

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, CREATING THE INDUSTRIAL LIGHT DISTRICT (IL) IN SECTION 94-4 (ZONING DISTRICTS ESTABLISHED), ESTABLISHING SECTION 94-173 (INDUSTRIAL LIGHT DISTRICT) AND SECTION 94-175 (NEIGHBORHOOD COMPATIBILITY REQUIREMENTS) AMENDING SECTION 94-207 (PLANNED DEVELOPMENT DISTRICT) SECTION 94-244 (INDUSTRIAL DISTRICT SCHEDULE OF DISTRICT REGULATIONS), SECTION 94-272 (PERMITTED USES TABLE), SECTION 94-273 (EXTRA REQUIREMENTS FOR SPECIAL USES OR PERMITTED USES), SECTION 94-305 (SETBACKS), SECTION 94-310 (PERFORMANCE STANDARDS), SECTION 94-311 (DEDICATION OF REQUIRED RIGHTS-OF-WAY), SECTION 94-312 (TRAFFIC PERFORMANCE STANDARDS), SECTION 94-313 (ACCESS TO STREETS), SECTION 94-314 (DOCKS), SECTION 94-315-94-319 (RESERVED), SECTION 94-323 (PERMITS) AND SECTION 94-482 (PARKING REQUIREMENTS FOR LESS THAN THREE RESIDENTIAL DWELLING UNITS); 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.

* * * * *

WHEREAS, the City has identified industrial zoned properties located adjacent to single family neighborhoods; and

WHEREAS, the City desires to amend Chapter 94 (Zoning and Land Development Regulations) of the City's Code of Ordinances to establish an Industrial Light District zoning category and its associated development regulations to provide a zoning district that would be conducive to these properties; and

WHEREAS, the Planning Board recommended approval (6-0) of this request to the City Commission after a Public Hearing on August 16, 2016.

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 proposed by this Ordinance is consistent with the Comprehensive Plan of the City adopted pursuant to Sections 163.3161 *et. seq.*, Florida Statutes.

SECTION 2: The City Commission hereby finds and determines that the amendment to the City's Zoning and Land Development Regulations described herein is

ORDINANCE NO. 4660-16

consistent with the standards established in Section 94-32 of the Zoning and Land Development Regulations as follows:

- A. The proposed amendment is consistent with all elements of the City's Comprehensive Plan.
- B. Approximately five (5) years ago the City Commission directed staff to review the I District zoning regulations to determine the impacts industrial uses may have on surrounding residential neighborhoods. After several inquiries from the public and due to the fact that several high intense industrial uses opened business in close proximity to residential uses, the issues were made a priority for the Planning and Zoning Division. Through the numerous public and Planning Board workshops, it was determined that it was necessary to create a new IL zoning district and change the zoning designation of certain Industrial areas to be more conducive to residential districts and its current location.
- C. No development is proposed at this time; any future development will be reviewed in accordance with the City's ZLDRs and reviewed for compliance with the City Development Code.
- D. The proposed zoning designation will provide for development that is compatible with the surrounding residential neighborhoods.
- E. Future development on the subject properties is not expected to exceed the capacity of the various public facilities; and developers will be required to make any upgrades necessary in order to accommodate development of their site.
- F. The proposed amendments will not result in an impact on the natural environment. The subject properties are either vacant land that was previously developed or has non-residential development currently on the property.
- G. The proposed amendment will provide for new development that is more compatible to the adjacent residential zoning districts.
- H. Changing the zoning designation of two (2) of the five (5) industrial areas will provide more protection for the adjacent residential zoning districts. With the proposed development regulations, it can be assured that the development will be more compatible with nearby residences.

SECTION 3: The Code of Ordinances of the City of West Palm Beach at Chapter 94 (Zoning and Land Development Regulations); Article I (In General), Section 94-4

ORDINANCE NO. 4660-16

(Zoning Districts Established; Relationship to Land Use Categories in Comprehensive Plan) is hereby amended to add the Industrial Light District and shall read as follows:

Sec. 94-4. - Zoning districts established; relationship to land use categories in comprehensive plan.

- (a) Zoning districts established. The city is hereby divided into various residential, commercial, industrial, and special zoning districts that are shown on the Zoning Atlas for West Palm Beach. These zoning districts shall be applied to real property within the city by ordinance of the city commission. The zoning districts shall be as follows:

SF3	Single-Family Low Density-3 Residential
SF5	Single-Family Medium Density-5 Residential
SF7	Single-Family Low Density Residential
SF11	Single-Family/Small Lot High Density Residential
SF14	Single-Family High Density Residential
SF7-C4	Historic Single-Family Low Density Residential, Context 4
SF14-C2	Historic Single-Family High Density Residential, Context 2
SF14-C3	Historic Single-Family High Density Residential, Context 3
SF14-C5	Historic Single-Family High Density Residential, Context 5
MF14	Multifamily Low Density Residential
MF20	Multifamily Medium Density Residential
MF32	Multifamily High Density Residential
MF14-C1	Historic Multifamily Low Density Residential, Context 1
MF14-C2	Historic Multifamily Low Density Residential, Context 2
MF20-C1	Historic Multifamily Medium Density Residential, Context 1
MF32-C1	Historic Multifamily High Density Residential, Context 1
CC2	City Center Lake Front
CM	Commercial Marine
OC	Office Commercial
NC	Neighborhood Commercial
GC	General Commercial
AC	Airport Commercial
POR	Professional Office Residential
<u>IL</u>	<u>Industrial Light</u>
I	Industrial
ROS	Recreation and Open Space
CS	Community Service
UT	Utility
PC	Planned Community
PD	Planned Development
(CON)	Conservation
NMUD-I	Northwood Mixed-Use District - Building Type I
NUMD-II	Northwood Mixed-Use District - Building Type II

ORDINANCE NO. 4660-16

NMUD - III	Northwood Mixed-Use District - Building Type III
CMUD - I	Currie Mixed-Use District
BMUD - I	Broadway Mixed-Use District - Building Type I
BMUD - II	Broadway Mixed-Use District - Building Type II
CAD-5	Cultural Arts District - 5
CLD-25	Clearlake District - 25
FWD-5	Flagler-Waterfront District - 5
ICD-2	Industrial Chic District - 2
ICD-5	Industrial Chic District - 5
LD-R	Loftin District - Residential
LD-4	Loftin District - 4
LD-5	Loftin District - 5
LD-10	Loftin District - 10
BPD-R	Brelsford Park District - Residential
BPD-5	Brelsford Park District - 5
CWD-CD	Clematis-Waterfront District - Conservation District
CWD-5	Clematis-Waterfront District - 5
CWD-10	Clematis-Waterfront District - 10
QGD-5	Quadrille Garden District - 5
QGD-10	Quadrille Garden District - 10
QGD-25	Quadrille Garden District - 25
TOD-8	Transit-Oriented District - 8
TOD-10	Transit-Oriented District - 10
TOD-25	Transit-Oriented District - 25
QBD-3	Quadrille Business District - 3
QBD-5	Quadrille Business District - 5
QBD-8	Quadrille Business District - 8
QBD-10	Quadrille Business District - 10
NWD-R	Northwest District - Residential
NWD-2	Northwest District - 2
NWD-4	Northwest District - 4
NWD-5	Northwest District - 5
PPD-R	Providencia Park District - Residential
PPD-PO	Providencia Park District - Professional Office Overlay
UOS	Urban Open Space
RTD	Railroad Transition District

- (b) Boundaries. The boundaries of each district are designed and established as shown on the Zoning Atlas of the City of West Palm Beach, Florida.
- (c) Relationship to land use categories in comprehensive plan. Table I-1 shows which zoning districts are consistent with and implement the land use categories in the city comprehensive plan, future land use element.
- (d) Relationship to the future land use map. Special impact zone (SIZ) notation on the future land use map does not reflect or change densities or

ORDINANCE NO. 4660-16

intensities but is to ensure heightened site plan review and could be subject to more restrictive site plan requirements. (see future land use element policies 1.7.4 and 1.7.5)

* * * * *

This space intentionally left blank. Table I-1 on following page.

TABLE I-1
FUTURE LAND USE DESIGNATION AND ZONING DISTRICT CORRESPONDENCE

Future Land Use Designation	SF3 thru SF14	Zoning Districts																					
		Historic Single-family Residential Districts (SF7-C4 thru SF14-C5)	MF14 thru MF32	Historic Multifamily Residential Districts (MF14-C1 thru MF32-C1)	DMP Sub-districts	CC2 CC2/PD	CM	OC	NC	GC	AC	POR	RTD	<u>IL</u>	I	ROS	CS	UT	PC	PD ⁹	CON	MUD	
Single-Family Low Density (SFLD)	SF3																				X		
Single-Family Medium Density (SFMD)	SF5																				X		
Single-Family (SF)	SF7 SF11 SF14	X																			X		
Multifamily Medium Density (MFMD)			X	X																	X		
Multifamily (MF)			X	X								X ¹									X ²		
Commercial East (CE) ³							X	X ⁴	X	X		X									X		
Commercial DRI																					X		
Commercial (C)								X ⁴	X	X	X										X		
UCBD/ Downtown					X	X															X ⁵		

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

ORDINANCE NO. 4660-16

Future Land Use Designation	SF3 thru SF14	Zoning Districts																					
		Historic Single-family Residential Districts (SF7-C4 thru SF14-C5)	MF14 thru MF32	Historic Multifamily Residential Districts (MF14-C1 thru MF32-C1)	DMP Sub-districts	CC2 CC2/PD	CM	OC	NC	GC	AC	POR	RTD	<u>IL</u>	I	ROS	CS	UT	PC	PD ⁹	CON	MUD	
Office/Residential (OR)								X															
Industrial (I)													X	X							X		
Conservation (CON)																						X	
Planned Community (PC)																			X	X			
Community Service (CS)															X	X				X			
Utility (UT)																	X						
Mixed-Use (MU)																					X ⁷		X ⁸

Notes:

- Professional offices shall only be located within an existing professional office building that was legally established on or before January 10, 2010.
- Limited commercial uses that do not occupy more than five percent of the total project square footage may be permitted if they: a) are located within a planned development district; b) are designed for the convenience of the residents and are neighborhood serving commercial uses; and c) are vertically integrated with the residential uses. (see Future Land Use Policy 1.1.3)
- The commercial east (CE) land use designation is only applicable east of I-95.
- Residential uses are not permitted in a commercial future land use designation and are only permitted in OC if east of I-95 in a corresponding commercial east (CE) future land use designation.
- Planned developments (PDs) shall be prohibited unless legally established on or before December 4, 1995 per Ord. No. 2759-94. Existing PDs are regulated by section 94-104(e).

