

**Section 4.4.3 Single Family Residential (R-1) Districts:**

(A) **Purpose and Intent:** The Single Family Residential Districts have been created in order to provide areas where the traditional single family detached residence can be established and maintained and be protected from the unwarranted intrusion of other inappropriate uses. Further, the Single Family Residential Districts are established in compliance with provisions of Goal Area "A" of the Comprehensive Plan which calls for the preservation and maintenance of stable neighborhoods. The following Single Family Residential Districts are regulated by this Section: **[Bullets Changed to Numbers Ord. 36-07 9/18/07]**

- (1) R-1-AAA
- (2) R-1-AAAB
- (3) R-1-AA
- (4) R-1-AAB
- (5) R-1-A
- (6) R-1-AB

(B) **Principal Uses and Structures Permitted:** The following types of use are allowed within the Single Family Districts as a permitted use:

- (1) Conventionally sited single family detached residences.
- (2) Group Home, Type 1, pursuant to restrictions set forth in Section 4.3.3(I). **[Amd. Ord. 23-01 5/1/01]**
- (3) Parking lots not associated with a use, pursuant to an adopted neighborhood or redevelopment plan. **[Amd. Ord. 8-00 4/4/00]**
- (4) Pocket parks. **[Amd. Ord. 8-00 4/4/00]**
- (5) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3 (HH). **[Amd. Ord. 24-02 7/16/02]**
- (6) Assisted Living Facilities. **[Amd. Ord. 01-10 1/19/10]**

(C) **Accessory Uses and Structures Permitted:** The following uses are allowed when a part of, or accessory to, the principal use: **[Amd. Ord. 68-04 1/4/05]**

- (1) Uses and structures normally associated with residences such as: bird aviaries, boat docks, dog houses and dog runs, garages, greenhouses, guest cottages, playhouses, pool houses and covers, pump houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops.
- (2) Home occupations subject to the restrictions set forth in Section 4.3.3(K). **[Amd. Ord. 20-95 4/18/95]**

## SECTION 4.4.3 (C) (3)

(3) Family day care pursuant to restrictions set forth in Section 4.3.3(T) (child care, up to five children).

(4) Home tutorial services subject to the restrictions set forth in Section 4.3.3(KK). **[Amd. Ord. 79-94 10/18/94]**

(5) Recreational facilities attendant to a subdivision which is operated under a bonafide homeowners association such as: tennis courts, swimming pools, exercise area, clubhouse, and golf courses.

(6) The rental or lease of a boat dock when the dock is assigned to, or on the same lot as each residential use on a one-to-one basis.

(D) **Conditional Uses and Structures Allowed:** The following uses are allowed as conditional uses within the Single Family Districts.

(1) Child care and adult day care.

(2) Churches, or places of worship, and their attendant educational, nursery, Sunday school, recreational, and columbarium facilities. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care; however, such uses may be established by a separate conditional use application for child care or rezoning to C.F., as appropriate.

(3) Private educational facilities subject to the restrictions set forth in Section 4.3.3(HHH). **[Amd. Ord. 24-02 7/16/02]; [Amd. Ord. 79-94 10/18/94]**

(4) The use of common recreational facilities such as swimming pools and tennis courts, associated with a subdivision, for club or commercial purposes.

(5) Single family detached residences in zero lot developments but only in the R-1-A and R-1-AA Districts.

**Deleted (6) [Amd. Ord. 02-10 1/19/10]**

(E) **Review and Approval Process:**

(1) All principal uses and accessory uses thereto shall be allowed upon application to and approval by the Chief Building Official for structures which require a building permit and otherwise complying with applicable use restrictions.

(2) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).

(3) The creation of a new lot for the purpose of building a single family residence requires platting pursuant to 2.4.5(J) or (K), as applicable.

