CHAPTER 58, ZONING, BY ESTABLISHING AN OVERLAY AREA TO BE KNOWN AS THE PBI AIRPORT OVERLAY, DEFINING THE SPECIFIC AREA TO WHICH THE OVERAY WILL BE APPLICABLE, REQUIRING THAT IT ONLY BE FOR PROPERTY ZONED R-3, AND PROVIDING FOR SITE DEVELOPMENT STANDARDS, BUILDING REQUIREMENTS AND ARCHITECTURAL AND PERFORMANCE STANDARDS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Haverhill, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 58 deals with Zoning and land use regulations for the town; and

WHEREAS, the Town Council hereby creates a new Article VII to establish regulations regarding development within the new PBI Airport Overlay; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Town Staff and other interested parties; and

WHEREAS, the Town Council, after duly noticed public hearings has determined that the adoption of these regulations would further the public's health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA:

Section 1. Recitals. The "WHEREAS" clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Amendment. Chapter 58, Zoning, Article VII, to be entitled PBI Airport Overlay, is hereby created and added to the Code of Ordinance as follows:

See Exhibit "A" attached hereto and made a part hereof

Section 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that

Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

Section 6. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word.

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

FIRST READING this 12th day of July, 2018.

THE SECOND AND FINAL READING was held this 26th day of July, 2018. Council member Gordon offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member Harvin, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor
LAWRENCE GORDON, Vice Mayor
MARK C. UPTEGRAPH, Council Member
REMAR HARVIN, Council Member
DANIEL H. SOHN, Council Member

Aye
Aye
Aye
Aye
Aye

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA

Janice C. Rutan, Town Admin.

Jay G. Foy, Mayor



TOWN OF HAVERHILL
Exhibit "A" – Ordinance 463

Sec. 58-283. - Establishment and permitted locations.

PBCD districts may only be located in the PBI Airport Overlay where tracts of land are suitable in location, extent, and character for the structures and uses proposed and requirements set forth in this article.

DIVISION 7. – PBI AIRPORT OVERLAY

Sec. 58-311. - Purpose and intent of division.

The purpose and intent of this overlay is to provide suitable sites for the development of well-planned, environmentally compatible, low-density, attached single-family townhouse and zero lot line residential projects, which are located in such a manner as to serve as effective transitional land use elements in an area within the town most susceptible to airplane traffic noise as it lies in the Runway Protection Zone (RPZ). It is also the intent and purpose of this district is to identify an area and developments authorized under the PBCD district. Density shall not exceed 8.0 dwelling units per gross acre. All dwellings shall not exceed two stories.

Sec. 58-312. - Boundaries

The boundaries of the PBI Airport Overlay are that part of the southeast quarter of the northeast quarter of Section 35, Township 43 South, Range 42 east, Palm Beach County, Florida, lying east of the east line of lot 25 and its southerly extension and south of the south line of Lots 42, 41, 40, 39, and 38 and its easterly extension, all in Haverhill Riding Estate, according to the Plat thereof, recorded in Plat Book 20, page 98 of the Public Records of Palm Beach County, Florida. AND the southwest quarter of the southwest quarter of the northwest quarter of Section 36, Township 43 South, Range 42 East, Palm Beach County, Florida. Lying in the Town of Haverhill, Palm Beach County, Florida. Containing a total of 20.6 acres more or less, and as shown on Appendix A. The PBI Airport Overlay shall only be applicable to property zoned R-3 Medium Density Residential District, however, any land within the PBI Airport Overlay shall be eligible for rezoning to R-3 Medium Density Residential District regardless of FLUA designation.

Sec. 58-313. - Permitted uses.

In PBI Airport district, no building, structure, land use or water use shall be permitted except for one or more of the following uses:

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Multifamily dwellings;
- (4) Mobile homes;

(5) Townhouse; and

(6) Zero Lot Line Homes.

Sec. 58-314. – Existing Uses.

All residential and non-residential uses that existed with the PBI Airport Overlay on the date of adoption hereof, and meet the provisions of this division, shall be classified as conforming uses.

Sec. 58-315. – Prohibited Uses.

Adult Entertainment establishments, bulk storage of gas and oil, outdoor retail sales, and any other use not specifically authorized by the Zoning Code shall be prohibited in the PBI Airport Overlay.

Sec. 58-316. – Rezoning Criteria.

Lands within the PBI Airport Overlay may be rezoned to R-3 Medium Density Residential District, provided the following conditions are met:

(1) they are part of an overall tract that will be three (3) acres or more; and

(2) Abut Belvedere Road;

Sec. 58-317. – Site Development Standards for Townhouses and Zero Lot Line Homes.

In order to be permitted to develop property within the PBI Airport district with townhouses and zero lot line homes, the following site development standards must be complied with:

(a) Minimum parcel size: Three (3) acres.