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

ORDINANCE NO. 4660-16

6. The professional office residential (POR) zoning district within the Currie mixed-use district is only applicable to planned developments legally established on or before July 19, 2004.
7. New planned developments (PDs) are not permitted within a mixed-use zoning district.
8. The "MU" zoning district is applicable to the Currie Corridor mixed-use district (CMUD), the Broadway mixed-use district (BMUD), and the Northwood mixed-use district (NMUD).
9. Planned development densities (dwelling units per acre) and intensities (FAR) shall not exceed the allowable maximum densities and intensities provided for in the Comprehensive Plan Future Land Use Element Policy 1.1.3 Future Land Use Designation Densities and Intensities.

This space intentionally left blank.

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 VI (Industrial Districts), to add Section 94-173 (Industrial Light) and Section 94-175 (Neighborhood Compatibility Requirements) to read as follows:

Sec. 94-171. - Intent.

Sec. 94-172. - General development standards.

Sec. 94-173. - Industrial Light (IL) district.

Sec. 94-173~~4~~. – Industrial (I) district

Sec. 94-175. – Neighborhood compatibility requirements

Secs. 94-174~~6~~—94-200. - Reserved.

Sec. 94-171. Intent.

The intent of the industrial districts is to allow a variety of industrial and industrial-related activities and uses at specific locations within the city. Light Industrial districts are ~~to be~~ located to minimize the effects of their activities on adjacent nonindustrial uses.

Sec. 94-172. General development standards.

- (a) *Use restrictions.* Use restrictions in the industrial districts are established in article IX of this chapter
- (b) *Height, bulk, mass, and placement of structures.* Regulations governing the height, bulk, mass, and placement of structures in all industrial districts are provided in this section and Table VIII-4.
- (c) *Parking and loading.* Parking and loading facilities in all industrial districts shall be provided pursuant to article XV of this chapter.
- (d) *Landscaping.* Landscaping in all industrial districts shall be provided pursuant to article XIV and under Sec. 94-176 of this chapter. When in conflict this article shall prevail.
- (e) *Signs.* Signs in all industrial districts shall be regulated pursuant to article XIII of this chapter.
- (f) *Fences and walls.* Fences and walls in all industrial districts shall be constructed pursuant to Sec. 94-302. When in conflict this article shall prevail.
- (g) *Installation of public utilities.* All public utilities service connections, including telephone, cable and electric distribution service, shall be installed underground on all sites of 30,000 or more square feet. Also, ~~commercial~~ nonresidential uses

ORDINANCE NO. 4660-16

subject to the site design standards of Sec. 94-35 shall install all utilities service connections underground.

- (h) *Sidewalks.* Sidewalks in all industrial districts shall be constructed as follows:
 - (1) Minimum sidewalk width: Five feet.
 - (2) Sidewalk paving requirements: All sidewalks shall be paved with concrete or other equally durable impervious surface as approved by the city engineer.
- (i) *Visibility at intersections.* Visibility at all intersections of public rights-of-way shall be provided pursuant to subsection 94-305(e).

Sec. 94-173. Industrial Light (IL) district.

The industrial light district is designated primarily for areas of light manufacturing, wholesaling, warehousing, assembly or product processing, and other light industrial uses. The industrial light district is established to provide areas for industry in locations that are not feasible or highly desirable for heavier industrial development because of proximity to residential, recreational and other uses that have the potential to be incompatible. This district permits uses that are compatible with uses of residential property adjoining or surrounding the district, with suitable open spaces, landscaping and parking area, which emits limited noise, odors, or light which can be detected on surrounding land. The following areas are zoned industrial light:

Northwood Area –There are two separate industrial light districts located in this area. The first is located south of 27th Street and north of Service Street between Windsor Avenue and the FEC railroad tracks and is occupied by motor vehicle repair uses, tile and marble uses. The second district is located south of 25th Street and north of 23rd Street between 25th Court and the FEC Railroad tracks and is occupied by a salvage yard, church, automotive repair business, warehouses and vacant land.

45th and I-95- This industrial light district is located on the northwest corner of I-95 and 45th Street. This district is comprised of three parcels that are occupied within automotive and entertainment uses.

Corporate Way- This light industrial district is located on Corporate Way, north of 45th Street east of I-95. This area is comprised of office buildings/flex spaces that are occupied with office and retail related uses. This area permits office uses.

Old Okeechobee Road/Florida Mango Area- This district is located south of Okeechobee Boulevard, west of Australian Avenue and north Belvedere Road and is primarily comprised of office/flex space buildings, warehouses, small wholesaler business, schools and office buildings.

Georgia Avenue-This district is located between Southern Boulevard and Hunter Street on the west side of Georgia Avenue. This area is comprised of automotive repair business, outside storage business, wholesale businesses, warehouses and some retail uses.

Development standards in the industrial light district shall be as follows:

(1) Minimum lot dimensions:

- a. Lot area: 5,000 square feet.
- b. Lot width: 50 feet.

(2) Minimum setbacks:

- a. Minimum setback from property line adjoining public right-of-way: zero feet.
- b. Minimum setback from property line not adjoining public right-of-way: a minimum setback of at least 15 feet (buffer) will be provided when abutting residential districts; in all other areas: zero feet.

(3) Maximum lot coverage by building: 60 percent.

(4) Maximum lot coverage by impervious surface: 85 percent.

(5) Maximum building height: 50 feet.

(6) Minimum required open space and landscape areas:

- a. Minimum required open space area: 40 percent.
- b. Minimum required landscape area: 15 percent.

(7) Maximum floor area ratio:

- a. 0.75
- b. Planned development: 0.75

Sec. 94-1734. Industrial (I) district.

- (a) The industrial district is designated primarily for areas of intensive manufacturing and industrial areas where related uses are clustered around each other or other areas capable of supporting such uses. The industrial district is established to provide areas for uses that are not compatible with primary commercial, institutional, and residential uses. Industrial uses are uses that may be offensive by reason of size, odor, fumes, noise, cinders, vibrations, heat, glare or electrical interference. Industrial uses may include brewery and distilleries, fuel storage and distribution, lumber related activities, auto dismantling or recycling yard and waste transfer facility. The following areas are zoned industrial:

ORDINANCE NO. 4660-16

Northwood Area – This district is located south of 27th Street and north of 25th Street between Windsor Avenue and the FEC railroad tracks within the Northwood/Pleasant City Community Redevelopment Agency boundaries. This area is comprised of historic Quonset Huts, scrap metal yards, contractor offices, lumber yard, tile business and various repair businesses.

Electronics Way- This district is located on Electronic Way, between 36th Street and 25th Street within the Northwood/Pleasant City Community Redevelopment Agency boundaries. This area is comprised of large warehouses that are mainly occupied by records storage and transportation related business.

Military Trail and 45th Street Areas- This district is mainly located on the south side of 45th Street, between Military Trail and Village Boulevard. There are some areas located north of 45th Street on the east and west side of Military Trail. This area is comprised of small flex warehouse/retail buildings that are mainly occupied by tile and equipment rental businesses.

Okeechobee Road- This district is located west of Parker Avenue, just south of Okeechobee Boulevard. This area is mostly comprised of small warehouse buildings, complexes for the City of WPB and the Town of Palm Beach, storage business, automotive repair businesses and retail uses.

Belvedere Road- This district is located just south of Belvedere Road between I-95 and Australian Avenue. This area is comprised of large warehouse buildings with outdoor storage that are mainly occupied by repair businesses, distributors, contractor offices, storage yards, government facilities and a small amount of retail.

Georgia Avenue-This district is primarily located between Monroe Road to the Southern City limits on the east side of Georgia Avenue. This area is comprised of warehouse buildings, outdoor storage, contractor offices, repair businesses, wholesale businesses, automobile sales and repair business and other industrial uses.

Indian Road- This district is located north of Okeechobee Boulevard, between Military Trail and Palm Beach Lakes Boulevard. This area is comprised of warehouse buildings, roofing contractors, automobile repair business and other industrial uses.

Up the Grove Lane- This district is located on the east side of Military Trail, north of 45th Street. This area is comprised of Florida Power and Light facilities.

(b) Development standards in the industrial (I) district shall be as follows:

(1) *Minimum lot dimensions:*

- a. Lot area: 5,000 square feet.
- b. Lot width: 50 feet.
- (2) *Minimum setbacks:*
 - a. Minimum setback from property line adjoining public right-of-way: zero feet.
 - b. Minimum setback from property line not adjoining public right-of-way: zero feet; however, a minimum setback of at least 15 feet (buffer) will
- (3) *Maximum lot coverage by building:* 60 percent.
- (4) *Maximum lot coverage by impervious surface:* 85 percent.
- (5) *Maximum building height:* 50 feet.
- (6) *Minimum required open space and landscape areas:*
 - a. Minimum required open space area: 40 percent.
 - b.
- (7) *Maximum floor area ratio:*
 - a. 0.75
 - b. Planned development: 0.75
- ~~(8) *Performance standards.* All uses in the industrial district shall conform to the performance standards as provided in article X of this chapter.~~
- ~~(9) *Corporate Way overlay district (CWOD).* For the purposes of providing additional permitted uses only, the Corporate Way overlay district (CWOD) shall include all property within the plat of the Palm Beach Business Park, generally located northeast of the intersection of Interstate 95 and 45th Street, west of the South Florida Water Management District C-17 canal. Such uses are designated within article IX, table XI-1.~~

Sec. 94-175. – Industrial districts neighborhood compatibility requirements.

(a) Intent. The intent of neighborhood compatibility standards is to provide criteria to determine the anticipated impacts of proposed industrial development on surrounding residential zoning districts.

(b) Application and enforcement.

(1) Application of standards.

- a. If an existing structure contains industrial uses within an I or IL district and is expanded, enlarged, moved, structurally altered, or reconstructed, or any existing industrial use of land is enlarged, the neighborhood standards applicable to the district shall apply to the extent such use or structure is expanded, enlarged, moved, structurally altered, or reconstructed.

(2) Analysis.

ORDINANCE NO. 4660-16

All industrial uses subject to the site plan review requirements of section 94-35 shall submit a neighborhood compatibility analysis of proposed facilities and operations. Site plan approval shall not be granted unless there is compliance with all of the following requirements:

1. The analysis is prepared by qualified professional engineers or other appropriate professionals;
 2. The analysis contains definite findings that the proposed facilities and operations will be in compliance with the impact standards of this section;
 3. The applicant submits a sworn affidavit that the operation will be conducted in accordance with recommendations contained within the analysis, if recommendations are provided.
- b. All existing uses may be subject to an investigation by the planning and zoning administrator if a possible violation of the impact standards is suspected.

(3) Impact Standards

a. Air quality standards.