## SECTION 4.4.3 (E) (4)

(4) Within the North Beach/Seagate and Ocean Neighborhood Overlay Districts, all applications for single family residences, and additions and renovations that exceed 50% of the square footage of the existing structure must be reviewed in accordance with the Beach Property Owners Design Manual, pursuant to the site plan processing schedule provisions of Section 2.4.8. **[Amd. Ord. 36-07 9/18/07]; [Amd. Ord. 68-04 1/4/05]**

(F) **Development Standards**: The development standards as set forth in Section 4.3.4 shall apply, except as modified below: **[Amd. Ord. 68-04 1/4/05]**

(1) In addition to the provisions of Section 4.3.4(K), properties located within the North Beach/Seagate and Ocean Neighborhood Overlay Districts shall comply with the provisions of the adopted Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods including but not limited to visual compatibility standards relating to limitations on height, width, mass, scale, materials, color, style, form, and square footage. **[Amd. Ord. 36-07 9/18/07]; [Amd. Ord. 68-04 1/4/05]**

(2) In addition to the provisions of Section 4.3.4(K), properties located within the Lake Ida Neighborhood Overlay District shall comply with the following regulations: **[New Section Amd. Ord. 24-08 6/17/08]**

(a) **Maximum Lot Coverage**:

1. Forty percent (40%) for one story houses
2. Thirty percent (30%) for multi-story houses

(b) The maximum Floor Area Ratio is .35 for a multi-story house. Property with frontage on Lake Ida are allowed a Floor Area Ratio of .40 for a multi story house.

(c) The area of the upper floors shall not be greater than seventy-five percent (75%) of the area of the first floor. Properties with frontage on Lake Ida are allowed to have upper floors with up to 100% of the area of the first floor.

(d) Minimum setback for multi-story homes in the R-1-AA zoning district shall be twenty-five feet (25') for the front yard and fifteen feet (15') for the rear yard.

(e) Minimum setback for multi-story homes in the R-1-AAA and R-1-AAAB zoning districts shall be thirty feet (30') for the front yard and seventeen feet (17') for the rear yard.

(f) Additional landscaping required for both new multi-story houses or additions to existing multi-story houses shall be as follows:

## SECTION 4.4.3 (F) (2) (f) 1.

1. New houses: landscaping requirements shall be the same as the Beach Districts as provided in the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods.
2. Additions: supplemental landscaping shall be provided along that portion of the house where the new upper floor addition occurs within 5' of the minimum required setback lines. The intent of the requirement is to soften and screen the upper story addition and shall generally consist of additional vertical landscaping which would include fourteen foot (14') shade trees or eighteen foot (18') Palm trees at spacings determined by the City Landscape Department to be sufficient to meet the intent of this requirement.

(g) **First Floor Maximum Height:**

1. Single-story or first floor limits shall be established by:
  - a. Height from finished floor elevation to top of beam (tie or bond) shall not exceed fourteen feet (14').
  - b. Any portion exceeding the dimensions described in Section 4.4.3(F)(2)(g)1.a. above shall be considered multi-story structures.

(h) **Upper Story Height:**

1. Height from finished floor elevation to finished floor elevation or top of beam (tie or bond) shall not exceed twelve feet (12').

(3) **Carver Square Brownfield Area Development Standards:** The following development standards apply to properties located in the Carver Square Brownfield Area (Resolution No. 20-07 - Carver Square Lots 11-30). **[Amd. Ord. 25-09 5/19/09]**

(a) **Setbacks:** **[Amd. Ord. 25-09 5/19/09]**

- |                      |      |
|----------------------|------|
| (1) Front:           | 20'  |
| (2) Side (Street):   | 10'  |
| (3) Side (Interior): | 7.5' |
| (4) Rear             | 10'  |

(b) **Setbacks for Garages, Carports and Porte-Cocheres:** Required parking is not allowed in the front or street side setback. Garages, carports and porte-cocheres must have a minimum 20' setback when the entrance faces a public street. or alley. **[Amd. Ord. 25-09 5/19/09]**

(c) **Porch Encroachments:** Front porches may extend 5' into the front or side street setback and cannot be enclosed in any manner. **[Amd. Ord. 25-09 5/19/09]**

## SECTION 4.4.3 (G)

(G) **Supplemental District Regulations:** The supplemental district regulations as set forth in Article 4.6 shall apply, except as modified below: **[Amd. Ord. 68-04 1/4/05]**

(1) In addition to the provisions of Section 4.3.4(K), properties located within the North Beach/Seagate and Ocean Neighborhood Overlay Districts shall comply with the provisions of the adopted Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods including but not limited to visual compatibility standards relating to limitations on height, width, mass, scale, materials, color, style, form, and square footage. **[Amd. Ord. 36-07 9/18/07]; [Amd. Ord. 64-04 1/4/05]**

