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## A Report Upon Land Uses and the Revised Zoning Ordinance

Harland Bartholomew & Associates

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A Report Upon

LAND USES AND  
THE REVISED ZONING ORDINANCE

WEST PALM BEACH, FLORIDA

Prepared for

THE CITY COMMISSION  
and the  
CITY PLANNING BOARD

By  
HARLAND BARTHOLOMEW AND ASSOCIATES  
CITY PLANNERS  
Saint Louis, Missouri

January, 1952

Rev. 8/19/52

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# HARLAND BARTHOLOMEW AND ASSOCIATES

CITY PLANNERS - CIVIL ENGINEERS - LANDSCAPE ARCHITECTS

317 NORTH ELEVENTH STREET

SAINT LOUIS 1. MISSOURI

HARLAND BARTHOLOMEW  
RUSSELL H. RILEY  
HARRY W. ALEXANDER  
ELDRIDGE LOVELACE

DONALD W. HUTTON  
DONALD W. McGLASHON  
DONALD WOLBRINK

City Commission  
City Planning Board  
West Palm Beach, Florida

Gentlemen:

We are pleased to submit herewith our report upon "Land Use and Zoning". This is another of a series of reports constituting your Comprehensive City Plan.

The accompanying report contains data regarding your existing land uses as well as probable future land use requirements needed to serve the future population. Also contained herein is a draft of a revised zoning ordinance and a reproduction of the proposed district map.

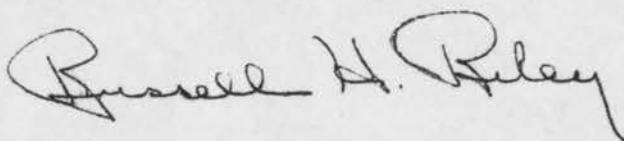
It is very important that the revised zoning ordinance and district map be carefully studied, not only by the City Commission, but especially by the Planning Board so that they can make a thorough report upon same before any public hearing is held.

We wish to acknowledge the splendid local assistance that was given in this study especially by the City Attorney and the Building Department.

Respectfully submitted,

Harland Bartholomew and Associates

By





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## INTRODUCTION

The location and arrangement of the many land uses needed to serve the existing and future population has an important influence upon the convenience, efficiency and desirability of a city. Commercial, industrial and residential uses function much more efficiently when each use is grouped together in a logical location rather than when they are badly intermingled. Zoning is the most important method of securing the proper location and extent of the various land uses in urban areas.

Municipal zoning has made remarkable progress since the first comprehensive zoning ordinance was adopted in New York City in 1916. More than 2,000 incorporated communities have since adopted such regulations. Counties and townships are also now adopting zoning regulations in many states. The rapid spread of zoning throughout the country is tangible evidence of the advantages and beneficial resulting from such regulations.

One of the major reasons for the adoption of the early zoning regulations was to protect the value and character of properties, particularly, residential properties. Commercial and industrial uses were scattered so widely through residential sections that some protection and control was essential. Since zoning restricts the use of property against certain types of uses, it is frequently considered as a restrictive or negative type of regulation. Actually

zoning is one of the most constructive forms of municipal regulations and is also one of the most constructive phases of a comprehensive city plan. It provides locations where the various types of uses can be most effectively placed and thus furnishes a sound guide for the orderly development of a community.

The City of West Palm Beach has enjoyed the advantages of zoning regulations for many years. While a large portion of the city was already improved prior to the adoption of the first regulations, the population report revealed that much new growth has occurred since zoning became effective. Admittedly, there are certain defects in the present land use pattern, as will be discussed in following sections of this report, but there is no doubt but that the present development in the city is much more orderly and desirable than would have resulted if zoning regulations had not been in force.