1. *Smoke*. Every use shall be operated to prevent the emission of smoke as specified in F.A.C. ch. 17.2 "Rules of the Department of Environmental Regulations: Air Pollution," as revised.
 2. *Particulate matter*. Every use shall be operated to prevent the emission of dust or other solid matter as specified in F.A.C. ch. 17.2 "Rules of the Department of Environmental Regulations: Air Pollution," as revised.
 3. *Odor*. Every use shall be operated to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond property lines on which the use is located as required in F.A.C. ch. 17.2, "Rules of the Department of Environmental Regulations: Air Pollution," as revised.
- b. *Glare*. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.
- c. *Vibration*. All uses shall be operated in such fashion that ground vibration inherently and recurrently generated is not perceptible without instruments at any point on the property lines within which the use is located.
1. Vibration shall be measured at or beyond any adjacent lot line or residential district line as indicated in Table 1. Measurements shall not exceed the particle velocities designated. The instrument used for measurements shall be a three component system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

ORDINANCE NO. 4660-16

2. Vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. The following formula shall be used to compute particle velocity:

P.V. = 6.28 F × D

P.V. = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

The maximum particle velocity shall be the vector sum of the three individual components recorded. Such particle velocities shall not exceed the values given in Table X-2.

TABLE X-2

MAXIMUM GROUND TRANSMITTED VIBRATION

<u>Zoning District</u>	<u>Particle Velocity in Inches Per Second</u>	
	<u>Adjacent Lot Line</u>	<u>Residential Lot Line</u>
<u>Residential District</u>	<u>0.10</u>	<u>0.02</u>
<u>Industrial District</u>	<u>0.20</u>	<u>0.20</u>

3) Where vibration is produced as discrete impulses, and such impulses do not exceed a frequency of one second between impulses, then the applicable value in Table X-2 may be multiplied by two.

4) Vibration resulting from temporary construction activity occurring between 7:00 a.m. and 6:00 p.m. shall be exempt from the requirements of this section.

d. Fire and explosive hazards. All structures, uses, construction, manufacturing, and industrial and commercial activities within the city shall comply with the rules and regulations, as amended, adopted by the office of the state fire marshal, pursuant to F.S. ch. 633.

e. Noise. See chapter 34, article II of this code.

(c) Design and impact standards.

ORDINANCE NO. 4660-16

1. Lighting onto residential. No lighting shall be directed from an industrial or industrial light use, which is subject to the requirements of this code, in a manner which illuminates adjoining residential property and no source of incandescent or mercury vapor illumination shall be directly visible from any adjoining residential property. No neon lights inside or outside structures shall be visible from any adjoining residential property.

a. Control of effects of lights from vehicles or other sources. Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of six feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.

(d). Buffer yard requirements.

When an industrial or industrial light use is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:

1. Landscape strip requirement. A ten foot wide landscape strip shall be located along all property lines which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of section 94-443(2), landscape and tree preservation requirements. The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment.

2. Parking restrictions. No parking shall be located within ten feet of the property line, within the yard area required by the district in which the proposed nonresidential use is located, when such yard is contiguous to residential property.

3. Dumpster regulations. All solid waste refuse containers (dumpsters) shall be set back a minimum of ten (10) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the dumpster requirements provided in section 94-444(b).

4. Loading facilities. Loading and service facilities shall be screened so as not to be visible from abutting residential property.

5. Screening of rooftop mechanical equipment. All rooftop mechanical equipment and stair and elevator towers shall be designed as an integral part of the building volume and shall be required to be screened with material that matches the material used for the principal structure and shall be at least as high as six inches above the top most surface of the roof mounted structure.

6. Wall requirements. A wall shall be required on the industrial or industrial light property, a minimum of seven feet in height, constructed in accordance with section 94-443(1)(b) and subject to the following:

ORDINANCE NO. 4660-16

- a) Shall be located within and along the length of the property line which abuts the residential property.
- b) When the industrial / industrial light property is located adjacent to an alley, such wall shall be located at least five feet from the right-of-way line located closest to the nonresidential property.
- c) When a utility or other public purpose easement on the industrial / industrial light property precludes the construction of wall, then an opaque fence, constructed in accordance with the standards described in section 94-443(1)(b), may be erected in lieu of the wall required by this section. The use of an opaque fence as a physical barrier between industrial and residential property shall be reviewed and approved by the planning and zoning division.

e. Amortization application to existing uses.

On or before December 31, 2021, all nonconforming uses of land which were in existence prior to such date shall comply with the requirements of subsection (d)(6) unless compliance would cause one or more of the following to occur:

- 1) Demolition of any load-bearing portion of a building as it existed on December 31, 2016;
- 2) Reduction of required parking spaces;
- 3) Reduction in the number of parking spaces required if based on the parking requirements of section 94-486 parking and loading requirements in effect on and applicable to such use on December 31, 2016;
- 4) Relocation of an existing wall which complied with the code prior to December 31, 2016;
- 5) Would require the removal of an existing wall or comparably durable and aesthetic wood or metal, excluding metal or wood slats in chain-link fences, which complied with the code prior to December 31, 2016;
- 6) Access to the land would be substantially impaired;
- 7) Installation of the wall required by subsection (d)(6) would require a modification of the existing vehicular use area which would impair traffic circulation on the site and a minimum five foot high hedge, fence or other physical barrier is in place along the length of the industrial property line which abuts the residential property;

In such cases, the use shall otherwise comply with the requirements of this section to the maximum extent possible; however, the requirement of subsections (d)(1) to install a landscape strip shall be met if an abutting residential property owner agrees in writing that the landscape strip may be placed on his or her property. An agreement in a form provided by the city must be executed by the applicant and the abutting property owner. If the abutting property owner removes the landscape strip after it has been installed, there shall be no further requirement to install another landscape strip on the abutting property in connection with the commercial use which existed at the time of the initial installation.

* * * * *

SECTION 5: 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 94-207 (Planned Development Districts) to add the ILPD District, and shall read as follows. The remainder of Article VII shall remain unchanged:

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

(a) Intent and districts established.

- (1) Intent. The intent of this section is to encourage through incentives, the use of innovative land planning and development techniques to create more desirable and attractive development in the city. Incentives include, but are not limited to:
 - a. Relaxing or waiving of height, setback, lot dimensions and lot area requirements;
 - b. Allowing an increase in density and/or floor area ratio as long as the limits do not exceed those allowed in the Comprehensive Plan, Future Land Use Element Policy 1.1.3; and
 - c. Permitting uses or a mixture of uses not normally permitted in the underlying zoning district.
- (2) Planned development districts established. Planned development districts can occur in ~~all residential, commercial, community service~~ and industrial districts. Planned developments are not permitted in historic districts.

* * * * *

(d) Commercial and industrial planned development (CPD, ILPD and IPD) districts.

- (1) Location. Commercial planned developments may be located in any commercial or industrial district. Industrial planned developments may be located in the industrial districts.
- (2) Minimum area required. The minimum area required for a commercial or industrial planned development district shall be five acres; however, an area of lesser size may be approved for commercial planned development zoning upon findings by the planning board and the city commission of the following:
 - a. Particular circumstances justify such reduction.
 - b. Requirements for planned development district zoning and the benefits to be derived from planned development district zoning can be derived in such lesser area.

ORDINANCE NO. 4660-16

SECTION 6: The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 94 (Zoning and Land Development Regulations); Article VIII (Schedule of District Regulations), Section 94-244 – Table VIII-4 (Industrial District Schedule of District Regulations) to add the IL District, and shall read as follows. The remainder of Article VIII shall remain unchanged:

Remainder of page intentionally left blank Table VIII-4 on following page

Sec. 94-244. - Table VIII-4: Industrial district schedule of district regulations.

TABLE VIII-4

INDUSTRIAL DISTRICT SCHEDULE OF DISTRICT REGULATIONS

Zoning District	Minimum Lot Size (1)		Required Setbacks (1)				Maximum Height (Feet) (1)	Maximum Lot Coverage (1)	Maximum Impermeable Surface (1)	Minimum Landscaping	Minimum Open Space	Minimum Building Ratio	Floor Area Ratio
	Area (Square Feet)	Width (Feet)	Front (Feet)	Corner (Feet)	Side (Feet)	Rear (Feet)							
IL	<u>5,000</u>	<u>50</u>	<u>0</u>	<u>0/15</u> <u>(2)</u>	<u>0/15</u> <u>(2)</u>	<u>0/15</u> <u>(2)</u>	<u>50</u>	<u>60%</u>	<u>85%</u>	<u>15%</u>	<u>40%</u>	<u>0'</u>	<u>0.75</u>
I Lot	5,000	50	0	0/15 (2)	0/15 (2)	0/15 (2)	50	60%	85%	15%	40%	0'	0.75
PDD	1 acre	100	25/100 (3)	25/100 (3)	25/100 (3)	25/100 (3)	75	50%	85%	20%	40%	0'	0.75

- (1) May be waived by city commission for all industrial planned development districts.
- (2) Fifteen feet when ~~abutting~~ adjoining residential districts.
- (3) One hundred feet when abutting public right-of-way.

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

ORDINANCE NO. 4660-16

SECTION 7: The Code of Ordinances of the City of West Palm Beach is hereby amended 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 (Permitted Use Table) to add permitted uses under the IL district and shall read as follows. The remainder of Section 94-272 shall remain unchanged:

Remainder of page intentionally left blank Table IX-1 on following page.

Sec. 94-272. - Permitted use table.

* * * * *

TABLE IX-1
PERMITTED USE TABLE

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
1.	ADULT ENTERTAINMENT													<u>PXR</u>	PXR					
2.	AIRPORTS, LANDING FIELDS, HELIPADS AND HELISTOPS; PRIVATE OR PUBLIC																Sb			
3.	APPAREL & ACCESSORY RETAIL SALES RENTAL STORES						P		P	P	P		P	<u>P</u>	P					P
4.	ART MERCHANDISING STUDIOS						P		P	P	P		P	<u>P</u>	P					P
5.	ART & DRAFTING SUPPLY STORES, INCLUDING PICTURE FRAMES ⁴						P		P	P	P		P	<u>P</u>	P					P ⁴
6.	BAIT AND TACKLE SHOPS ⁴									P	P	P		<u>P</u>	P					P ⁴
7.	BARBER & BEAUTY SHOPS ⁴						P	PXR		P	P		P	<u>P</u>	P					P ⁴
8.	BARS AND LOUNGES AND RELATED ENTERTAINMENT						Sb			Sb	P	P	P	<u>P</u>	P					Sb ⁴

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
9.	BATHROOM AND KITCHEN CONTRACTOR SHOWROOMS									P	P		P	<u>P</u>	P					
10.	BED AND BREAKFAST ESTABLISHMENTS ¹																			
10.1	BED AND BREAKFAST INNS ³						PXR			PXR	PXR									
11.	BOOK & STATIONARY STORES						P		P	P	P		P	<u>P</u>	P					P
12.	BOTANICAL GARDENS AND ACCESSORY OFFICES								P							P	P			
13.	BUSINESS AND COMMERCIAL MACHINE SALES ⁴						P			P	P		P	<u>P</u>	P					p ⁴
14.	CANDY, NUT AND CONFECTIONARY STORES						P		P	P	P		P	<u>P</u>	P					P
15.	CATERING ESTABLISHMENTS								P	P	P			<u>P</u>	P					PXR
16.	CEMETERIES, PUBLIC/PRIVATE																P			
17.	CHURCHES, SYNAGOGUES & OTHER HOUSES OF WORSHIP	Sb	Sb	Sb	Sb	Sb	Sb	Sb		P	P	P	P				P		P	p ²
18.	CLINICS-PUBLIC & PRIVATE						PXR			PXR	PXR						PXR			PXR ²
19.	CLUBS AND LODGES WITHOUT A RESTAURANT									Sb	P	P								p ²