(2) Within the Carver Square Brownfield Area (Resolution No. 20-07 - Carver Square Lots 11-30), all irrigation must be connected to a City water system and the provision of irrigation from a well system is prohibited. **[Amd. Ord. 25-09 5/19/09]**

(H) **Special Regulations:** **[Amd. Ord. 77-94 10/18/94]**

(1) The height of accessory structures shall not exceed the height of the associated principal structure. Screen enclosures without a solid roof are excluded from this limit. **[Amd. Ord. 77-94 10/18/94]**

(2) The floor area of an accessory structure shall not exceed 40% of the floor area of the principal structure. **[Amd. Ord. 77-94 10/18/94]**

(I) **Construction Site Conditions/Restrictions:** Any construction activity, other than construction activity performed by the City or its agents and/or contractors, which requires a permit from the City and which occurs in any of the 6 single family zoning districts listed under Subsection 4.4.3(A) shall adhere to all rules, regulations, laws, policies of the City and in addition shall adhere to the provisions set forth herein. **[Amd. Ord. 30-06 7-11-06]**

(1) Work Hours and the time that supplies/materials may be delivered shall be Monday through Friday from 7:00 am to 6:00 pm, and Saturday from 8:00 am to 4:00 pm. **[Amd. Ord. 30-06 7-11-06]**

(2) Work is prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day and Christmas Day. **[Amd. Ord. 30-06 7-11-06]**

(3) A temporary trailer, building or storage shed shall be allowed on site from the time a permit is issued and until the certificate of occupancy is granted. No more than one of these trailers/structures/sheds shall be allowed on the site at the same time and the size (footprint) of the trailer/structure/shed shall not exceed 10' x 12'. **[Amd. Ord. 30-06 7-11-06]**

(4) After submission of a construction permit application, if requested by the City, a silt fence shall be installed around the entire perimeter of the property and maintained in a secure operational manner, however part of the silt fence may be removed for site access. **[Amd. Ord. 30-06 7-11-06]**

## SECTION 4.4.3 (I) (5)

(5) In the event of tropical storm or hurricane warnings the Applicant/Owner shall empty all dumpsters, remove and/or secure all loose construction debris/materials and port-o-lets, and all roof tiles must be strapped or removed. **[Amd. Ord. 30-06 7-11-06]**

(6) Dumpsters shall be provided if the construction debris, and other debris on site, is of such magnitude that the debris cannot be maintained in a safe or orderly manner on site. Dumpsters containing construction debris shall be promptly emptied when full. When full and waiting removal, the Applicant/Owner must cover the dumpster in an appropriate manner to prevent trash from blowing into neighboring property. Construction materials that are to be used on the job site must be stored in an orderly and neat manner or removed. **[Amd. Ord. 30-06 7-11-06]**

(7) To the extent feasible, provisions for storm water must be made during construction to ensure that no water flows onto neighboring properties. **[Amd. Ord. 30-06 7-11-06]**

(8) Portable toilets are to be placed in as unobtrusive a location as possible, so as not to affect neighboring property, and must be maintained in a neat, clean and sanitary condition. **[Amd. Ord. 30-06 7-11-06]**

(9) All construction activity must be confined to the property under construction. **[Amd. Ord. 30-06 7-11-06]**

(10) Construction parking should be on the job site when possible. In addition, parking is limited to the same side of the street as the site and confined to the property boundaries when possible. No parking is permitted within 25' of any intersection. The street must remain open for vehicular travel at all times. **[Amd. Ord. 30-06 7-11-06]**

(11) All deliveries to the site must be placed on the construction site only. Third party deliveries (deliveries by anyone other than the property owner) are prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day and Christmas Day. **[Amd. Ord. 30-06 7-11-06]**

(12) Streets adjoining the project must be cleaned of construction debris and other trash and debris and dirt on a daily basis. The Applicant/Owner is responsible for protecting and cleaning City drainage systems of construction dirt and debris, upon request from the City. **[Amd. Ord. 30-06 7-11-06]**

(J) **Violations of 4.4.3(I)**: The City shall have any and all legal remedies available to it to enforce Section 4.4.3(I), including but not limited to, injunctive relief, issuance of a Notice to Appear, issuance of a Code Enforcement Citation, issuance of a Stop Work Order and any other penalty herein provided in the Code of Ordinances and the Land Development Regulations and as set forth in Section 10.99 of the Code of Ordinances. **[Amd. Ord. 30-06 7-11-06]**