(b) Maximum Grouping Length: shall not exceed six (6) dwelling units.

(c) Minimum common open space: 30 percent of the total site area.

(d) Utilities and Services: Each dwelling unit shall be independently served by separate heating, air-conditioning, wastewater, water, electric power, gas, and other services wherever such utilities and services are provided; and no unit shall be in any way dependent upon such services or utility lines located within another unit or on or in another site except for meter rooms and services extended therefrom and as may be installed in public easements. All units must be connected to public water and wastewater lines and all electrical and telephone lines shall be placed underground.

(e) Maintenance of common facilities: Nonpublic areas and facilities for the common use of occupants of a townhouse or zero lot line home development, but not in individual ownership of such occupants, shall be maintained in a satisfactory manner without expense to the general taxpayers of the town under entities such as homeowners', condominium or utility associations.

- (f) Parking: Each unit shall have 3 parking spaces available. In the common areas, guest parking shall be made available. As part of the site plan and/or subdivision approval process, the town may prescribed restrictions on the location of guest parking so as to be convenient to all units within a subdivision, provided, however, that at least two guest parking spaces shall not be greater than 150 feet from each residential unit. The number of guest parking spaces shall equal 20% of the total number of units in the development. No overnight parking shall be permitted on the common road.
- (g) Landscape: For the grass, the development shall use floritam or St. Augustine sod, and all landscape areas, including those serving individual units and lots, shall be irrigated by an underground system installed at the time of development and maintained by the association.
- (h) Cul-de-sac: Any cul-de-sac, or dead end road within the development must be designed and built in such a way that garbage trucks, and fire-rescue vehicles, can turn around without having to back down the road.

Sec. 58-318. Building requirements.

Building requirements in the PBI Airport Overlay are as follows:

(1)	<u>Minimum lot size</u>	<u>5,000 square feet per single-family detached unit 5,445 square feet per unit for two or more units on a single lot or two units attached to another unit and joined by a common wall on the lot line; for townhouse development, 1500 sq. ft. for interior lots, and 2500 for end lots</u>
(2)	<u>Minimum lot width</u>	<u>50 feet; or 45 feet for a unit attached to another unit and joined by a common wall on the lot line; for townhouse development, 22 feet for interior lots and 30 feet for end lots.</u>
(3)	<u>Maximum lot coverage</u>	<u>50 percent; for zero lot line and townhouse homes, 60%</u>
(4)	<u>Minimum front setback</u>	<u>30 feet for a single-family dwelling or duplex on a single lot; 25 feet for townhouses or zero lot line homes, provided, however, that the distance between the front of houses (not the roof line) facing each other directly or indirectly across the street or road right-of-way shall be no less than 100 feet, or 90 feet for zero lot line or townhouse developments.</u>
(5)	<u>Minimum side setback</u>	<u>7.5 feet for a single family detached dwelling; ten feet for duplexes and multifamily, zero for townhouses and zero lot line homes that share a common wall on both sides; and ten feet for zero lot line homes and townhouses that share a common wall only on one side.</u>
(6)	<u>Minimum rear setback</u>	<u>15 feet</u>

(7)	<u>Maximum building height</u>	<u>30 feet and not more than 2 stories</u>
(8)	<u>Minimum dwelling unit area.</u>	<u>1,100 square feet of living area</u>
(9)	<u>Corner lots as follows:</u>	
	a. <u>Minimum front setback</u>	<u>30 feet for single family detached unit; and 25 feet for all others</u>
	b. <u>Minimum side setback(street side)</u>	<u>15 feet for single family detached unit; and 10 feet for all others</u>
	c. <u>Minimum rear setback</u>	<u>15 feet</u>

Sec. 58-319. Architectural and Performance Standards. The following standards shall apply to all new townhouse and zero lot line home developments:

- (1) Every front facade with a primary entrance to a dwelling unit shall face the public street to the maximum extent possible.
- (2) Every townhouse and zero lot line home shall incorporate a covered front porch with a minimum depth of four (4) feet and a minimum area of fifty (50) square feet. Covered front porches shall be allowed to encroach five feet into the front setback or street side yard.
- (3) Every front facade with a primary entrance to a dwelling unit shall include a connecting walkway to the public right-of-way.
- (4) The front and street side facade shall incorporate design elements such as shutters, awnings, window grids, window mullions and quoins, gable end ornamentation (including decorative vents, material changes and eave brackets).
- (5) All sides of all buildings shall include design characteristics and materials consistent with those on the front facade where visible from a public right-of-way or single-family zoning district.
- (6) Windows on front, street side and rear elevations shall be generally centered on the building mass and aligned both vertically and horizontally.
- (7) All front facades shall have a minimum 25% percent window area on the front elevation wall face, excluding the garage face and front door.
- (8) Street side facades shall have a minimum 15% window area.
- (9) All front doors shall be articulated and composed of ornamentations such as recessed or grooved panels and divided light windows.