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
20.	COIN & PHILATELIC STORES ⁴						P			P	P		P	P	P					P ⁴
21.	COLUMBARIUMS AS ACCESS, USE IN REL. INST., OTHER THAN CEMETERIES, PUBLIC OR PRIVATE	PXR	PXR	PXR	PXR	PXR	PXR			PXR	PXR		PXR				PXR			
22.	COMMERCIAL, COMPARISON SHOPPING EXCEPT AS OTHERWISE LISTED									P	P			<u>P</u>	P					P
23.	COMMERCIAL, CONVENIENCE SALES & PERSONAL SERVICES, EXCEPT AS OTHERWISE LISTED									P	P			<u>P</u>	P					P
24.	COMMERCIAL, SINGLE DESTINATION USES, EXCEPT AS OTHERWISE LISTED										P			<u>P</u>	P					
25	COMMUNITY CENTERS	Sb	Sb	Sb	Sb	Sb	P	Sb	P	P	P		P			P	P			p ²
25.1	COMMUNITY GARDENS				PXR	PXR				PXR	PXR									PXR
26.	CONVENIENCE STORES, FOOD, SPECIALTY FOOD AND BEV. SALES (INCLUDING SALE OF ALCOHOLIC BEV.)									Sb	Sb		Sb	<u>Sb</u>	Sb					Sa
27.	CONVENTS, MONASTERIES AND SEMINARIES				Sb	Sb	P			P	P	P	P							p ²
28.	CULTURAL FACILITIES, PUBLIC AND PRIVATE						P	P	P	P	P		P			Sb	P			P

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

ORDINANCE NO. 4660-16

USES		SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
29.	DAY CARE HOMES, FAMILY ACCESSORY, CHILDREN	PXR	PXR	PXR	PXR	PXR	PXR	PXR					PXR							
29.1	DAY CARE HOMES, ACCESSORY, CHILDREN	PXR	PXR	PXR	PXR	PXR	PXR	PXR					PXR							
30.	DAY CARE FACILITIES, ADULT	Sb	Sb	Sb	Sb	Sb	Sb	Sb		PXR	PXR	PXR		<u>PXR</u> ⁷	PXR ⁷		PXR			
31.	DAY CARE FACILITIES, CHILDREN AS ACCESSORY USE IN HOUSES OF WORSHIP, SCHOOLS, BOTH PUBLIC AND PRIVATE	Sb	Sb	Sb	Sb	Sb	P	P		P	P		P				P			
32.	DAY CARE FACILITIES, CHILDREN AS PRINCIPAL USE			Sb	Sb	Sb	Sb	Sb		PXR	PXR	PXR	PXR	<u>PXR</u> ⁷	PXR ⁷		PXR			
33.	DELICATESSENS						P	PXR	P	P	P	P	P	<u>P</u>	P					P
34.	DEPARTMENT STORES, MAJOR										P		P							
35.	DRIVE THRU FACILITIES, EXCEPT RESTAURANTS, AS PRINCIPAL USES						PXR			PXR	PXR			<u>P</u>	P					
36.	DRIVE THRU FACILITIES, EXCEPT RESTAURANTS, FOR USES PERMITTED AS SPECIAL USES						Sb			Sb	Sb			<u>Sb</u>	Sb					
37.	EXERCISE STUDIOS AND HEALTH CLUBS						P		P	P	P		P	<u>P</u>	P					P
38.	FACIAL AND SCALP TREATMENT SERVICES ⁴								P	P	P		P	<u>P</u>	P					P ⁴

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
39.	FINANCIAL INSTITUTIONS, BANKS, SAVINGS & LOANS & CREDIT UNIONS < 3,000 SQ. FT.						P			PXR	P		P							PXR ⁴
39.1	FINANCIAL INSTITUTIONS, BANKS, SAVINGS & LOANS & CREDIT UNIONS > 3,000 SQ. FT.						P			PXR	P		P							
40.	FLEA MARKET										Sa			<u>Sa</u>	Sa					
41.	FLOWER SHOPS AND FLORISTS						P		P	P	P		P	<u>P</u>	P					P
42.	FOOD AND BEVERAGE RELATED USES, EXCEPT AS OTHERWISE LISTED (EXCLUDING SALES OF ALCOHOLIC BEVERAGES)								P	P	P			<u>P</u>	P					
43.	FOOD STORES OR SUPERMARKET OVER 10,000 SQ. FT. ⁴									Sb	P			<u>P</u>	P					P ⁴
44.	FOOD STORES: SPECIALTY (EXCLUDING SALES OF ALCOHOLIC BEVERAGES)								P	P	P			<u>P</u>	P					P
45.	FUNERAL HOMES, MORTUARIES AND CREMATORIES									P	P			<u>P</u>	P		P			
46.	FURNITURE REFINISHING AND REPAIR								P		P			<u>PXR</u>	P					

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
47.	GAME ARCADES									Sb	P		Sb	<u>Sb</u>	Sb					
48.	GIFT, NOVELTY, SOUVENIR AND SUNDRY SHOPS ⁴						P		P	P	P		P							P ⁴
49.	GOVERNMENT FACILITIES NOT OTHERWISE LISTED																P			
49.1	GOVERNMENT OPERATED SOCIAL SERVICES FACILITIES						PXR										PXR			
50.	GREENHOUSES, COMMERCIAL RETAIL FOR THE SALES OF PLANT MATERIALS GROWN OFF THE SITE								P	P	P			<u>P</u>	P					
51.	GROUP HOMES TYPE I (6 OR FEWER PERSONS)	PXR	PXR	PXR	PXR	PXR	Sb	PXR									Sb			
51.1	GROUP HOMES TYPE II (7 TO 14 PERSONS)			PXR	PXR	PXR	Sb	PXR		Sb	Sb		Sb				Sb			
52.	GROUP HOMES TYPE III (15 OR MORE PERSONS)			Sb	Sb	Sb	Sb	Sb		Sb	Sb		Sb				Sb			
53.	GROUP HOMES TYPE V										Sb						Sb			
54.	GUN CLUBS AND SHOOTING RANGES													<u>Sa</u>	Sa					
55.	HARDWARE, PAINT, GLASS AND WALL-PAPER STORES ⁴								P	P	P	P		<u>P</u>	P					P ⁴
56.	HELIPADS, HELISTOPS, W/OUT PERMANENT MOORING AND SERVICE FACILITIES						Sb	Sb			Sb	Sb	Sb	<u>Sb</u>	Sb	Sb	Sb			

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
56.1	HOME IMPROVEMENT SHOWROOMS ⁴								P											P ⁴
57.	HOME OCCUPATIONS, ACCESSORY TO RES. USES	PXR	PXR	PXR	PXR	PXR	PXR	PXR				PXR	PXR							PXR
58.	HOSPITALS - PUBLIC & PRIVATE						Sa			Sa	Sa						P			
59.	HOTELS AND MOTELS						PXR	Sa		PXR	PXR	PXR	PXR	<u>PXR</u>						PXR ⁴
60.	HOTELS AND MOTELS, LIMITED SERVICE						PXR			PXR	PXR	PXR	PXR	<u>PXR</u>						PXR ⁴
61.	INDUSTRIAL USES HAVING MODERATE EXTERNAL IMPACTS													<u>PXR</u>	P					
62.	INDUSTRIAL USES HAVING SIGNIFICANT EXTERNAL IMPACTS													<u>PXR</u>	PXR					
63.	INDUSTRIAL USES HAVING VERY SIGNIFICANT EXTERNAL IMPACTS													<u>Sa</u>	Sa					
64.	INDUSTRIAL - TYPE USES HAVING, MODERATE EXTERNAL IMPACTS										P			<u>PXR</u>	P					
65.	INDUSTRIAL - TYPE USES HAVING SIGNIFICANT EXTERNAL IMPACTS										PXR			<u>PXR</u>	P					
66.	INDUSTRIAL - TYPE USES HAVING VERY SIGNIFICANT EXTERNAL IMPACTS													<u>Sb</u>	Sb					

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
67.	INTERIOR DECORATORS						P		P	P	P		P	<u>P</u>	P					P, P ⁶
68.	JUNK, SCRAP AND SALVAGE YARDS													<u>Sa</u>	Sa					
69.	LAKES, PONDS, MAN-MADE, ACCESSORY	PXR	PXR	PXR	PXR	PXR	PXR	PXR		PXR	PXR	PXR	PXR	<u>PXR</u>	PXR	PXR	PXR		PXR	
70.	LAUNDRY AND DRY CLEANING ESTABLISHMENTS, CLEANING ON PREMISES										PXR			<u>PXR</u>	P					
71.	LAUNDRY AND DRY CLEANING ESTABLISHMENTS, PRIMARILY SERVING THE PUBLIC, COIN OPERATED									Sb	PXR			<u>PXR</u>	PXR					Sb
72.	LAUNDRY AND DRY CLEANING ESTABLISHMENTS, SERVING PRIMARILY THE PUBLIC, NO CLEANING ON PREMISES ⁴									Sb	Sb			<u>P</u>	P					P
73.	LIQUOR & PARTY STORES									PXR	P			<u>P</u>	P					PXR
74.	LOCKSMITH AND KEY ESTABLISHMENTS ⁴									P	P			<u>P</u>	P					P ⁴
75.	MAILING SERVICES ⁴						P			P	P			<u>P</u>	P					P ⁴
75.1	MARINA, COMMERCIAL											PXR	PXR							
76.	MARINE, INDUSTRIAL ESTABLISHMENTS											P		<u>PXR</u>	P					

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
77.	MARINE, RETAIL SALES AND SERVICES									P	P	P		<u>PXR</u>	P					
78.	MARTIAL ARTS STUDIO								P		P	P		<u>P</u>	P					P
79.	MINING AND EXTRACTIVE USES													<u>Sa</u>	Sa					
80.	MOBILE HOME SALES, RENTAL & SERVICE											P		<u>PXR</u>	P					
81.	MONUMENT SALES ESTABLISHMENTS											P		<u>P</u>	P					
82.	MOTION PICTURE STUDIOS													<u>P</u>	P					
83.	MOTOR VEHICLE FUEL SALES AND SERVICE									Sb	Sb	Sb		<u>Sb</u>	Sb					
83.1	MOTOR VEHICLE FUEL SALES (NO SERVICE) AND ACCESSORY CONVENIENCE STORE									Sb	Sb	Sb		<u>Sb</u>	Sb					
84.	MOTOR VEHICLE PARTS & ACCESSORY STORES									P	P			<u>P</u>	P					
85.	MOTOR VEHICLE REPAIR, HEAVY (INCL. BODY REPAIRS AND PAINTING)										Sb			<u>PXR</u>	P					
86.	MOTOR VEHICLE REPAIR, LIGHT (EXCLUDING BODY REPAIRS & PAINTING)									PXR	PXR			<u>PXR</u>	P					
87.	MOTOR VEHICLE SALES & RENTAL (NO SERVICE)									Sb	P			<u>PXR</u>	P					

