

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE VII - SPECIAL DISTRICTS, SECTION 94-203 – COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD) DISTRICT; TO MODIFY LANGUAGE REGARDING THE PERMISSABLE LOCATION AND REQUIRED UNDERLYING ZONING, ADDING AN EXCEPTION FOR EXISTING PD'S WITHIN THE DMP; DECLARING THESE PROPOSED ZONING TEXT AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE ZONING AND LAND DEVELOPMENT REGULATIONS OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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WHEREAS, on June 29, 2009, the City Commission of the City of West Palm Beach approved Ordinance No. 4212-09 and 4213-09 adopting the Downtown Master Plan Zoning Atlas and the Downtown Master Plan Urban Regulations; and

WHEREAS, there exist Planned Development (PD) and Community Service Planned Developments (CSPD) properties within the downtown that predate the DMP regulations and the City recognizes the need to update code provisions to better respond to site conditions with these 'grandfathered' sites; and

WHEREAS, on August 09, 2022, the City's Planning Division had received a request by Jon Schmidt of Schmidt Nichols, on behalf of Rosarian Academy for a text amendment to the Zoning and Land Development Regulations; and

WHEREAS, it is the applicant's desire to allow for properties within the DMP that are owned by Rosarian Academy to be the rezoned from Loftin District 5 (LD-5) and Loftin District Residential (LD-R) subdistricts to the schools existing CSPD designation. To expand the CSPD's boundary and integrate the rest of the school block as part of their future development proposals; and

WHEREAS, on June 02, 1997, City Commission of the City of West Palm Beach approved Ordinance No. 3030-97, 3031-97, 3032-97 and 3033-97 which included a major amendment and revised zoning designations for Rosarian Academy from Public Semi Public Planned Development (PSPPD) to Community Service (CS), and to its current designation as a Community Service Planned Development (CSPD); and

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

WHEREAS, the Code Revision Case 22-08 is scheduled for the Planning Board public hearing on March 21, 2023 where the board shall provide its recommendation to the City Commission; and

WHEREAS, notices for all public hearings were advertised in the Palm Beach Post. Proof of publication is housed in the Planning and Zoning Division records.

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

**SECTION 1:** The City Commission accepts the data and analysis of the CRC 22-08 Staff Report associated with this Ordinance.

**SECTION 2:** The City Commission of the City of West Palm Beach hereby finds and determines that the amendments contained in this Ordinance are consistent with the Comprehensive Plan of the City adopted pursuant to Sections 163.3161, et seq., Florida Statutes.

**SECTION 3:** The City Commission of the City of West Palm Beach hereby finds and determines that the amendments listed below to the Zoning and Land Development Regulations are consistent with the standards set forth in Section 94-32 of the Zoning and Land Development Regulations as follows:

**1. Whether the proposed amendment is consistent with all elements of the City of West Palm Beach Comprehensive Plan.**

- The proposed text amendments are consistent with the comprehensive plan. The amendments will permit a more orderly development pattern as well as allow additional flexibility to the properties located adjacent to existing CSPDs to be rezoned to or encompassed within the CSPD boundary.

**2. Whether there exist changed conditions which require an amendment.**

- Rosarian Academy has recently acquired several properties along N Olive Avenue, Eucalyptus Street, 7th Street as well as the two portions of abandoned rights-of-way/alleys; as such the school controls the entire block between N Olive Avenue, 8th Street, 7th Street, and N Flagler Dr. The school campus now contains properties under both DMP regulations and CSPD or PD regulations.
- With the influx of development throughout the City of West Palm, and especially with the relocation of large businesses, firms, offices, and residents to the Downtown, there has been an increased demand on schools and other community services or amenities. The proposed language allows for properties within the DMP which are adjacent to existing CSPDs to be eligible for rezoning and/or boundary expansions.

**3. Whether the proposed amendment is in conformance with all applicable portions of the City Development Code.**

- The proposed text amendments are consistent with the City Code as it will only add an exception for existing CSPDs within the DMP.

