

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE II – ORGANIZATION, ADMINISTRATION AND ENFORCEMENT AND ARTICLE VII- SPECIAL DISTRICTS, TO AMEND THE THRESHOLD REQUIREMENTS BETWEEN A MAJOR AND MINOR AMENDMENT FOR DEVELOPMENTS OF SIGNIFICANT IMPACTS (DSI) AND PLANNED DEVELOPMENTS (PD); DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, as the Planning Staff reviews and updates the Zoning and Land Development (ZLDR), one of the areas that staff is focusing on is improving the review and approval process; and

WHEREAS, one such area is the review and approval process for developments within a Planned Development (PD) and Development of Significant Impact (DSI); and

WHEREAS, this ordinance is proposed to provide flexibility to the developer while making the process more efficient for staff; and

WHEREAS, the Planning Division has determined the amendment is consistent with the Comprehensive Plan and meets all eight (8) Amendment Standards found within Section 94-32 of the City's Zoning and Land Development Regulations; and

WHEREAS, the Planning Board recommended approval (4-0) of this amendment to the City Commission after a Public Hearing on June 21, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby finds and determines that the amendment to the Zoning and Land Development Regulations set forth in this Ordinance is consistent with the Comprehensive Plan of the City adopted pursuant to Chapter 163, Part II, Florida Statutes.

SECTION 2: The City Commission hereby finds and determines that the amendment to the Zoning and Land Development Regulations set forth in this Ordinance is consistent with the amendment standards of Section 94-32 of the Zoning and Land Development Regulations, as follows:

Language underlined added, and language stricken deleted.

Asterisks **** indicate language not amended which has been omitted to save space.

ORDINANCE NO. 5015-22

- A. *Comprehensive Plan Consistency.* The City's Comprehensive Plan provides general guidance for the growth and future development of the City. The proposed amendment will allow flexibility to developers while still allowing staff to review the project for impacts on the surrounding area. The amendment is consistent with all elements of the City of West Palm Beach Comprehensive Plan
- B. *Changed Conditions.* Currently, minor changes to PDs and DSIs would require City Commission approval. Staff has received requests over the years to provide some flexibility in the threshold requirements for a major amendment. Under the current ZLDR, one (1) trip increase in traffic will trigger a major amendment.
- C. *Code Compliance.* The proposed amendment is consistent with all applicable portions of the City's Development Code.
- D. *Compatibility.* The proposed amendment is consistent with existing and proposed land uses.
- E. *Public Services & Facilities.* The proposed amendment will not have an impact on the demands of public facilities, nor will it cause the capacity of facilities to be exceeded.
- F. *Natural Environment.* The proposed amendment will not result in adverse impacts to the natural environment.
- G. *Property Values.* The proposed amendments will not adversely affect property values in the area.
- H. *Orderly and Logical Development.* The new threshold requirements will not negatively affect orderly and logical development patterns.

SECTION 3: The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 94 - Zoning and Land Development Regulations; Article II, Section 94-36- Special use review:

Sec. 94-36. Special use review.

- k. *Developments of significant impact.*

- 3. *Amendments to approved development of significant impact.*

Language underlined added, and language stricken deleted.

Asterisks **** indicate language not amended which has been omitted to save space.

ORDINANCE NO. 5015-22

- a. Major amendments to approved developments of significant impact shall only be determined by the city commission following the procedure set out in section 94-32. Major amendments shall include the following requests:
1. An increase in the total square footage of any building by more than five ten percent; the number of structures, the number of residential dwelling units, or the densities as specified by the adopted site plan;
 2. Any boundary change of the development of significant impact;
 3. Any change, except as provided in this section, in the adopted site plan that increases the use in intensity or density (rearrangement of uses or locations on a property may be permitted unless they conflict with a specific provision of the adopted development of significant impact);
 - 4.~~3~~. Any change in the conditions of approval;
 - 5.~~4~~. Relocation of more than five ten percent of the total square footage indicated as being covered by structures; or
 - 6.~~5~~. Any increase in the traffic impact above that established in the approved development of significant impact. Any increase in traffic in excess of either: (i) 3 percent of the average daily traffic (ADT), or (ii) 100 ADT trips, over the traffic impacts for the project as established in the original master plan approved by the city commission.
- b. Minor amendments to an approved development of significant impact shall be approved by the planning and zoning administrator. Such minor amendments shall include all amendment requests which are not do not meet any of the thresholds listed in subsection (f)(3)a. of this section.

SECTION 4: The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 94 - Zoning and Land Development Regulations; Article VII, Section 94-207, "Planned development (PD) district:

Sec. 94-207. - Planned development (PD) district.

Amendments to approved planned developments.

1. Major amendments to approved planned developments shall only be determined by the city commission following the procedure set out in section 94-32. Major amendments shall include the following requests:
 - a. An increase in the total square footage of any building by more than five ten percent; the number of structures, the number of residential dwelling units, to the densities as specified by the adopted master plan;
 - b. Any boundary change of the planned development;

Language underlined added, and language stricken deleted.

Asterisks **** indicate language not amended which has been omitted to save space.

ORDINANCE NO. 5015-22

- c. Any change, except as provided in this chapter, in the adopted master plan that increases the use in intensity or density. (Rearrangement of uses or locations on a property may be permitted unless they conflict with a specific provision of the adopted planned development ordinance);
 - d. c. Any change in the conditions of approval;
 - e. d. Relocation of more than five ten percent of the total square footage indicated as being covered by structures; or
 - f. e. Any increase in the traffic impact above that established in the master plan approved by the city commission. Any increase in traffic in excess of either: (i) 3 percent of the average daily traffic (ADT), or (ii) 100 ADT trips, over the traffic impacts for the project as established in the original master plan approved by the city commission.
2. Minor amendments to approved planned developments shall be approved by the planning and zoning administrator. Such minor amendments shall include all amendment requests which are not listed in subsection (e)(1) of this section.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 7: Authority is hereby granted to codify the text amendments set forth in Sections 3 and 4 of this Ordinance.

SECTION 8: This Ordinance shall become effective in accordance with law.

[SIGNATURES ON FOLLOWING PAGE]

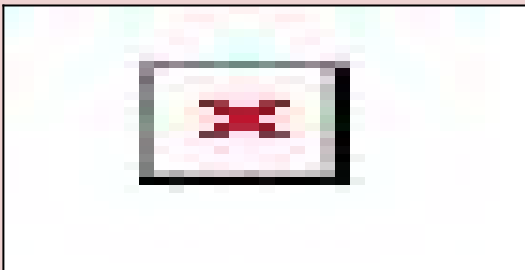
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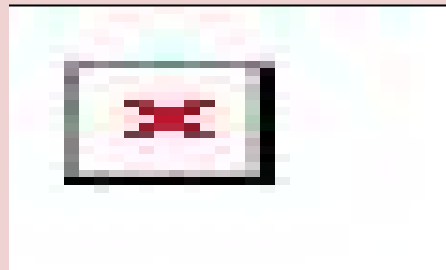
**FIRST READING THIS 8TH DAY OF AUGUST, 2022.
SECOND READING AND PASSAGE THIS 22ND DAY OF AUGUST, 2022.**



ATTEST:



**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**



**APPROVED AS TO FORM AND
LEGALITY:**