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
88.	MOTOR VEHICLE SALES AND SERVICE AGENCIES									Sb	P			<u>PXR</u>	P					
89.	MOTOR VEHICLE TITLE AND TAG SERVICE ⁴						P			P	P			<u>P</u>	P					P ⁴
90.	MOTORCYCLE SALES & SERVICE ESTABLISHMENTS										P			<u>PXR</u>	P					
91.	MUSIC AND DANCE STUDIOS								P	P	P			<u>P</u>	P					P
92.	NEWSPAPER DISTRIBUTING AGENCIES													<u>P¹¹</u>	P					
93.	NEWSPAPER & MAGAZINE SHOPS						P	PXR	P	P	P		P	<u>P</u>	P					P
94.	NONCONFORMITIES, CHANGE FROM ONE MINOR NONCONFORMING USE TO ANOTHER MINOR NONCONFORMING USE	Sb	Sb	Sb	Sb	Sb	Sb	Sb		Sb	Sb	Sb	Sb	<u>Sb</u>	Sb	Sb	Sb		Sb	Sb
95.	NONCONFORMITIES, CHANGE FROM A MAJOR NONCONFORMING USE TO A MINOR NONCONFORMING USE	Sb	Sb	Sb	Sb	Sb	Sb	Sb		Sb	Sb	Sb	Sb	<u>Sb</u>	Sb	Sb	Sb		Sb	Sb
96.	NONCONFORMITIES, ALTERATIONS THAT REDUCE THE IMPACT OF A MINOR NONCONFORMING USE	Sb	Sb	Sb	Sb	Sb	Sb	Sb		Sb	Sb	Sb	Sb	<u>Sb</u>	Sb	Sb	Sb		Sb	Sb

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

ORDINANCE NO. 4660-16

USES		SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
97.	NONCONFORMITIES, ALTERATIONS THAT REDUCE THE IMPACT OF A MAJOR NONCONFORMING USE	Sb	Sb	Sb	Sb	Sb	Sb	Sb		Sb	Sb	Sb	Sb	Sb	Sb	Sb	Sb		Sb	Sb
98.	NURSERIES, RETAIL FOR THE SALES OF PLANT MATERIALS GROWN OFF THE SITE								P	P	P		P	P	P					P
99.	OFFICE & RELATED USE, INCLUDING BUSINESS SERVICES EXCEPT AS OTHERWISE LISTED						P			P	P		P	<u>p7.11</u>	P					p2,5
100.	OFFICE SUPPORT RETAIL NOT OCCUPYING MORE THAN 20% OF THE GROSS SQUARE FEET ⁴						P	P		P	P		P							p ⁴
101.	OFFICES-GOVERNMENT ADMINISTRATIVE ⁴						P	P		P	P		P	<u>p7.11</u>	<u>p7.11</u>			P		p ⁴
102.	OFFICES, PROFESSIONAL (MEDICAL) ⁴					PXR	P	P	P	P	P		P	<u>p7.11</u>	p ²¹¹			P		p ⁴
102.1	OFFICES, PROFESSIONAL (NON-MEDICAL) ⁴					PXR	P	P	P	P	P		P	<u>p7.11</u>	p ²¹¹					p ⁴ , p ⁶
102.2.	OFFICES, REAL ESTATE						P	PXR	P	P	P		P	<u>p7.11</u>	<u>p²¹¹</u> , PXR					p ^{2, 5}
103.	OFFICES OR FACILITIES, QUASI-PUBLIC ASSOC. AND ORGANIZATIONS, NOT-FOR-PROFIT						P	P	P	P	P		P	<u>p7.11</u>	P			P		p ^{2,5,6}

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
104.	RESERVED																			
105.	OFFICES, FOR THE HIRING OF TEMPORARY NONMANUAL LABOR						P			P	P		P	<u>P</u>	P					p ^{2,5,6}
106.	OUTDOOR STORAGE FACILITIES FOR FAMILIES AND BUSINESSES													<u>PXR</u>	P					
107.	PARKING GARAGES AS PRINCIPAL USES						Sa				Sa	Sa	Sa		Sa					PXR
108.	PARKING LOTS AS PRINCIPAL, ACCESSORY OR OFF-SITE USES	Sb	Sb	Sb	Sb	Sb	Sb	Sb		Sb	Sb	Sb		<u>Sb</u>	Sb	Sb	Sb			
109.	PARKING/STORAGE OF REC. VEHICLES ACCESSORY, IN RESIDENTIAL DIST.																			
109.1	PARKS	PXR	PXR	PXR	PXR	PXR		PXR	PXR				PXR			PXR	PXR		PXR	PXR
110.	PAWN SHOPS										Sb			<u>Sb</u>	Sb					
111.	PET GROOMING ESTABLISHMENTS, BUT NOT KENNELS								P	P	P			<u>P</u>	P					P
111.1	PHARMACY & DRUG STORE									PXR	PXR			<u>PXR</u>	PXR		PXR			PXR
112.	PHOTOCOPY SERVICES ⁴						P			P	P		P	<u>P</u>	P					P ⁴
113.	PHOTOGRAPHIC STUDIOS SERVICING PRIMARILY THE PUBLIC ⁴								P	P	P		P	<u>P</u>	P					P ⁴
114.	POST OFFICES						P			P	P				P		P			P

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
115.	PRIVATE USE ON PUBLIC (CITY OWNED) LAND	Sa	Sa	Sa	Sa	Sa	Sa	Sa		Sa	Sa	Sa	Sa	<u>Sa</u>	Sa	Sa	Sa			Sa
116.	PRINTING AND TYPE SETTING SERVICES ⁴						P		P	P	P			<u>P</u>	P					P
117.	PRODUCE MARKETS								P	P	P			<u>P</u>	P					P
118.	PUBLIC SAFETY FACILITIES OPERATED BY PRIVATE AGENCIES				Sb	Sb	Sb				Sb		P	<u>P</u>	P		P			
119.	PUBLIC SAFETY FACILITIES OPERATED BY PUBLIC AGENCIES ⁴	P	P	P	P	P	P	P		P	P	P	P	<u>P</u>	P	P	P			P ⁴
120.	RADIO AND TELEVISION BROADCASTING STUDIOS AND FACILITIES						P			P	P		P	<u>P</u>	P					
121.	RAILROAD SWITCHING AND MARSHALING YARDS					Sa								<u>Sa</u>	Sa					
122.	RECREATION, INDOOR ⁴							PXR		P	P			<u>P</u>	P	P				P ⁴
123.	RECREATION, OUTDOOR, GENERAL									P	P			<u>P</u>	P	P				
124.	RECREATION, OUTDOOR, HIGH INTENSITY										Sb			<u>Sb</u>	Sb	Sb	Sb		Sb	
125.	RECREATION, OUTDOOR AMUSEMENTS, TEMP	Sb	Sb	Sb	Sb	Sb	Sb	Sb		Sb	Sb	Sb	Sb	<u>Sb</u>	Sb	Sb	Sb			
126.	RECREATION, STADIUMS/SPORTS ARENAS										Sa			<u>Sb</u>	Sb	Sb	Sb			

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
127.	REPAIR SHOPS FOR HOUSEHOLD APPLIANCES/SMALL MOTORS/MACHINES									P	P			<u>P</u>	P					
128.	RESEARCH & DEVELOPMENT FACILITIES NOT OF AN INDUSTRIAL NATURE						P				P			<u>P</u>	P		P			p ²
129.	RESEARCH & DEVELOPMENT FACILITIES OF AN INDUSTRIAL NATURE													<u>P</u>	P					
130.	RESIDENTIAL, FRATERNITIES AND SORORITIES					P														
131.	RESIDENTIAL, MULTIFAMILY			P	P	P	p ⁹	P	P	PXR	p ⁹		P							p ^{2,6}
132.	RESIDENTIAL, ROOMING & BOARDING HOUSES				Sb	Sb														
133.	RESIDENTIAL, SINGLE-FAMILY, DETACHED	P	P	P	P	P		P	P				P	<u>P¹²</u>	P					
134.	RESIDENTIAL, SINGLE-FAMILY ATTACHED AND DETACHED		P	P	P	P	p ⁹	P	P		p ⁹		P							p ^{2,6}
135.	RESIDENTIAL, TOWNHOUSES			P	P	P	p ⁹	P	P	PXR	p ⁹		P							
136.	RESTAURANTS SERVING A LIMITED CLIENTELE (PRIVATE CLUBS & LODGES) ⁴						P			PXR	PXR	P	P	<u>P</u>	P					p ⁴

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
137.	RESTAURANTS SERVING THE GENERAL PUBLIC, BUT NOT DRIVE-IN OR DRIVE THRU						P			P	P	P	P	<u>P</u>	P					P
138.	RESTAURANTS SERVING THE GENERAL PUBLIC, DRIVE-IN OR DRIVE THRU FACILITIES									PXR	PXR			<u>P</u>	P					
139.	RETAIL BAKERIES								P	P	P			<u>P</u>	P					P
140.	RETAIL BUILDING MATERIAL SALES WHICH HAVE A VERY SIGNIFICANT EXTERNAL IMPACT										P			<u>PXR</u>	P					
141.	RETAIL BUSINESSES									P	P			<u>P</u>	P					P
142.	SANDWICH SHOPS AND SNACK BARS						P	PXR		P	P	P	P	<u>P</u>	P					P
143.	SCHOOLS - PUBLIC AND PRIVATE, ELEMENTARY, INTERMEDIATE AND SECONDARY	Sb	Sb	Sb	Sb	Sb	Sb	Sb		Sb	P		P		<u>P</u>		P			
144.	SCHOOLS - PUBLIC, VOCATION AND TRADE INVOLVING INDUSTRIAL EQUIPMENT													<u>PXR</u>	PXR		PXR			
145.	SCHOOLS - PUBLIC, VOCATION AND TRADE NOT INVOLVING INDUSTRIAL EQUIPMENT						PXR			PXR	PXR			<u>PXR</u>	PXR		PXR			PXR