A number of revisions and changes have been made in the early ordinance and a comprehensive revision of the entire regulations including the district map, is now desirable. Further, much progress has been made in zoning techniques and practices, since the earlier ordinance was adopted and it is most essential that the city take advantage of these newer practices. Another major reason why the existing zoning ordinance should now undergo a thorough revision is that the city is preparing a comprehensive

master plan and zoning is an important phase of this planning program. The location and extent of the major land use district, including various types of residential uses, commercial areas and industrial sections, will have an important bearing on the types of physical improvements, such as major streets, schools, parks, and public buildings that are needed to serve these different land uses.

This report contains a summary discussions of the basic principals of modern zoning, the adequacy and defects of the present land use pattern, estimates of future land use requirements and a discussion of the changes and revisions proposed in the revised zoning ordinance and district map.

## PRINCIPLES OF ZONING

Even though substantial progress has been made in zoning techniques, there has been little or no change in the basic form of zoning regulations. Zoning is still primarily concerned with three major types of regulations, namely, (1) uses which may be made of the land, commonly called use regulations; (2) the maximum height to which buildings may be erected (height regulations); and (3) the minimum amount of open space that must be provided around structures in the form of front, side and rear yards, as well as the minimum lot area upon which residential facilities can be erected (area regulations). Zoning has no concern whatsoever with the cost of buildings, with the style of architecture or with the type of materials that are used in construction. All too frequently attempts are made to include other types of regulations in zoning ordinance. This is invariably a mistake for the effective use of the three types of regulations, namely, use, height and area, can insure so many advantages that no attempt should be made to jeopardize the whole program.

### Basic Principles

Some of the authority for the City of West Palm Beach to adopt and enforce zoning regulations, especially the provisions for the Board of Zoning Appeals, are contained in the City Code of 1948.



However, the major authority for local zoning is contained in the State Laws, which authorize this and other incorporated communities to adopt and enforce zoning ordinances. Like many other municipal regulations, such as health and sanitary measures, zoning is authorized under the State's Police Power and does not constitute the taking of property for public use. While the use of an individual's property may be limited under zoning regulations, similar restrictions are placed upon all other property in the city and all citizens benefit therefrom.

The Florida enabling zoning act is generally similar to enabling acts in other states and clearly defines the major principles that should be considered when a zoning ordinance is adopted or amended. In one section of the Act it clearly states that the zoning plan must be designed to prevent undue congestion of population, to facilitate transportation, sewers, water, education and similar facilities and to promote the public health safety and general welfare. Another section of the enabling act also provides that in adopting zoning regulations due consideration shall be given to the preparation of a comprehensive plan, to the character of the district and its peculiar suitability for particular uses, to conserving the value of buildings and to encourage the most appropriate use of land throughout the municipality.

It is particularly important that zoning regulations must be closely related to the existing conditions and character of an area, its adaptibility for uses and also that careful consideration must be given to the conservation of property values. The state act mentions nothing whatsoever regarding an increase of property values. Improving or increasing property values is always desirable, but not when a few values are increased at the expense of many others. Protection of property values has and should continue to be one of the major objectives of sound zoning.

The experiences derived from the preparation and administration of zoning ordinances during the past 30 years clearly reveal that the above principles are sound and basically important. If consistently followed in the preparation of new and amended ordinances the regulations can insure maximum advantages to all citizens.

There is one final basic consideration which must be consistently adhered to in adopting or amending zoning regulations. This is that zoning must be done on a city-wide rather than on an individual lot basis. No zoning plan can be successful if it gives preferential consideration to the desires of a few individuals. The State Law clearly implies that it is the general rather than the individual welfare that must be considered. An excellent test



to apply to any zoning regulation or to the location and extent of any zoning district, is whether it would benefit the city rather than the individual.

## PRESENT ZONING ORDINANCE

It is entirely normal to find certain defects in the present zoning ordinance. These are largely explained by the fact that many changes have occurred in the type and character of local growth since the ordinance was first adopted and particularly in the fact that such rapid advance has been made in the technique and practice of zoning during the past 20 years. A few of the most important defects are mentioned not from the standpoint of criticism, merely to indicate some of the most important conditions should be corrected.