**4. Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses.**

- Amendment is consistent with the existing land uses as the uses present shall continue to exist. The amendment simply provides adjacent properties the opportunity to be rezoned or have the CSPD boundary expanded over them.

5. **Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities.**
  - The proposed text amendments will have no impact to the capacity of public facilities.
6. **Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.**
  - The text amendments will not have an adverse impact on the natural environment.
7. **Whether and the extent to which the proposed amendment would adversely affect property values in the area.**
  - The proposed text amendment is not expected to adversely impact the property values in the City or the DMP.
8. **Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, and the specific identification of any effects on such pattern.**
  - The proposed text amendments will not change the downtown development pattern beyond offering properties immediately adjacent to existing CSPDs to be rezoned to or encompassed within the CSPD boundary. This condition permits a more orderly and logical development pattern, as it permits the only existing CSPD within the downtown to expand its boundaries to “square-off” the school campus.

**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 – Special Districts - Section 94-203. – Community Service Planned Development (CSPD) District. is hereby amended to clarify special provisions regarding eligible historic structure relocation and designation, and shall now read as shown below:

**Sec. 94-203. - Community service planned development (CSPD) district.**

- a. *Location.* Community service planned development CSPD districts shall be located only in areas zoned community service (CS) on the official zoning map-, with the exception of subdistricts within the Downtown Master Map (DMP) that are adjacent to existing Community Service Planned Developments (CSPD).
- b. *Development standards.* Development standards in the community service planned development (CSPD) district shall be as follows:
  1. *Minimum lot dimensions:*
    - a. Lot area: two acres; however, noncontiguous areas may be included to provide required parking.
    - b. Lot width: 100 feet.
  2. *Minimum setbacks:*
    - a. Front: 25 feet.
    - b. Side: 15 feet.
    - c. Corner: 25 feet.
    - d. Rear: 15 feet.
    - e. Minimum building separation: 15 feet.

3. *Waiver of setbacks.* Minimum setbacks may be waived by the city commission when one or more sides of a parcel abut a zoning district which permits a lesser setback.
  4. *Maximum lot coverage by buildings:* 50 percent.
  5. *Maximum lot coverage by impervious surfaces:* 75 percent.
  6. *Maximum building height:* 80 feet.
  7. *Floor area ratio:* 1.0.
  8. *Minimum required open space area:* 50 percent.
  9. *Minimum required landscape area:* 15 percent.
  10. *Vehicular access.* All points of ingress and egress shall be at least 50 feet apart, and shall be reviewed by the city engineer.
- c. *Parking waiver.* A waiver of the parking requirements of section [94-486](#), Table XV-6, may be granted at the discretion of the city commission, for all schools - colleges, and universities, public or private, located in a CSPD district as a Major Planned Development Amendment, on the merits of each case presented; provided that; i) the waiver shall be for no more than 30 percent of the required parking spaces, and ii) the applicant shall submit relevant empirical evidence, surveys or studies of state communities or other pertinent standards that support such parking waiver. Schools - colleges, and universities, public or private, utilizing this waiver, may not utilize the waiver listed in subsection [94-207\(b\)\(13\)](#).

**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 4 of this Ordinance.

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

[SIGNATURES ON FOLLOWING PAGE]

**FIRST READING THIS 3RD DAY OF APRIL, 2023.  
SECOND READING AND PASSAGE THIS 17TH DAY OF APRIL, 2023.**



**ATTEST:**

X <i>Shaquita Edwards</i>
CITY CLERK Signed by: Shaquita Lasheae Edwards

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

X <i>Shalonda Warren</i>
PRESIDING OFFICER Signed by: Shalonda Latrise Warren

**APPROVED AS TO FORM AND  
LEGALITY:**

X <i>Kimberly L. Rothenburg</i>
CITY ATTORNEY Signed by: Kimberly L Rothenburg