

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY; REZONING THE DOWNTOWN MASTER PLAN AREA GENERALLY BOUNDED BY PALM BEACH LAKES BOULEVARD TO THE NORTH, THE INTRACOASTAL WATERWAY TO THE EAST (EXCLUDING PALM HARBOR MARINA), AUSTRALIAN AVENUE AND THE C.S.X. RAILROAD TO THE WEST, OKEECHOBEE BOULEVARD TO THE SOUTH, INCLUDING THE PALM BEACH COUNTY CONVENTION CENTER, CITYPLACE DRI, AND HOWARD PARK, AN AREA OF APPROXIMATELY 767 ACRES; REMOVING THE BUILDING TYPE DESIGNATIONS AND CREATING A “ZONING ATLAS” TO INCLUDE A “PLANNING AREAS” MAP, “DISTRICTS” MAP, “STREET DESIGNATIONS” MAP, AND “SUBDISTRICTS” MAP WHICH SHALL BE UTILIZED AS THE DOWNTOWN MASTER PLAN ZONING DESIGNATIONS; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

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**WHEREAS**, on March 31, 2005, the City Commission directed staff to initiate a process to update the Downtown Master Plan; and

**WHEREAS**, on June 25, 2005, the City issued a Request for Qualification No. 04/05-126 entitled “Preparation of a Downtown Master Plan Update” and on November 7, 2005, the City Commission heard presentations from the candidates and selected Zyscovich, Inc., as the consultant to update the Downtown Master Plan; and

**WHEREAS**, at the August 21, 2006 workshop, the City Commission endorsed the recommendations presented by Zyscovich, Inc., and directed staff to proceed with the Comprehensive Plan and Zoning and Land Development Regulation amendments necessary to implement such recommendations; and

**WHEREAS**, on August 27, 2007, the City Commission approved Ordinance No. 4024-07 amending the Downtown Master Plan Element of the Comprehensive Plan, in conformance with the requirements of Chapter 163, Florida Statutes; and

**WHEREAS**, on October 24, 2007, the Florida Department of Community Affairs issued a Notice of Intent and found the proposed amendment in compliance with Chapter 163 of Florida Statutes; and

**WHEREAS**, on December 3, 2007, the City Commission approved Ordinance 4093-07 adopting a Zoning in Progress and interim Downtown Master Plan (DMP) Urban Regulations to

implement the amended Downtown Master Plan Element of the Comprehensive Plan, and provide a basis for new development, additions and alterations while the final DMP Urban Regulations were prepared by staff and the City's consultant; and

**WHEREAS**, the interim DMP Urban Regulations included interim DMP subdistricts maps and the DMP street designation map; and

**WHEREAS**, at the March 27, 2008 workshop, the City Commission endorsed the final recommendations presented by Zyscovich, Inc., and directed staff to proceed with the amendments necessary to adopt the final DMP Urban Regulations; and

**WHEREAS**, at the July 17, 2008 workshop, a draft of the proposed DMP urban Regulations and DMP Zoning Atlas was presented to the Downtown Master Plan Advisory Board and positive feedback was received; and

**WHEREAS**, the City intends to rezone the Downtown Master Plan Area, removing the building type designation and creating the DMP Zoning Atlas to include Figure 1 – DMP Planning Areas, Figure 2 - DMP Districts, Figure 3 – DMP Subdistricts, and Figure 4 – DMP Street Designations; and

**WHEREAS**, the rezoning is consistent with the Comprehensive Plan and the criteria and standards provided in Section 94-32 of the City's Zoning and Land Development Regulations; and

**WHEREAS**, the Downtown Action Committee held a public hearing on March 11, 2009, where it suggested revisions, and recommended approval (6-0) of the proposed DMP Urban Regulations; and

**WHEREAS**, the Planning Board held a public hearing on March 12, 2009, where it suggested revisions, and recommended approval (7-0) of the proposed DMP Urban Regulations; and

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

**SECTION 1:** The City Commission of the City of West Palm Beach hereby finds and determines that the herein described amendments to the Zoning Map, included in detail in Exhibit A, are consistent with the Comprehensive Plan of the City adopted pursuant to Sections 163.3161, et seq., Florida Statutes.

**SECTION 2:** The City Commission of the City of West Palm Beach hereby finds and determines that the herein described amendments to the Zoning Map, included in detail in Exhibit A, are consistent with the standards set forth in Section 94-32 of the Zoning and Land Development Regulations.