One of the major defects in the present ordinance is that some of the existing districts are not properly related to the uses predominating therein. For example, there are some areas that are completely occupied by only single family homes, yet under the present ordinance garage-apartments can be erected in any section of the city. Another defect is that some of the commercial districts include areas that have a large amount of dwelling development, thus, the residences are not properly protected.

Many changes are also desirable in the text of the zoning ordinance, particularly, from the standpoint of promoting uses of a similar character rather than permitting both commercial and certain industrial uses in a commercial district. Clarification

is also desirable in many of the administration sections, such as more clearly defining the powers of the Board of Zoning Appeals, the issuance of permits and the making of changes or amendments. The proposed zoning ordinance will necessarily be longer than the present regulations so that the regulations will be more specific. Likewise the district map will contain more than five districts in order to more closely relate the proposed uses to the existing development.

## EXISTING CONDITIONS

In order to fully comply with the Enabling Act regarding existing development and the conservation of property values, a thorough land use survey was made of all property within the and near the corporate limites of West Palm Beach during the summer of 1951. This involved a field inspection of each piece of property and the making of a record of its then existing use. The existing land uses were classified into the following groups:

1. Single-family dwellings.
2. Two-family dwellings.
3. Multiple dwellings, including residences of three or more family units and boarding and rooming houses.
4. Commerce, including retail stores, offices, small shops, funeral homes, etc.
5. Light industry, including unobnoxious manufacturing, wholesale stores, warehouses, garages, etc.
6. Heavy industry, machine shops, junk yards, and all industries obnoxious because of the emission of odor, dust, smoke, noise, gas and vibration.
7. Public and semi-public property, such as schools, churches, institutions and cemeteries.
8. Railroads
9. Parks and playgrounds.
10. Vacant land - land used for no urban purposes, including undeveloped and agricultural property.
11. Streets and alleys.

In addition to the above, a record was also made of the location of garage apartments. A separate record was also kept of hotel and motels.

Each of the above used classifications were compiled upon a new base map of the city with a different color representing each major use. For example, yellow represents single family residences, brown-multiple dwellings, green-commercial and red-industrial. Unfortunately this colored map cannot be reproduced in this report, but it warrants the most careful study and should be maintained as a permanent record. The map not only reveals many important conditions and problems, but it also provides an excellent important basis for determining the location and extent of the several districts that will be included in the amended zoning ordinance.

#### Location and Extent of Land Uses

The yellow color, which represents single-family residences, predominates throughout the city. Even in the older residential sections around the central business district there are still a number of single-family homes. However, even in the more outlying residential districts, where single-family homes are by far the most predominating use, there are only comparatively small sections in which only single-family structures exist. These few



strictly single-family areas are primarily in the southern portion of the city.

The most common type of intermingling in the predominately single-family districts are duplexes and garage apartments. It is most desirable that there be large compact single-family districts, which are free from any of the more intensive type of land uses so that the value and character of the single-family areas can be preserved over a long period. It should also be noted that data regarding existing land uses was compiled during the summer months when tourist business is at the lowest point and now with the tourist season approaching its peak, many signs indicating additional rooming houses have appeared.

As previously indicated, there are many duplexes and garage apartments scattered throughout the entire city, yet there is no large compact section in which they predominate. A study of the map also reveals that garage apartments are far more numerous than the two-family home.

There are many apartments and multiple dwellings around the central business district, which is a very logical location for this type of use. There is also a pronounced concentration of duplexes and multiple dwellings in the non-white residential section northwest of the business district. The intensive type of

residential development in this section explains the high population density, which was revealed in the preceding report upon population. Multiple dwellings are also scattered in many other sections of the city and, in fact, one of the major defects of the existing land use pattern is that apartments are too widely scattered in areas, where one and two family homes predominate.