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
146.	SCHOOLS, COMMERCIAL, VOCATION AND TRADE INVOLVING INDUSTRIAL EQUIPMENT													<u>PXR</u>	PXR		PXR			
147.	SCHOOLS, COMMERCIAL, VOCATION AND TRADE NOT INVOLVING INDUSTRIAL EQUIPMENT						PXR	PXR			PXR			<u>PXR</u>	PXR		PXR			PXR
148.	SCHOOLS, COLLEGES AND UNIVERSITIES, PUBLIC AND PRIVATE																P			
149.	SCRAP, WASTE AND RECLAIMED MATERIALS TRADE													<u>PXR</u>	P					
150.	SHIP AND BOAT BUILDING AND REPAIR											P		<u>PXR</u>	P					
151.	SPECIAL NONCOMMERCIAL EVENTS OF PUBLIC INTEREST	PXR	PXR	PXR	PXR	PXR	PXR	PXR		PXR	PXR	PXR	PXR	<u>PXR</u>	PXR	PXR	PXR			PXR
152.	SWIMMING POOL SALES										P									
153.	TAX RETURN PREPARATION SERVICES ⁴						P	P	P	P	P		P							P ⁴ P ⁶
154.	TAXIDERMIST ⁴									P	P		P							P ⁴
155.	TEMPORARY BORROW PITS, BORROW PILES AND SIMILAR EXCAVATIONS	PXR	PXR	PXR	PXR	PXR	PXR	PXR		PXR	PXR	PXR	PXR	<u>PXR</u>	PXR	PXR	PXR			

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
156.	TEMP MODEL DWELLINGS AND SALES OFFICES	PXR	PXR	PXR	PXR	PXR	PXR	PXR		PXR	PXR	PXR	PXR							PXR
157.	TEMPORARY OFFICES AND FACILITIES FOR CONSTRUCTION, STORAGE/SECURITY	PXR	PXR	PXR	PXR	PXR	PXR	PXR		PXR	PXR	PXR	PXR	<u>PXR</u>	PXR	PXR	PXR		PXR	PXR
158.	TEMPORARY PRODUCE STANDS									Sb	Sb			<u>Sb</u>	Sb					PXR
159.	THEATERS, INDOOR, MOTION PICTURE & LIVE PERFORMANCES									P	P	P	P							P
160.	TOBACCO SHOPS ⁴						P			P	P	P	P							P ⁴
161.	TRANSIT STORAGE AND MAINT. FACILITIES FOR PASSENGER TRANSPORTATION OPERATIONS										Sb			<u>PXR</u>	P					
162.	TRANSIT, PASSENGER & FREIGHT TERMINALS										Sb			<u>PXR</u>	P					
163.	TRAVEL AGENCIES OR TRANSPORTATION TICKETS ⁴						P			P	P		P	<u>P¹¹</u>	P ¹¹					P ⁴
164.	UPHOLSTERY, CLOTH & CANVAS PRODUCTS FABRICATION, INCL. SLIPCOVERS AND AWNINGS								P	P	P	P		<u>PXR</u>	P					
164.1	URBAN MARKET GARDENS				Sb	Sb				PXR	PXR Sb			<u>PXR</u> <u>Sb</u>	PXR Sb		PXR Sb			

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
165.	UTILITY FACILITIES, HEAVY, PUBLIC AND PRIVATE													<u>Sa</u>	Sa		Sa	P ⁸ Sa		
166.	UTILITY FACILITIES, LIGHT, PUBLIC AND PRIVATE	PXR	PXR	PXR	PXR	PXR	PXR	PXR		PXR	PXR	PXR	PXR	<u>PXR</u>	PXR	PXR	PXR	P	PXR	
167.	VETERINARY CLINICS AND HOSPITALS, ANIMAL SHELTERS, ENCLOSED						PXR			PXR	PXR			<u>P</u>	P		PXR			PXR
168.	VETERINARY CLINICS AND HOSPITALS, ANIMAL SHELTERS, ENCLOSED, NOT-FOR-PROFIT						PXR			PXR	PXR			<u>P</u>	P		PXR			PXR
169.	VETERINARY CLINICS AND HOSPITALS, ANIMAL SHELTERS, UNENCLOSED										Sb			<u>P</u>	P		PXR			
170.	WAREHOUSING FACILITIES FOR FAMILIES AND SMALL BUSINESSES										P			<u>P</u>	P					p ²
171.	WAREHOUSING HAVING MODERATE EXTERNAL IMPACTS										P			<u>PXR</u>	P					
172.	WAREHOUSING HAVING SIGNIFICANT EXTERNAL IMPACTS										PXR			<u>PXR</u>	P					
173.	WAREHOUSING HAVING VERY SIGNIFICANT EXTERNAL IMPACTS													<u>PXR</u>	PXR					

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

ORDINANCE NO. 4660-16

	USES	SF3— SF11	SF14	MF14	MF20	MF32	OC	POR	RTD	NC	GC	CM	CC2	<u>INDL</u>	IND	ROS	CS	UT	CON	NMUD
174.	WATCH AND SHOE REPAIR ESTABLISHMENTS ⁴						P		P	P	P			P	P					P ⁴
175.	WHOLESALE HAVING A MODERATE EXTERNAL IMPACT										P			P	P					
176.	WHOLESALE HAVING A SIGNIFICANT EXTERNAL IMPACT										PXR			<u>PXR</u>	P					
177.	WHOLESALE HAVING A VERY SIGNIFICANT EXTERNAL IMPACT													<u>PXR</u>	PXR					
178.	YARD AND GARAGE SALES, TEMPORARY	PXR	PXR	PXR	PXR	PXR	PXR	PXR				PXR	PXR				PXR			
179.	ACCESSORY TO OTHER USES, LAND AND/OR STRUCTURES TO PRINCIPAL USES PERMITTED BY RIGHT ⁴	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P ⁴
180.	ACCESSORY TO OTHER USES, LAND AND/OR STRUCTURES TO SPECIAL USES PERMITTED BY RIGHT	S	S	S	S	S	S	S		S	S	S	S	<u>S</u>	S	S	S		S	S

NOTES: All uses in the Downtown Master Plan (DMP) area are governed by the DMP Regulating Plan.

1. Permitted with Sb only within certain Historic District and in Historic Structures outside of Historic Districts - Please see Section 94-273(d)(5), (5.1), (5.2) and (6) for details.
2. Only permitted on second floor.
3. Permitted with PXR only along Broadway and U.S.1 (South Dixie Highway)
4. Uses not permitted on the first floor within the first 50 feet for properties with frontage on Spruce Avenue or Broadway within the Northwood Mixed-use District. On corner properties, the depth shall be measured from the Spruce Avenue or Broadway frontages.

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

ORDINANCE NO. 4660-16

5. Uses may be permitted on the first floor if located on 24th or 25th Street, east of Spruce Avenue.
6. Live/work uses permitted on the third floor.
7. Permitted only ~~within the in~~ Corporate Way ~~Overlay District area~~- See section 94-173(8) for boundary information.
8. Permitted by right for facilities associated with water treatment and distribution, or wastewater treatment and disposal.
9. Residential structures are only permitted if the corresponding future land use designation is Commercial East (CE).
10. Refer to Article VI for additional requirements for Industrial Districts.
11. Shall be located within an existing professional office building legally established on or before July 10, 1989.
12. Shall be located within an existing Single-Family Detached Residence legally established on or before December 31, 2016.

Key: P = Permitted by Right; PXR = Permitted, Subject to Extra Requirements; Sa = Special Use, Class A; Sb = Special Use, Class B

* * * * *

Remainder of page intentionally left blank.

SECTION 8: The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 94 (Zoning and Land Development Regulations); Article IX (Permitted Uses, Uses Permitted with Extra Requirements, and Special Uses), Section 94-273 (Extra requirements for special uses or permitted uses) to amend additional standards and requirements and shall read as follows. The remainder of Section 94-273 shall remain unchanged:

Sec. 94-273. - Extra requirements for special uses or permitted uses.

* * * * *

(d) Use permitted subject to extra requirements and special uses.

* * * * *

(2) AIRPORTS, LANDING FIELDS, HELISTOPS AND HELIPADS: PRIVATE OR PUBLIC (Sb: See Item 2, Table IX-1).

a.

Additional application requirements.

1.

A detailed traffic impact analysis prepared pursuant to section 94-3121.

(6) BED AND BREAKFAST INNS (B and B Inns) (PXR: See Item 10.1).

a. Additional application requirements. A detailed site plan illustrating the location of all structures and improvements, parking, buffering, landscaping and the location of guest rooms and guest parking spaces.

b. Additional standards.

1. ~~Ingress and egress shall be provided only from a major or minor arterial, a collector, or a local street segment, which does not pass through a residential zoning district.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

* * * * *

(9) CLINICS, PUBLIC AND PRIVATE (PXR: See Item 18, Table IX-1).

* * * * *

3. ~~Ingress and egress. Ingress and egress shall be provided only from a major or minor arterial or a collector or local street segment which does not pass through a residential zoning district.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

* * * * *

(21) DRIVE THROUGH FACILITIES, EXCEPT RESTAURANTS, AS PRINCIPAL USES (PXR: See Item 35, Table IX-1).

* * * * *

2. ~~Ingress and egress. Ingress and egress shall be provided only from a major or minor arterial, a collector or local street segment which does not pass through a~~

ORDINANCE NO. 4660-16

~~residential zoning district.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

* * * * *

- (24) FINANCIAL INSTITUTIONS, INCLUDING BANKS SAVINGS AND LOANS AND CREDIT UNIONS OF > THAN 3,000 SQUARE FEET (PXR: See Item 39.1, Table IX-1).

* * * * *

5. ~~Ingress and egress: Ingress and egress shall be provided only from a major or minor arterial, a collector or local street segment which does not pass through a residential zoning district.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

* * * * *

- (26.1) FURNITURE REFINISHING AND REPAIR (PXR: See Item 46, Table IX-1).

a. Additional application requirements. None.

b. Additional standards.

1. All work must be done within an enclosed building.

2. Compliance with all requirements of section 94-175(b).

* * * * *

- (33) HOTELS AND MOTELS (PXR and Sb: See Item 59, Table IX-1).

* * * * *

1. ~~Ingress and egress shall be provided only from a major or minor arterial, a collector, or a local street segment which does not pass through a residential zoning district.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

* * * * *

5. The number of hotel units allowed in any zoning district shall be determined as follows:

i. NC: 28 units per acre;

ii. GC, OC, AC, IL and CM: 40 units per acre;

iii. CC-2: one hotel unit for each residential dwelling unit permitted in the underlying zoning district.

* * * * *

- (35.1) INDUSTRIAL USE, HAVING MODERATE EXTERNAL IMPACTS (PXR and Sb: See Item 61, Table IX-1).

Additional application requirements and standards. See subsection (d)(38) of this section.

* * * * *

- (36) INDUSTRIAL USES, HAVING SIGNIFICANT EXTERNAL IMPACTS (PXR: See Item 62, Table IX-1).

