

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 VII – SPECIAL DISTRICTS, SECTION 94-209 – MIXED-USE DISTRICT, TO INCREASE THE MAXIMUM ALLOWABLE HEIGHT ENCROACHMENT FOR MECHANICAL ROOMS & EQUIPMENT IN THE CURRIE MIXED-USE DISTRICT; 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, Section 94-209 of the City of West Palm Beach (the “City”) Code of Ordinances provides the general provision and requirements for all mixed-use districts, including the regulations for projections and encroachment of structures within a development; and

WHEREAS, in 2021, the City amended the Currie Mixed-use District (CMUD) regulations to increase the incentive building height to a maximum height of 350 feet within the district to stimulate growth and redevelopment activity (Reference: Ordinance No. 4963-21); and

WHEREAS, it’s also logical for the mechanical systems of a building to increase in size as the building gets larger/taller; and

WHEREAS, the increase in incentive building height within CMUD has created significant challenges to accommodating the appropriate size cooling towers, elevator overrides and other similar structures for the height/size of buildings permitted within the CMUD and within the limitations for structural encroachments as provided in Section 94-209 of the Code of Ordinances; and

WHEREAS, an application for a text amendment to Section 94-209 of the Code of Ordinances has been submitted by Brian M. Seymour, Esq. and John P. Roach, AICP of Gunster, on behalf of N Flagler Drive Developer LLC (the “Applicant”) to allow for an increase in the maximum height encroachment for Mechanical Rooms & Equipment in the CMUD from 15 feet to 20 feet; and

WHEREAS, the text amendment would allow new development projects within the CMUD to accommodate the appropriate-size rooftop mechanical rooms and equipment for the height/size of redevelopment projects permitted within CMUD; and

WHEREAS, the Planning Division has determined that the text amendment is consistent with the City’s Comprehensive Plan and meets all eight Amendment Standards found in Section 94-32 of the City’s ZLDRs; and

Language underlined added, and language stricken deleted.

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

ORDINANCE NO. 5110-24

WHEREAS, the Planning Board recommended approval (7-0) of this text amendment to the City Commission after a Public Hearing on August 20, 2024, and

WHEREAS, the Public Hearing was advertised in the Palm Beach Post, with proof of publication housed in the Development Services Department – Planning Division.

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 (ZLDRs), as follows:

- A. *Comprehensive Plan Consistency.* The amendment is limited to the height encroachment of mechanical rooms and equipment and does not impact the land use, density/intensity, or type of development pattern within the Currie Mixed-use District (CMUD).
- B. *Changed Conditions.* In 2021, the CMUD regulations were amended to increase the maximum building height within the district to 350 feet. Logically, as a building gets larger/taller, the height and size of supporting mechanical equipment to service the building also gets larger/taller. At the time the 2021 CMUD regulations were drafted, no consideration was made to amending the permitted height encroachment for Mechanical Rooms & Equipment to coincide with the building height increases in the CMUD. This oversight has created design challenges with new redevelopment projects being able to provide adequate mechanical rooms/equipment within their building height and mechanical rooms/equipment height encroachment limitations. The text amendment would resolve the oversight, and it would also be consistent with the height encroachment standards for Mechanical Rooms & Equipment in the Downtown Master Plan (DMP) area, which has similar building height characteristics and development pattern as the CMUD.
- C. *Code Compliance.* The amendment does not impact any other provisions of the Zoning and Land Development Regulations (ZLDRs) and is in conformance with the City's Development Code, particularly the intent of the new CMUD regulations.

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- D. *Compatibility*. The amendment does change the type of development permitted within the CMUD. Therefore, the amendment does not impact the consistency of land use.
- E. *Public Services and Facilities*. The amendment will have no impact on the capacity of public facilities.
- F. *Natural Environment*. The amendment will have no impact on the location, type, or intensity of development allowed; and therefore, will have no impact on the natural environment.
- G. *Property Values*. The amendment will not adversely affect property values in the area.
- H. *Orderly and Logical Development*. The amendment will not negatively affect the orderly and logical development pattern within the CMUD. The amendment is limited to the height encroachment for mechanical rooms/equipment. It does not alter the existing or future development pattern envisioned in the CMUD.

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 VII (Special Districts), Section 94-209 (Mixed-use District) to increase the maximum allowable height encroachment for Mechanical Rooms & Equipment within the Currie Mixed Use District (CMUD), and shall read as follows:

[This space is left intentionally blank.]

Language underlined added, and language stricken deleted.

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Sec. 94-209. – Mixed-use (MU) district.

2. Currie mixed-use district (CMUD) and Northwood mixed-use district (NMUD). The following provisions apply to the Currie mixed-use district and the Northwood mixed-use district:

1. Projections and encroachments. Projections and encroachments including, but not limited to, architectural features; awnings; balconies; canopies; colonnades; porches; decorative roofs; covered structures; parapets; mechanical rooms and swimming pools shall comply with Table VII-1.

TABLE VII-1: PROJECTIONS AND ENCROACHMENTS				
BUILDING ELEMENT	MINIMUM VERTICAL CLEARANCE FROM THE SIDEWALK ELEVATION	MINIMUM HORIZONTAL PROJECTION	MAXIMUM HORIZONTAL PROJECTION	MAXIMUM HORIZONTAL ENCROACHMENT
Architectural Features	-	-	-	2 feet
Awning	8 feet	3 feet	8 feet	8 feet
Balcony	-	3 feet	-	5 feet
Canopy	10 feet	8 feet	20 feet	12 feet
Colonnade	10 feet	10 feet unobstructed	20 feet	12 feet
Porch	-	8 feet	-	12 feet (1)
VERTICAL PROJECTIONS				
BUILDING ELEMENT		MAXIMUM HEIGHT ENCROACHMENT <u>(3)</u>		
		<u>NMUD (2)</u>	<u>CMUD</u>	
Architectural/Decorative Roof		15 feet	15 feet	
Architectural Features		15 feet	15 feet	
Covered Structures		12 feet	12 feet	
Parapet		5 feet	5 feet	
Mechanical Rooms and Equipment		15 feet	15 <u>20</u> feet	
Swimming Pools and Decks		8 feet	8 feet	
NOTES:				
1. Within setback only. 2. Maximum height encroachment in the NMUD edge sub-district is five (5) feet. <u>3. Maximum height encroachment shall be measured from the maximum building height allowed within the sub-district, regardless of the actual building height.</u>				

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SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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 6: Authority is hereby granted to codify the amendments set forth in this Ordinance.

SECTION 7: This Ordinance shall become effective in accordance with law.

[SIGNATURES ON FOLLOWING PAGE]

Language underlined added, and language stricken deleted.

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FIRST READING THIS 30TH DAY OF SEPTEMBER, 2024.

SECOND READING AND PASSAGE THIS 15TH DAY OF OCTOBER, 2024.



ATTEST:

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

X <i>Shaquita Edwards</i>	X <i>CW Ward</i>
CITY CLERK Signed by: Shaquita Lashae Edwards	PRESIDING OFFICER Signed by: Cathleen Denise Ward

**APPROVED AS TO FORM AND
LEGALITY:**

10/11/2024
X <i>Kimberly L. Rothenburg</i>
CITY ATTORNEY Signed by: Kimberly L Rothenburg

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