Commercial development is very concentrated and compact within that portion of the central business district lying between Second and Evernia Streets. However, there is also a large amount of commercial development extending as far south as Okeechobee Road and as far north as Fifth Street. In fact, there is so much commercial development beyond the compact section of the business district that it is impracticable to attempt to preserve any of this area for residential use. There is another concentration of commercial development between 23rd and 25th Streets, immediately east of the Florida East Coast Railroad. Likewise, commercial development is concentrated along Broadway and Poinsetta Streets and along cross-town streets, such as Okeechobee, Belvedere and Southern. Along some portions of Poinsetta the commercial district is very compact and absorbs the entire frontage for several blocks. In other locations only one story may be found in each block. However, the scattering

TABLE NUMBER ONE  
AREAS' OCCUPIED BY EXISTING LAND USES  
CITY OF WEST PALM BEACH FLORIDA

Use	Area in Acres	% of Total City Area West Palm Beach	% of Total City Area* Average of 17 Self-Con- tained Cities	% of Total Developed Area West Palm Beach	% of Total Develop- ed Area* Average of 17 Self-Contained Cities
Single Family Residence	1165.0	12.92	16.72	28.44	32.87
Two Family Dwellings <sup>1</sup>	254.5	2.82	1.67	6.21	3.29
Multiple Dwellings <sup>2</sup>	194.9	2.16	0.89	4.76	1.75
Commercial <sup>3</sup>	185.7	2.06	1.32	4.53	2.60
Semi-Commercial <sup>4</sup>	80.3	0.89	-	1.96	-
Public & Semi-Public	274.0	3.04	5.72	6.69	11.25
Parks & Playgrounds	410.3	4.55	2.58	10.01	5.07
Light Industry	87.5	0.97	2.13	2.14	4.19
Heavy Industry	51.1	0.57	1.34	1.25	2.63
Railroads	250.2	2.77	2.08	6.11	4.09
Streets & Alleys	1143.2	12.68	16.41	27.90	32.27
Total Developed Area	<u>4096.7</u>	-	<u>50.86</u>	<u>100.00</u>	<u>100.00</u>
Vacant Land <sup>5</sup>	3969.8	44.02	48.72		
Lake Areas	952.0	10.55	0.42		
Total City Area	9018.5	100.00	100.00		

1. Includes 172.7 Acres of Lots Having Garage Apartments on Property

2. " 14.4 " " " Used for Rooming Houses and 44.5 Acres of Lots having 3 or more Dwellings.

3. " 14.1 " " " " " Motels & Hotels

4. " 57.4 " " " " " Nurseries & 22.9 Acres used for Trailer Camps

5. " 3051.5 " of Vacant Land West of Seaboard Railway, but within Corporate Limits

\*Data from "Land Use Statistics" Self-Contained Cities, 50,000 Population Bracket -  
HARLAND BARTHOLOMEW & ASSOCIATES - Revised June 2, 1947.



is so wide-spread that it is difficult to protect any of the Poinsetta frontage for residential purposes.

Industrial development is primarily found along the two railroads, with the larger portion being along the Florida East Coast Railroad. A rather compact and efficient industrial district is located north of Twenty-third Street. Another compact industrial area has developed along the Seaboard in the vicinity of Okeechobee Road. Industrial development is also scattered along the Florida East Coast Railroad south of Okeechobee Road. Here, the street pattern is such that it is difficult to provide a large compact industrial district and instead the industries are confined to a rather narrow strip along each side of the railroad. In fact, there are limited possibilities of providing large compact industrial districts within the corporate limits and, instead, such a district, if and when needed, can more properly be located beyond the corporate limits, probably northwest of the city.

#### Areas Occupied By Land Uses

Computations were also made of the areas occupied by the existing land uses within the present corporate limits. This information is shown on the accompanying Table 1. The table also contains data regarding the average percentages occupied by similar land uses in seventeen other American cities containing a population of 50,000 persons or less. This affords a comparison of

the development within West Palm Beach with other cities of similar size.