ORDINANCE NO. 4660-16

Additional application requirements and standards. See subsection (d)(38) of this section.

* * * * *

(37) INDUSTRIAL USES, HAVING VERY SIGNIFICANT EXTERNAL IMPACTS (Sa: See Item 63, Table IX-1).

a. Additional application requirements.

~~1. A detailed traffic impact analysis prepared pursuant to section 94-312.~~

* * * * *

(37.1) INDUSTRIAL TYPE USES, HAVING MODERATE EXTERNAL IMPACTS (PXR: See Item 64, Table IX-1).

a. Additional application requirements and standards. See subsection (d)(38) of this section.

* * * * *

(38) INDUSTRIAL-TYPE USES HAVING SIGNIFICANT EXTERNAL IMPACTS (PXR: See Item 65, Table IX-1).

* * * * *

~~Ingress and egress shall be provided only from a major or minor arterial, a collector or a local street segment which does not pass through any residential zoning district. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.~~

~~3. Establishments shall not employ more than 12 persons on the premises. Delivery vehicle drivers and others who spend fewer than ten hours per week on the premises shall not be considered to be employed on the premises.~~

* * * * *

(39) INDUSTRIAL-TYPE USES HAVING VERY SIGNIFICANT EXTERNAL IMPACTS (Sb: See Item 66, Table IX-1).

* * * * *

~~3. Ingress and egress shall be provided only from a major or minor arterial, a collector or a local street segment which does not pass through any residential zoning districts. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.~~

* * * * *

(42) LAUNDRY AND DRY CLEANING ESTABLISHMENTS, CLEANING ON PREMISES (PXR: See Item 70, Table IX-1).

* * * * *

~~2. Ingress and egress shall be provided only from a major or minor arterial, a collector or a local street segment which does not pass through any residential~~

ORDINANCE NO. 4660-16

~~zoning district.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

- ~~3. Establishments shall not employ more than 12 persons on the premises. Delivery vehicle drives and others who spend fewer than ten hours per week on the premises shall not be considered to be employed on the premises.~~
- 43. Cleaning equipment shall be completely enclosed and equipped with solvent and vapor recovery units which prevent the emission of objectionable odors and effluents.

* * * * *

(44.2) MARINA, INDUSTRIAL ESTABLISHMENTS (PXR: See Item 76, Table IX-1).
Additional application requirements and standards. See subsection (d)(39) of this section.

(44.3) MARINA, RETAIL SALES AND SERVICE (PXR: See Item 77, Table IX-1).
Additional application requirements and standards. See subsection (d)(50) of this section.

* * * * *

(45.1) MOBILE HOME SALES, RENTAL & SERVICE (PXR: See Item 80, Table IX-1).
Additional application requirements and standards. See subsection (d)(50) of this section.

* * * * *

(46) MOTOR VEHICLE FUEL SALES AND SERVICE (Sb: See Item 83, Table IX-1).

* * * * *

- 2. ~~Ingress and egress shall be provided only from a major or minor arterial, a collector or local street segment which does not pass through a residential~~ zoning district. Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

* * * * *

(46.1) MOTOR VEHICLE FUEL SALES (NO SERVICE) AND ACCESSORY CONVENIENCE STORE (Sb: See Item 83.1 Table IX-1).

* * * * *

- 2. ~~Ingress and egress shall be provided only from a major or minor arterial, a collector or local street segment which does not pass through a residential area.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

* * * * *

ORDINANCE NO. 4660-16

- (47) MOTOR VEHICLE REPAIR, HEAVY (INCLUDING BODY REPAIR AND PAINTING) (PXR and Sb: See Item 85, Table IX-1).

* * * * *

7. ~~Ingress and egress shall be provided only from a major or minor arterial, a collector, or a local street segment which does not pass through a residential zoning district.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

* * * * *

- (49) MOTOR VEHICLE SALES AND RENTAL ESTABLISHMENTS (NO SERVICE) (PXR and Sb: See Item 87, Table IX-1).

* * * * *

- (50) MOTOR VEHICLE SALES AND SERVICE AGENCIES (PXR and Sb: See Item 88, Table IX-1).

* * * * *

- (50.1) MOTORCYCLE SALES & SERVICE ESTABLISHMENTS (PXR: See Item 90, Table IX-1).

Additional application requirements and standards. See subsection (d)(50) of this section.

- (52.4) OUTDOOR STORAGE FACILITIES FOR FAMILIES AND SMALL BUSINESS (PXR in I: See Item 106, Table IX-1).

a. Additional application requirements.

1. Screening requirements shall comply with Section 94-444 (b) and (c).

b. Additional standards.

1. None.

* * * * *

- (54) PARKING LOTS AS PRINCIPAL OR OFF-SITE ACCESSORY USES (Sb: See Item 108, Table IX-1).

* * * * *

4. Entrances and curb cuts in accordance with section 94-3132(2).

- (66) RESTAURANTS SERVING THE GENERAL PUBLIC, DRIVE-IN OR DRIVE-THROUGH FACILITIES (PXR: See Item 138, Table IX-1).

* * * * *

2. ~~Ingress and egress. Ingress and egress shall be provided only from a major or minor arterial, a collector, or a local street segment which does not pass through a residential zoning district.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

(66.1) RETAIL BUILDING MATERIAL SALES WHICH HAVE A VERY SIGNIFICANT EXTERNAL IMPACT (PXR: See Item 140, Table IX-1).

a. Additional application requirements. None.

b. Additional standards.

- 1. All materials shall be storage within an enclosed building when abutting residential.
- 2. For properties not abutting a residential district, all outdoor storage shall be screened in compliance with section 94-444(b) and (c).

* * * * *

~~(68) SCHOOLS, PUBLIC AND PRIVATE; ELEMENTARY, INTERMEDIATE AND SECONDARY (Sb: See Item 143, Table IX-1).~~

* * * * *

(70.1) SCRAP, WASTE AND RECLAIMED MATERIALS TRADE (PXR: See Item 149, Table IX-1)

a. Additional application requirements. None.

b. Additional standards.

- 1. The site shall not abut any residential zoning district.
- 2. Minimum site dimensions: two acres.
- 3. Noise barriers shall be provided pursuant to chapter 34, article II of this Code.
- 4. Minimum distances:
 - i. All principal and accessory structures: 100 feet from any property line.
 - ii. All parking, loading and vehicular circulation areas: 100 feet from any property line.
 - iii. All storage, sorting, disassembly and similar activities: 200 feet from any residential zoning district.
 - iv. Storage, sorting, disassembly and similar activities: 50 feet from any property line.
- 5. Adequate traffic facilities, such as intersection improvements, turn lanes, acceleration lanes signalization, etc., shall be provided to minimize the impact of the facility on adjacent public thoroughfares.
- 6. The site shall be landscaped pursuant to article XIV of this chapter. A landscape buffer at least five feet wide shall be provided along property lines.
- 7. Walls or fences of appropriate height may be required to prevent unauthorized entries and departures.
- 8. Entrance to the site shall require a chain link or equivalent gate.

(70.2) SHIP AND BOAT BUILDING AND REPAIR (PXR: See Item 150, Table IX-1).
Additional application requirements and standards. See subsection (d)(50) of this section.

* * * * *

ORDINANCE NO. 4660-16

(76) TRANSIT STORAGE AND MAINTENANCE FACILITIES FOR PASSENGER TRANSPORTATION OPERATIONS (PXR and Sb: See Item 161, Table IX-1).

* * * * *

(77) TRANSIT, PASSENGER AND FREIGHT TERMINALS (PXR and Sb: See Item 162, Table IX-

* * * * *

(77.1) UPHOLSTERY, CLOTH & CANVAS PRODUCTS FABRICATION, INCL. SLIPCOVERS AND AWNINGS (PXR: See Item 164, Table IX-1).

Additional application requirements and standards. See subsection (d)(38) of this section.

(78) URBAN MARKET GARDENS (PXR and Sb: See Item 164.1, Table IX-1).

* * * * *

b. Additional application requirements. Urban market gardens shall comply with the following specific requirements:

1. Location. Permitted ~~as a pilot program~~ with extra requirements in Currie Mixed-Use District ("CMUD"), Neighborhood Commercial ("NC"), General Commercial ("GC"), Community Service ("CS") and Industrial ("I") zoning districts; or permitted with extra requirements when accessory to any religious place of assembly, institutional use (i.e. school, hospital), or community center located within the above referenced zoning districts.

* * * * *

(82.2) WAREHOUSES HAVING MODERATE EXTERNAL IMPACTS (PXR: See Item 171, Table IX-1).

Additional application requirements and standards. See subsection (d)(83) of this section.

(83) WAREHOUSES HAVING SIGNIFICANT EXTERNAL IMPACTS (PXR: See Item 172, Table IX-1).

* * * * *

5. ~~Ingress and egress shall be provided only from a major or minor arterial and not through a residential zoning district.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

* * * * *

(84) WAREHOUSES HAVING VERY SIGNIFICANT EXTERNAL IMPACTS (PXR: See Item 173, Table IX-1).

Additional application requirements and standards. See subsection (d)(83) of this section.

(85) WHOLESALE ACTIVITIES HAVING A SIGNIFICANT EXTERNAL IMPACT (PXR: See Item 176, Table IX-1).

* * * * *

- 3. ~~Ingress and egress shall be provided only from a major or minor arterial or from a collector or local street and not pass through any residential zoning district.~~ Direct vehicular ingress and egress shall not be provided from local streets which are primarily of residential character.

* * * * *

SECTION 9: The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 94 (Zoning and Land Development Regulations); Article X (Supplemental District Regulations) updating Section 94-305 (Setbacks), deleting Section 94-310 (Performance Standards), renumbering the remaining Sections and updating Division 2. - Wireless Communications at Section 94-323 (Permits). The remainder of Article X shall remain unchanged:

Sec. 94-305. - Setbacks.

* * * * *

(12) *Access.* Access drives meeting the provisions of section 94-3132 may be placed in the required front, side, or rear setback to provide access to accessory or attached structures. Sidewalks, terraces, or other similar improvements in excess of nine inches above the grade shall not be permitted in any setback.

* * * * *

~~Sec. 94-310. - Performance standards.~~

~~(a) Intent. The intent of performance standards is to provide criteria to evaluate anticipated environmental and related impacts of proposed development on public services provided by the city and other governmental entities.~~

~~(b) Application and enforcement.~~

~~(1) Application of standards.~~

~~a. All uses established or enlarged subsequent to the effective date of the ordinance from which this article is derived shall comply with the performance standards set forth in this section.~~

~~b. If an existing structure contains industrial uses within the GC or I district and is expanded, enlarged, moved, structurally altered, or reconstructed, or any existing industrial use of land is enlarged or moved, the performance standards applicable to~~

ORDINANCE NO. 4660-16

~~the district shall apply to the extent such use or structure is expanded, enlarged, moved, structurally altered, or reconstructed.~~

- ~~e. All uses existing and subject to the provisions of this article shall be brought into compliance with the performance standards set forth in this section within three years of the effective date of the ordinance from which this article is derived. However, the period for compliance may be extended by a number of years equal to: $100 \times CC^*/AV^*$.~~

NOTES:

* CC = Cost of Compliance

* AV = Assessed value of real and personal property on the premises at the time these regulations take effect.