**SECTION 3:** The zoning map of the City of West Palm Beach is hereby amended and replaced with the DMP Zoning Atlas which includes Figure No. 1- DMP Planning Areas, Figure 2- DMP Districts, Figure 3 – DMP Subdistricts, and Figure 4 – DMP Street Designations, as shown in Exhibit A to this Ordinance.

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

**SECTION 5:** Should any section or provision of this Ordinance, or any portion thereof, or any 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 thereof.

**SECTION 6:** This Ordinance shall become effective in accordance with law.

FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH  
BY ITS CITY COMMISSION

\_\_\_\_\_  
PRESIDING OFFICER

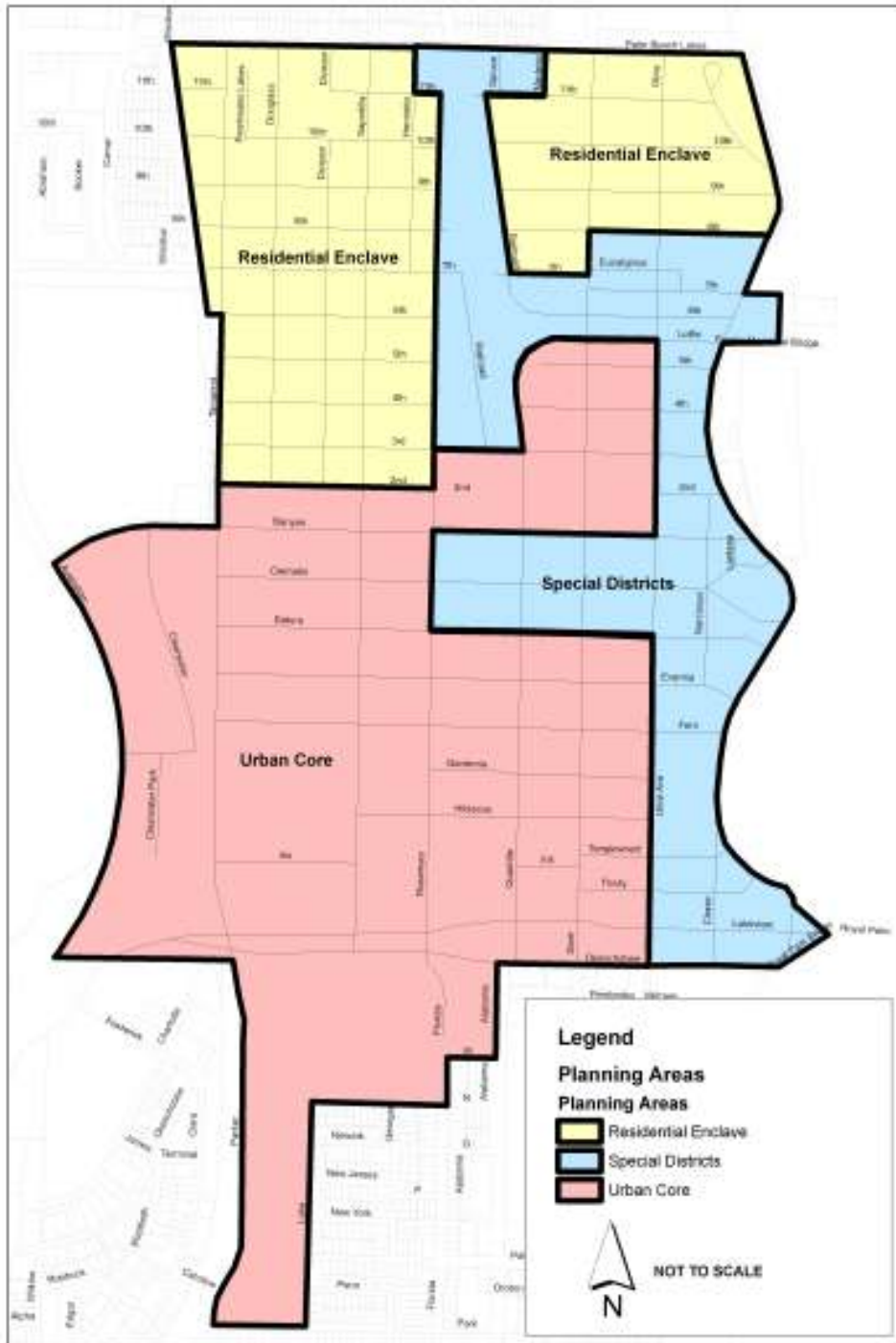
ATTEST:

\_\_\_\_\_  
CITY CLERK

CITY ATTORNEY'S OFFICE  
Approved as to form and legal sufficiency  
By: \_\_\_\_\_  
Date: \_\_\_\_\_

EXHIBIT A

ZONING ATLAS - FIGURE 1  
PLANNING AREAS

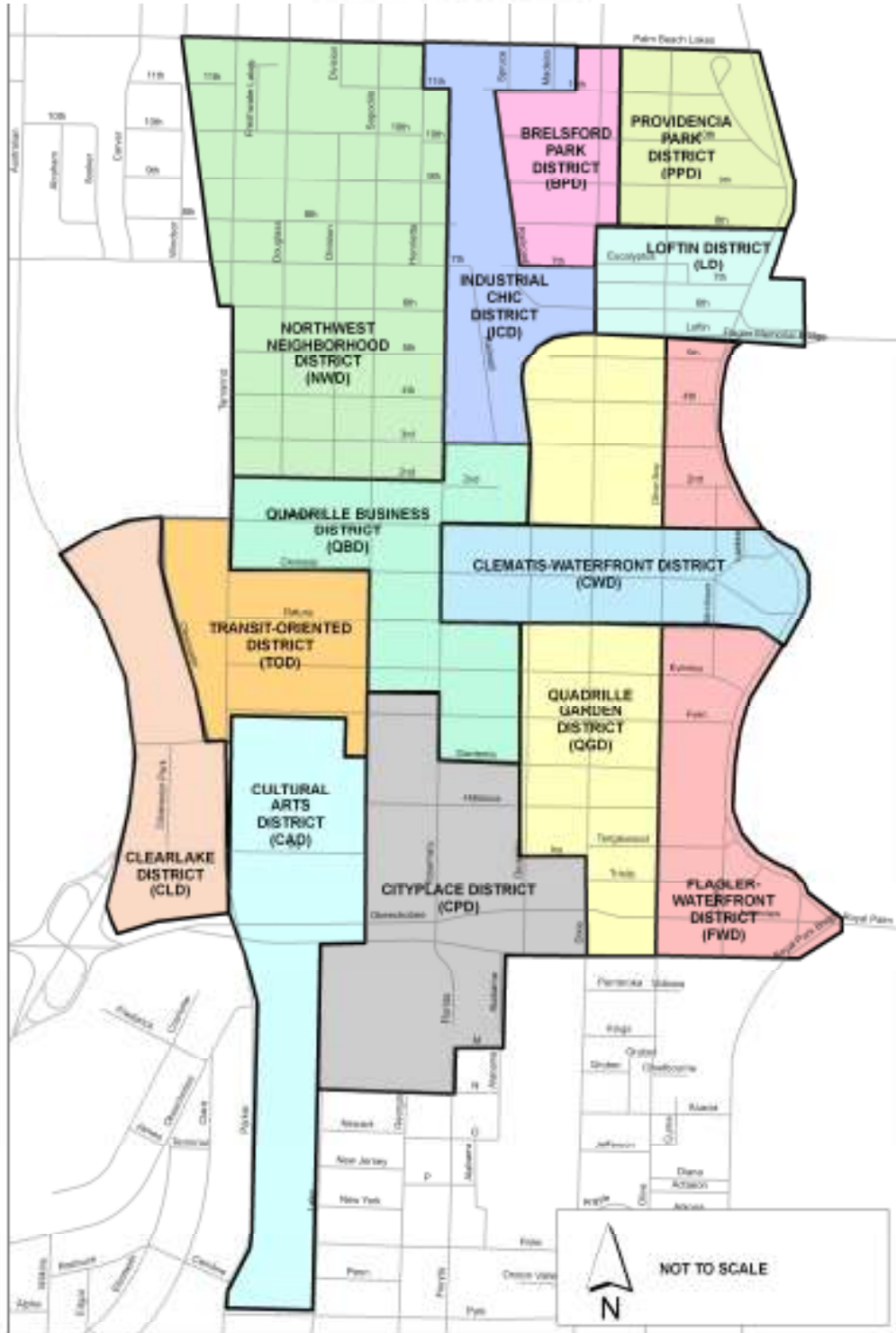


DOWNTOWN MASTER PLAN UPDATE

SOURCE: CITY OF WEST PALM BEACH, 2009.