The predominance of single-family residential development is again emphasized by the data in Table 1. A total of 1,165 acres are occupied by this use which is far more than are occupied by any of the other non-public uses. The single-family area is about 2 1/2 times the area occupied by all other forms of residential development. It is obvious that ample area should be reserved for single-family homes in the revised zoning plan for the city. The total percentage of the developed area that is represented by single-family residences is, however, slightly less than the average percentage for such uses in the seventeen other communities. This is explained in the following discussion of two-family and multiple dwellings.

Two-family dwellings absorb only about one-fifth of the area occupied by single-family residences, but it will be noted that the percentage represented by this use is much larger than the average of the seventeen other cities. A major reason for this is the large number of garage apartments, which are popular with tourists. Computations revealed that lots containing garage apartments occupied 172.7 acres or more than 60 per cent of the total area absorbed by the two-family dwellings.

Multiple dwellings also occupies a far larger proportion of the total developed area than in other cities of similar size. Of the total multiple dwelling area, 14.4 acres was used for rooming houses and this area would probably be larger during the peak winter season. The fact that duplexes and multiple dwellings occupy more area or a larger proportion of the total developed area in West Palm Beach than in other cities of similar size indicates the extensive living facilities that are provided for winter tourists. It also reveals that considerable more land is occupied by structures than are needed for the year-around population.

Commercial development, likewise, occupies a larger proportion of the developed area than in other self-contained cities. This again is due to the extensive retail facilities that are provided for the winter tourists. It also indicates that substantial provisions must be made for such facilities in the future. Separate computations reveal that the commercial area included a total of 14.1 acres for motels and hotels, which was considerably more than would be developed in non-resort cities.

Separate computations were made of the semi-commercial developments, which includes nurseries and trailer camps. The area used for this purpose is also somewhat larger than would be found in other self-contained cities. Even though the

amount of commercial development is high in comparison to the average of other cities, it is a very small amount in comparison with the area occupied by single-family homes. Consequently, provisions can be made for all future commercial needs without seriously impairing established residential sections.

Only 274 acres are occupied by public and semi-public uses, such as churches, schools and institutions. This is small in comparison to other cities and the percentage will probably increase in the future as more institutions are provided and larger school sites are acquired. The city does, however, have a substantial area occupied by parks and playgrounds, which is an important advantage in resort communities.

The amount of area occupied by industrial development is also small in comparison with other cities of similar size. In fact, it represents only about one-half of the average of other communities. This further indicates that the city is not now an important industrial center. However, with some increased industrial activities anticipated in the future, it is entirely possible that the proportion of land occupied by industries will show some increases in the future. The railroad uses occupy more land than both types of industry, but there is no particular reason why there should be any substantial future increase in this use.

Streets and alleys occupy almost as much land as single-family residences. Here again the percentage is less than in the average of the other seventeen cities. This is primarily due to the fact that rather intensive use is made of the property served by existing streets and that a large proportion of the vacant property is not now subdivided.

Nearly 4,000 acres are still vacant and un-improved within the corporate limits. However, about three-fourths of this vacant area lies west of the Seaboard Railroad. This is in the westward expansion area within which development is expected to be initiated within the near future. Much of the remaining vacant property is in the extreme northern and southern portion of the city. The amount of vacant land indicates good opportunities for accommodating much future urban development within the present corporate limits, even though much additional growth is expected beyond the present limits during the next thirty years. The lake areas are the two lakes used for water storage by the West Palm Beach Water Company and does not include any portions of Lake Worth. It should be further noted that the total city area of 9018.5 acres does not include any portion of Lake Worth as the boundary was based upon the actual shore line rather than the established bulkhead line.



### Lot Area Per Family

The control of population density or the number of living units that can be erected on individual lots is an important part of the zoning regulations. This, together with the yard regulations, constitute the major means of insuring adequate open space, which is so important in preserving residential character and values.

Computations were made of the area of each lot occupied by residential uses. If more than a single family residence was located on the lot, the total area was divided by the number of living units thereon to determine the area per family. The resulting lot areas per family were then grouped into various classifications and a map prepared showing these groups.

