

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 IX, PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS, AND SPECIAL USES, SECTION 94-272, PERMITTED USE TABLE, TABLE IX-1, TO ALLOW EXERCISE STUDIOS AND HEALTH CLUBS AS A USE PERMITTED BY RIGHT WITHIN THE OFFICE COMMERCIAL (OC) ZONING DISTRICT; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, an application was submitted by Michael J. Sanchez of Johnson Group Land Development Consultants, Inc., on behalf of Joshua Johnson of 180 Fitness, Inc., for a text amendment to the City’s Zoning and Land Development Regulations, Article IX, Section 94-272 Permitted Use Table, Table IX-1 to allow for Exercise Studios and Health Clubs as a use permitted by right in the Office Commercial (OC) zoning district; and

WHEREAS, Exercise Studios and Health Clubs are currently prohibited within the OC zoning district and the applicant is seeking to open a boutique fitness studio in the OC zoning district; and

WHEREAS, Exercise Studios and Health Clubs are currently only permitted by right in the Airport Commercial (AC), Neighborhood Commercial (NC), General Commercial (GC), City Center Lake Front (CC2), Industrial (I), Northwood Mixed-use District (NMUD), and several zoning districts within the downtown; and

WHEREAS, the OC zoning district allows primarily for office and commercial uses with some residential uses located east of I-95; and

WHEREAS, Exercise Studios and Health Clubs are compatible with the uses currently permitted in the OC zoning district and the general areas in which the OC zoning district is currently located; and

WHEREAS, pursuant to the Standard Industrial Classification Manual, Exercise Studios and Health Clubs are defined as “Establishments primarily engaged in operating reducing and other health clubs, spas, and similar facilities featuring exercise and other active physical fitness conditioning, whether or not on a membership basis. Also included in this industry are establishments providing aerobic dance and exercise classes.”; and

WHEREAS, it has become increasingly common for office buildings to incorporate multiple uses, such Exercise Studios and Health Clubs, for their tenants; and

Language underlined added, and language stricken deleted.
Asterisks **** indicate language not amended which has been omitted to save space.

ORDINANCE NO. 4512-14

WHEREAS, the Planning Division has determined the request 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 (6-0) of this request to the City Commission after a Public Hearing on March 18, 2014.

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

SECTION 1: The Code of Ordinances of the City of West Palm Beach at Chapter 94, Zoning and Land Development Regulations, Article IX, Permitted Uses, Uses Permitted with Extra Requirements, and Special Uses, Section 94-272, Permitted Use Table, Table IX-1, is hereby amended at Line 37 to read as follows, and all other portions of Table IX-1 shall remain unchanged:

Article IX. PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS, AND SPECIAL USES

Sec. 94-272. Permitted Use Table

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TABLE IX-1
PERMITTED USE TABLE

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USES		SF3 – SF11	SF14	MF14	MF20	MF32	OC	POR	AC	NC	GC	CM	CC2	IND	ROS	CS	UT	W	NMUD	
37.	EXERCISE STUDIOS AND HEALTH CLUBS						<u>P</u>		P	P	P		P	P						P

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SECTION 2: The City Commission hereby finds and determines that the amendments to the Zoning and Land Development Regulations set forth in this Ordinance are consistent with the Comprehensive Plan of the City adopted pursuant to Chapter 163, Part II, Florida Statutes and the amendment standards of Section 94-32 of the Zoning and Land Development Regulations.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Language underlined added, and language stricken deleted.
Asterisks **** indicate language not amended which has been omitted to save space.

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SECTION 4: 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 5: Authority is hereby granted to codify the text amendments set forth in this Ordinance.

SECTION 6: This Ordinance shall take effect in accordance with law.

FIRST READING THIS 15th DAY OF APRIL, 2014.

SECOND READING AND PASSAGE THIS 28th DAY OF APRIL, 2014.