EXHIBIT A (cont)

ZONING ATLAS - FIGURE 2  
DISTRICT BOUNDARIES

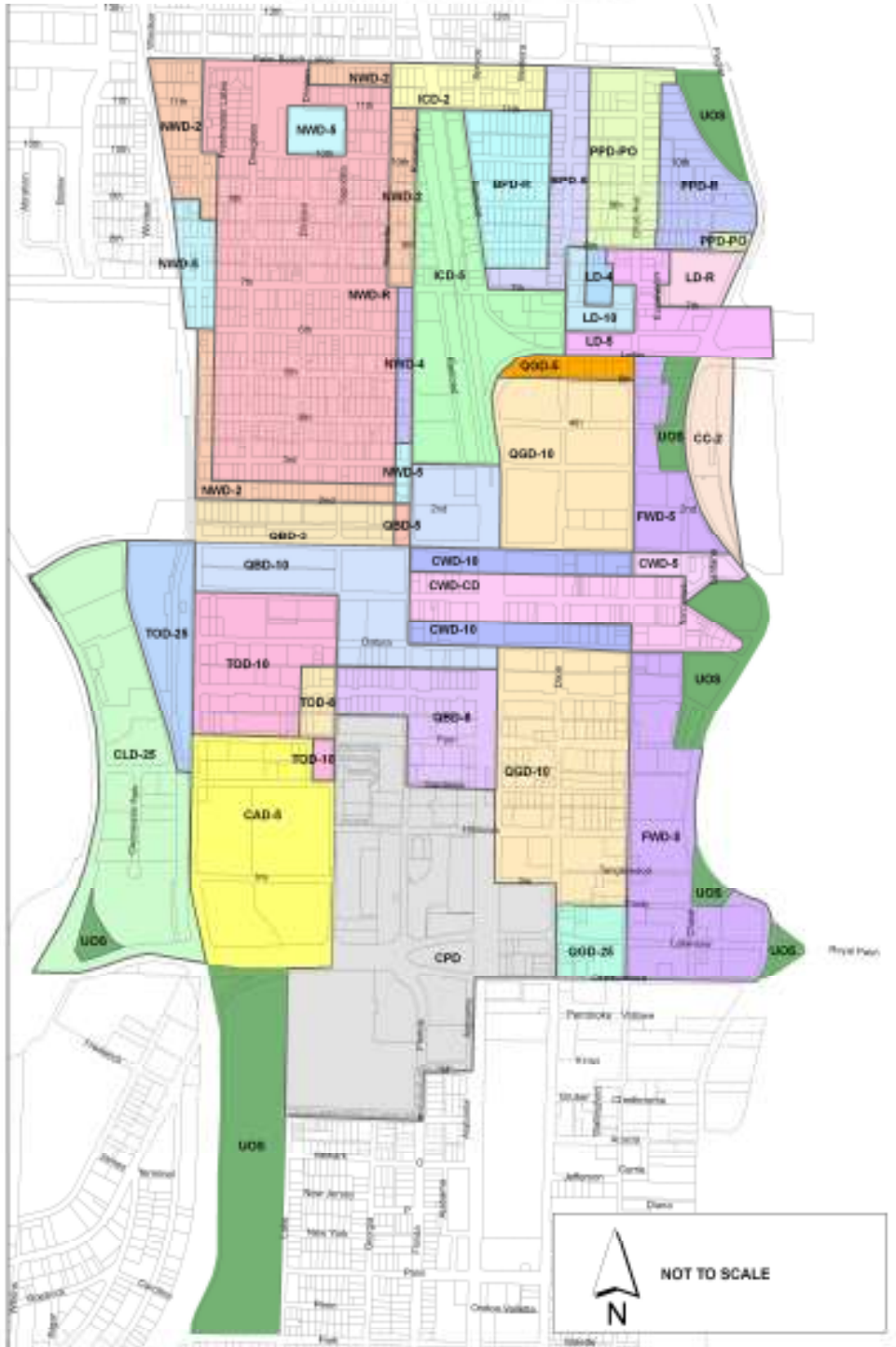


DOWNTOWN MASTER PLAN UPDATE

SOURCE: CITY OF WEST PALM BEACH, 2009.

EXHIBIT A (cont)

ZONING ATLAS - FIGURE 3  
SUBDISTRICT BOUNDARIES



DOWNTOWN MASTER PLAN UPDATE

SOURCE: CITY OF WEST PALM BEACH, 2005.

EXHIBIT A (cont)

ZONING ATLAS - FIGURE 4  
STREET DESIGNATIONS