A study of the map reveals a very spotty condition. There are very few large, compact areas in which the same color prevails. The majority of these few districts are in the southern portion of the city and even here they are comparatively small. The major reason for this non-uniform condition is the many garage apartments, duplexes and multiple dwellings that are scattered throughout the city, as was revealed by the land use map.

There are, however, a surprising number of lots providing for 10,000 per square feet or more per family. These are primarily in the southern portion of the city, although there are many

along the Lake Worth frontage, where the lots are quite deep. There are also a large number of lots containing an area of 7,500 to 10,000 square feet. The most predominating color represents lots providing an area of 5,000 to 7,500 square feet per family. In fact, there are comparatively few single-family developments that have a smaller area. The comparatively large areas that prevails among the residential lots in a desirable condition, for it has an important influence upon maintaining good living conditions. Further, the land use data revealed no serious shortage of land availability for future residential development.

The smallest lot areas are found around the central business district and here is found the greatest intermingling of different lot areas. This is a normal condition, for here are the majority of the multiple dwellings, although a number of the older single and two-family residences still remain. Even in this intensive developed district there are very few lots providing less than 500 square feet per family and also comparatively few that provide from 500 to 1,000 square feet per family. A large majority of the lots containing multiple dwellings provide a lot area of 1,000 or more per family. This is a desirable condition and should be continued. There is no need to unduly concentrate the land to the detriment of adequate light, air and open space in

residential districts.

Beyond the corporate limits, a lot area of 10,000 square feet or more predominates. While this land is somewhat cheaper and is seldom improved to the same standards as the residential districts within the city, it indicates a desire for spacious lot areas. This condition must be recognized in revising the local zoning ordinance so that equally desirable conditions will exist within the corporate limits. This should encourage additional development within the city rather than for more and more people to move to the outlying areas.

#### Height of Buildings

A plan was also prepared showing by different colors, the location and height of all buildings containing three or more stories. Tall buildings present no serious problem within West Palm Beach because there are comparatively few such structures. There are no buildings having three or more stories south of Southern Boulevard and only three between Belvedere Road and Southern Boulevard.

The majority of the tall structures are naturally found within and near the central business district, but even in this intensively used area a large majority of the structures are less than three stories in height. The absence of many tall buildings



is a desirable condition because the street system is inadequate to accommodate a high concentration of workers. While there is naturally some pride in having tall buildings within the central area and greater height is frequently justified because of higher land values, much more efficiency and many advantages will result if the large majority of buildings contain three or less stories. The absence of tall buildings throughout the residential sections is also a marked advantage because tall structures seriously detract from the character and desirability of single-family developments.

TABLE NUMBER TWO  
RATIOS OF LAND USE AREAS TO POPULATION  
WEST PALM BEACH, FLORIDA

Use	Existing Area in Acres	Acres of Land Used Per 100 Persons in 1951	Probable Acres of Future Requirements	Acres of Land Used Per 100 Persons* Average 17 Self-Contained Cities
Single Family Residence	1165.0	2.65	2295.0	3.17
Two Family Dwellings <sup>1</sup>	254.5	0.58	510.0	0.32
Multiple Dwellings <sup>2</sup>	194.9	0.44	382.5	0.17
Commercial <sup>3</sup>	185.7	0.42	382.5	0.25
Semi-Commercial <sup>4</sup>	80.3	0.18	153.0	-
Public & Semi-Public	274.0	0.62	552.5	1.08
Parks & Playgrounds	410.3	0.93	850.0	0.49
Light Industry	87.5	0.20	255.0	0.40
Heavy Industry	51.1	0.12	127.5	0.25
Railroads	250.2	0.57	425.0	0.39
Streets & Alleys	1143.2	2.60	2210.0	3.11
Total Developed Area	4096.7	9.31	8143.0	9.63
Vacant Land <sup>5</sup>	3969.8	-		
Lake Areas	952.0	-		
Total Incorporated Area	9018.5	-		

1. Includes 172.7 Acres of Lots having Garage Apartments on Property

2. " 14.4 " " " Used for Rooming Houses and 44.5 Acres of Lots have 3 or more Dwellings.