~~(2) Enforcement.~~

- ~~a. For all uses subject to site plan review that are established or enlarged subsequent to the effective date of this article and industrial uses or other uses involving activities, equipment materials or processes which possess substantial possibility of being operated in violation of these performance standards, applicants for site plan review approvals shall submit a performance standards compliance analysis of proposed facilities and operations. The analysis shall be by qualified engineers or other professionals. Site plan approval shall not be granted unless all of the following are complied with:~~

~~1. The analysis is prepared by qualified professionals;~~

~~— The analysis contains definite findings that the proposed facilities and operations will be in compliance with the performance standards of this article;~~

~~3. The applicant submits a sworn affidavit that the operation will be conducted in accordance with recommendations contained within the analysis.~~

- ~~b. For all uses established prior to or after the effective date of the ordinance from which this article is derived, an investigation may be initiated by the zoning administrator if a possible violation of the performance standards is suspected.~~

- ~~(3) Prior determination of violation. When determination can be made by the city staff, using equipment normally available to the city or obtainable without extraordinary expense, such determinations shall be made before notice of violation is issued.~~

~~(e) Air quality standards.~~

- ~~(1) Smoke. Every use shall be operated to prevent the emission of smoke as specified in F.A.C. ch. 17.2 "Rules of the Department of Environmental Regulations: Air Pollution," as revised.~~

- ~~(2) Particulate matter. Every use shall be operated to prevent the emission of dust or other solid matter as specified in F.A.C. ch. 17.2 "Rules of the Department of Environmental Regulations: Air Pollution," as revised.~~

ORDINANCE NO. 4660-16

- ~~(3) Odor. Every use shall be operated to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond property lines on which the use is located as required in F.A.C. ch. 17.2, "Rules of the Department of Environmental Regulations: Air Pollution," as revised.~~
- ~~(d) Glare. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.~~
- ~~(e) Vibration. All uses shall be operated in such fashion that ground vibration inherently and recurrently generated is not perceptible without instruments at any point on the property lines within which the use is located.~~

~~(1) Vibration shall be measured at or beyond any adjacent lot line or residential district line as indicated in Table 1. Measurements shall not exceed the particle velocities designated. The instrument used for measurements shall be a three component system capable of simultaneous measurement of vibration in three mutually perpendicular directions.~~

~~(2) Vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. The following formula shall be used to compute particle velocity:~~

$$~~P.V. = 6.28 F \times D~~$$

~~P.V. = Particle velocity, inches per second~~

~~F = Vibration frequency, cycles per second~~

~~D = Single amplitude displacement of the vibration, inches~~

~~The maximum particle velocity shall be the vector sum of the three individual components recorded. Such particle velocities shall not exceed the values given in Table X-2.~~

~~=====~~

TABLE X-2

MAXIMUM GROUND TRANSMITTED VIBRATION

Zoning District	Particle Velocity in Inches Per Second	
	Adjacent Lot Line	Residential Lot Line
Residential District	0.10	0.02

ORDINANCE NO. 4660-16

Industrial District	0.20	0.20
---------------------	------	------

-

~~Where vibration is produced as discrete impulses, and such impulses do not exceed a frequency of one second between impulses, then the applicable value in Table X-2 may be multiplied by two.~~

~~Vibration resulting from temporary construction activity occurring between 7:00 a.m. and 6:00 p.m. shall be exempt from the requirements of this section.~~

=====

~~(f) Fire and explosive hazards. All structures, uses, construction, manufacturing, and industrial and commercial activities within the city shall comply with the rules and regulations, as amended, adopted by the office of the state fire marshal, pursuant to F.S. ch. 633.~~

~~(g) Noise. See chapter 34, article II of this Code.~~

* * * * *

Sec. 94-3110. - Dedication of required rights-of-way.

* * * * *

Sec. 94-3121. - Traffic performance standards.

* * * * *

Sec. 94-3132. - Access to streets.

* * * * *

Sec. 94-3143. - Docks.

* * * * *

Secs. 94-3154—94-319. - Reserved

* * * * *

DIVISION 2. - WIRELESS COMMUNICATIONS

* * * * *

ORDINANCE NO. 4660-16

Sec. 94-323. - Permits.

(a) The placement or maintenance of new wireless communication facilities shall be permitted within the zoning districts only in accordance with the wireless communication permit indicated in the following table, and shall be subject to compliance with the land development requirements and permit or registration requirements of this Code. The placement or maintenance of wireless communication facilities in the public rights-of-way shall comply with the regulations in chapter 78 of this Code.

Zoning District	Amateur Radio Tower 25—50 feet in historic district; Satellite Earth Station <1 meter diameter in historic district	Amateur Radio Tower > 50 feet Satellite Earth Station >1 meter diameter	Antenna Element Replacement	Facilities to be located on WPB Master Plan designated sites	Concealed Attached Antenna	Collated or Combining on Existing Tower	Non-concealed Attached Antenna *	Mitigation of Existing Tower	Concealed Freestanding Tower Satellite Earth Station >1 meter diameter	Non-concealed Freestanding Tower	Broadcast Tower
SF3, SF5, SF7, SF11, SF14		I	I	II	IV**		II				
SF7-C4, SF14-C2, SF14-C3, SF14-C5	I	III	I	II	IV*		II				
MF14, MF20, MF32		I	I	II	II	II	II				

Language underlined added, and language ~~stricken~~ deleted.

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

ORDINANCE NO. 4660-16

Zoning District	Amateur Radio Tower 25—50 feet in historic district; Satellite Earth Station <1 meter diameter in historic district	Amateur Radio Tower > 50 feet Satellite Earth Station >1 meter diameter	Antenna Element Replacement	Facilities to be located on WPB Master Plan designated sites	Concealed Attached Antenna	Collated or Combining on Existing Tower	Non-concealed Attached Antenna *	Mitigation of Existing Tower	Concealed Freestanding Tower Satellite Earth Station >1 meter diameter	Non-concealed Freestanding Tower	Broadcast Tower
MF14-C1, MF14-C2, MF20-C1, MF32-C1	I	III	I	II	II	II	II				
CC2		I	I	II	II	II	II				
DMP Residential Subdistrict		I	I	II	II	II	II				
DMP Non-Residential Subdistrict		I	I	II	II	II	II				
CM		I	I	II	II	II	II	II	III		
OC		I	I	II	II	II	II	II	III		

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

ORDINANCE NO. 4660-16

Zoning District	Amateur Radio Tower 25—50 feet in historic district; Satellite Earth Station <1 meter diameter in historic district	Amateur Radio Tower > 50 feet Satellite Earth Station >1 meter diameter	Antenna Element Replacement	Facilities to be located on WPB Master Plan designated sites	Concealed Attached Antenna	Collated or Combining on Existing Tower	Non-concealed Attached Antenna *	Mitigation of Existing Tower	Concealed Freestanding Tower Satellite Earth Station >1 meter diameter	Non-concealed Freestanding Tower	Broadcast Tower
NC		I	I	II	II	II	II	II	III		
GC		I	I	II	II	II	II	II	III		
AC		I	I	II	II	II	II	II	III		
POR		I	I	II	II	II	II	II	III		
<u>IL</u>		<u>I</u>	<u>I</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>IV</u>
I		I	I	II	II	II	II	II	III	IV	IV
ROS		I	I	II	II	II	II	II	III	IV	IV
CS		I	I	II	II	II	II	II	III	IV	IV
UT		I	I	II	II	II	II	II	III	IV	IV

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

ORDINANCE NO. 4660-16

Zoning District	Amateur Radio Tower 25—50 feet in historic district; Satellite Earth Station <1 meter diameter in historic district	Amateur Radio Tower > 50 feet Satellite Earth Station >1 meter diameter	Antenna Element Replacement	Facilities to be located on WPB Master Plan designated sites	Concealed Attached Antenna	Collated or Combining on Existing Tower	Non-concealed Attached Antenna *	Mitigation of Existing Tower	Concealed Freestanding Tower Satellite Earth Station >1 meter diameter	Non-concealed Freestanding Tower	Broadcast Tower
W		I	I	II	II	II	II	II	III	IV	IV
PC		I	I	II	II	II	II	II	III	IV	IV
PD		I	I	II	II	II	II	II	III	IV	IV
NMUD, CMUD, BMUD		I	I	II	II	II	II	II [^]			

*Non-concealed attached antennas are only allowed on high voltage electric power transmission towers and light stanchions not located in public rights-of-way except for DAS facilities.

**Concealed attached antennas are only allowed on non-residential parcels in SF districts and are expressly prohibited on a parcel used for residential purposes.

[^]Level II provided the mitigated facility does not increase the existing height. If there is a height increase, level III or IV permit shall be required

SECTION 10: The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 94 (Zoning and Land Development Regulations); Article XIV (Landscaping, Land Clearing, Tree Protection and Artificial Turf) at Table XIV-1. The remainder of Article X shall remain unchanged:

TABLE XIV-1

MINIMUM REQUIRED LANDSCAPE BUFFER FOR THE VARIOUS ZONING DISTRICTS*

Adjoining Proposed	Multifamily	Commercial	Industrial	Public Thoroughfare
Multifamily	5 feet	5 feet	5 feet	5 feet
≤ 4 units				
> 4 units				
Commercial	5 feet plus 5-foot high wall	5 feet	5 feet	5 feet
Industrial	5 feet plus 5-foot high wall	5 feet	5 feet	5 <u>10</u> feet
Vehicular use areas	5 feet plus 3-foot high wall	5 feet	5 feet	5 feet

* * * * *

SECTION 11: The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 94 (Zoning and Land Development Regulations); Article XV (Parking) Section 94-482. The remainder of Article X shall remain unchanged:

Sec. 94-482. - Parking requirements for less than three residential dwelling units.

* * * * *

- (b) *Configuration.* Required off-street parking areas shall consist of a parking bay, stall, driveway, garage, or combination thereof. Refer to subsection 94-3132(1)b.3 for access point requirements.

ORDINANCE NO. 4660-16

SECTION 12: All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 13: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word thereof 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 14: Authority is hereby granted to codify the amendments set forth in this Ordinance.

SECTION 15: This Ordinance shall take effect in accordance with law.

FIRST READING THIS 24TH DAY OF OCTOBER, 2016.

SECOND READING THIS 5TH DAY OF DECEMBER, 2016.



ATTEST:

X

CITY CLERK

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

X

PRESIDING OFFICER

APPROVED AS TO FORM AND LEGALITY:

X

CITY ATTORNEY