- (10) Garages shall be recessed a minimum of two (2) feet behind the forward-most wall plane.
- (11) Front entry garage doors shall contain at least one (1) window of a scale and detail compatible with the primary front facade.
- (12) Offset front setbacks: The front facades of no more than two (2) units shall maintain the same building line. Facades shall be offset by a minimum of two (2) feet. Each front facade in a three-unit cluster shall be offset by a minimum of two (2) feet.
- (13) All window and door openings shall be impact resistant rated pursuant to the applicable building code.
- (14) Alternative compliance. An applicant may request an alternative approach to meeting the intent of these standards in circumstances where an alternative approach would provide a result which is equal or superior to that which would be achieved by strict adherence to this section.
 - (a) *Procedure.* A request for alternative compliance shall be submitted in writing to the town administrator with the application for development approval and should clearly identify the standard for which an alternative approach is requested as well as a demonstration as to how the alternative approach is superior and furthers the intent of the ordinance.
 - (b) *Review criteria.* The town council shall consider the written request for alternative compliance and must find the request accomplishes the intent of this section equally or better than strict adherence to this section, and would not result in adverse impact to adjacent properties.

Secs. 58-320—58-325. - Reserved.

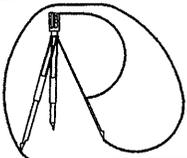
DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE EAST LINE OF LOT 25 AND ITS SOUTHERLY EXTENSION AND SOUTH OF THE SOUTH LINE OF LOTS 42, 41, 40, 39, AND 38 AND ITS EASTERLY EXTENSION, ALL IN HAVERHILL RIDING ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGE 98 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LYING IN THE TOWN OF HAVERHILL, PALM BEACH COUNTY, FLORIDA.
CONTAINING A TOTAL OF 20.6 ACRES MORE OR LESS.



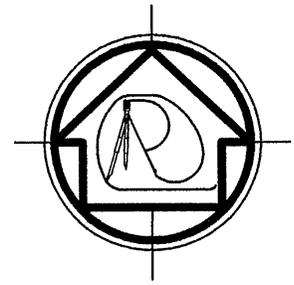
RICHARD H. SMITH, INC.
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 4902 FOREST DALE DRIVE
 LAKE WORTH, FL 33449
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TOWN OF HAVERHILL
 PBI AIRPORT OVERLAY

PROJECT NUMBER: 1304

1304A

SHEET 1 OF 2



SCALE: 1" = 250'

SE 1/4, NE 1/4
SECTION 35/43/42

HAVERHILL RIDING ESTATES
PLAT BOOK 20, PAGE 98

HAVERHILL POINTE
PLAT BOOK 121, PAGES 154 AND 155

HAVERHILL RIDING ESTATES
PLAT BOOK 20, PAGE 98

LOT 25

LOT 42 LOT 41 LOT 40 LOT 39 LOT 38

LOT 37

HAVERHILL
ROAD

FOREST GLEN
PLAT BOOK 40, PAGES 85 - 87

N01° 23' 47" E 666.59'

S89° 12' 23" E 672.66'

S01° 22' 39" W 668.36'

N01° 22' 21" E 668.88'

S01° 24' 21" W 668.54'

SW 1/4, SW 1/4, NW 1/4
SECTION 36/43/42

SOUTHEAST CORNER
NORTHEAST QUARTER
SECTION 35/43/42

SOUTHWEST CORNER
NORTHWEST QUARTER
SECTION 36/43/42

N89° 03' 21" W 672.86'
LWDD LATERAL CANAL NO. 4

N88° 38' 47" W 669.97'
LWDD LATERAL CANAL NO. 4

NOTES

1. REPRODUCTIONS OF THIS MAP ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. COURSES AND DISTANCES SHOWN HEREON ARE BASED ON PALM BEACH COUNTY ENGINEERING DEPARTMENT SURVEY SECTION PUBLISHED STATE PLANE COORDINATE VALUES FOR SECTION CORNERS.
3. THIS SKETCH AND DESCRIPTION ARE NOT THE RESULT OF A FIELD SURVEY.

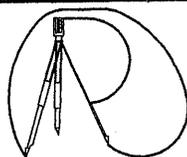
**SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY**

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH WERE PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

RICHARD H. SMITH, PROFESSIONAL SURVEYOR AND MAPPER, FLORIDA LICENSE NUMBER 5239

SKETCH AND DESCRIPTION	RHS	11/23/18	N/A	RHS
REVISION	BY	DATE	FB/PG	CKD



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SHEET 2 OF 2