3. " 14.1 " " " " " Motels & Hotels

4. " 57.4 " " " " " Nurseries & 22.9 acres used for Trailer Camps.

5. " 3051.5 " of Vacant Land West of Seaboard Railway but within Corporate Limits.

NOTE: - Total City Population - 1951 Estimate 44,000

" " " - Future Estimate 85,000

\*Data from "Land Use Statistics" Self-Contained Cities. 50,000 Population Bracket -  
HARLAND BARTHOLOMEW & ASSOCIATES - Revised June 2, 1947

## PROBABLE FUTURE LAND USE REQUIREMENTS

Studies in many cities have revealed a close relationship between the amounts of land used for various urban purposes and units of population. These ratios are usually expressed in acres of land use per 100 persons. Not only are these ratios similar in the different communities, but they also show only minor changes in the same community over a period of two or more decades.

Table No. 2 contains data regarding the ratio between existing land uses and population in West Palm Beach. The table also contains the average of similar ratio in seventeen other self-contained cities having a population of 50,000 or less.

It will be noted that the total acres of land use per 100 persons is only 0.32 acres per 100 persons less in West Palm Beach than the average of the seventeen other communities. Even though the West Palm Beach ratio for two-family and multiple dwellings is considerable higher than the average of the other communities, the ratio for the total residential development in West Palm Beach is almost identical to the average. It is in the industrial and street areas that the ratios are considerable lower in West Palm Beach.

The data contained in Table 2, provides a very sound basis for estimating future land use requirements. In making the

estimates as to the area required to serve a future population of some 85,000 persons, some minor adjustments were made in the existing ratios. For example, the ratios for the three different types of residential developments were slightly increased because of the trend toward single-family homes and also because of the desire for more spacious residential districts. The commercial ratios also were slightly increased because of the need for off-street parking facilities and there were some minor increases in the industrial ratios. A minor decrease was used for the railroad development since the present facilities are now adequate to serve much future growth. New ratios provided a total of 9.58 acres of land uses per 100 persons for the future population, in comparison with the existing ratio of 9.31.

On the basis of these adjusted ratios, Table 2 shows the area that would be needed to accommodate the several types of land uses required by a future population of 85,000 persons. The amount of residential development would be about nearly twice that now occupied and the amount occupied by industrial and commercial development would be slightly more than double.

A total of 8,143 acres would be needed to serve the future population, which about equals the present city area, exclusive of the water area. However, there is probably no city within

which 100 percent of the area is occupied since some vacant lots and land are always found. Thus additional area beyond the present corporate limits will be needed to serve the future population and should generally conform to the location of the future urban area discussed in the population report.



## REVISED ZONING REGULATIONS

The revisions proposed in the existing zoning regulations include a complete new district map, wherein the boundries are adjusted to lot lines as well as to streets and alleys. It also contains a complete redraft of the zoning ordinance, rather than a series of individual amendments. The revised text is, however, drafted as an amendment to the existing ordinance so that any violations of the present regulations would not become legal non-conforming uses.

### District Regulations

The revised ordinance provides for eleven different zoning districts instead of the five contained in the present ordinance. All of the use, height and area regulations are specified in each district. Six of the proposed districts provide for some form of residential development, three are primarily for commercial uses and two are for industrial development. Following is a brief discussion of the most important regulations in each district.

#### (w) "A" Conservation District

This district contains the vacant area, lying west of the Seaboard Railroad, which is a part of the Westward Expansion Area. Its major objective is to maintain a status-quo in this section of the city until the area is dredged and filled and streets and other physical improvements are provided therein. As the area is gradually subdivided, the zoning can be adjusted to conform with

the detailed plans for improvements. The district does, however, provide for a reasonable use of the area pending the future development, but no residences would be located upon lots containing less than one acre.

(A A) (A)  
"B" and "C" Single-Family Districts

Two single-family districts are proposed, which would permit normal single-family dwellings, churches, schools, parks and other types of uses normally found in good single-family sections. The major difference between the two districts is that garage apartments are permitted in the (A) "C" District, whereas they are prohibited in the (A-A) "B". This will provide some sections in the city that can be used exclusively for single-family residences and from which rental properties are excluded. The (A-A) "B" District requires a minimum lot area of 6,000 square feet, which is most reasonable and in comparison with the existing development, while the (A) "C" District requires a 5,000 square foot minimum lot area. However, a lot in the (A) "C" District on which a garage apartment is erected requires a minimum area of 6,000 square feet.

(B-B)  
"D" Two-Family District

A two-family District is proposed which will permit two-family residences as well as single-family dwellings and garage apartments. The minimum lot area for single-family dwelling is

5,000 square feet and 2,500 square feet per family is required for duplexes. An additional 1,000 square feet of lot area is required whenever garage apartments are erected. Only limited areas within the northern half of the city are placed within this district.

(B) (C)  
"E" and "F" Multiple Dwelling District

Two multiple dwelling districts are provided. In the "E" District, not more than four living units are permitted in any multiple dwelling, while in the (C) "F" District any number of living units can be permitted in a multiple dwelling structure the only limitation being the lot area per family requirements. Otherwise, the uses between the two-multiple districts are generally similar with the exceptions that hotels and apartment hotels are permitted in the (C) "F" District and not in the (B) "E" four-family district.

Another difference between the two districts, is that the maximum building height is 2 1/2 stories in the (B) "E" District, whereas in the (C) "F" District, three story-apartments can be erected and structures containing more than three stories can be provided if the yards and open spaces around the building are substantially increased. This will permit taller hotels and apartments, which might be used for tourists, particularly in the more valuable areas around the central business district.



The minimum lot area of 1,000 square feet per family is required for a multiple dwelling, in the "E" four-family district, while only 750 square feet per family is required in the "F" District.

(D) (E) (G)  
"G", "H" and "J" Business Districts

Three different types of business or shopping districts are proposed. The most restrictive is the (D) "G" - neighborhood shopping district - which is primarily located along some of the important major streets and is surrounded by residential areas, usually single-family districts. Here the uses permitted are normal retail stores, shops, filling stations and the like, which are needed to serve the surrounding residences. Building heights are limited to 35 feet and the stores are required to be set back in line with the residential districts.

The (E) "H" commercial district permits certain service establishments, such as small laundries and cleaning shops, used car lots, and similar activities as well as the normal commercial uses. In this district a building may contain three stories and set backs are not required unless the district immediately adjoins a residential area.

The (G) "J" district is the central business district which includes what is now the main business district with adequate provision for future expansion. Tall structures are permitted in this area and no

yards or open spaces are required. In addition, light industrial uses, as well as retail stores and shops are permitted in this area since a number of such uses already exist. The regulations are designed to encourage a very intensive use of property within this valuable section of the city.

(F) "I" Light Industrial and (H) "K" Industrial

In the light industrial district the primary uses are wholesale establishments, warehouses, bakeries, bottling works and similar service establishments as well as non-objectionable industries and processing plants. In the (H) "K" industrial district the same uses are also permitted and any other manufacturing and processing establishments, except those such as refineries, stockyards, slaughter houses and similar types that would be very objectionable in a predominating residential and resort city, such as West Palm Beach. Building heights are limited to three stories or 50 feet, although taller structures can be permitted if the buildings are set back from the required yard lines.

Location of Districts

The location and extent of each of the proposed districts are shown on the district map, which is included at the end of the zoning ordinance. A comparison of the proposed district boundaries

with the existing land use map will show that such boundaries have been closely related to the existing development, yet adequate provisions have been made for future expansion. Certainly ample provisions have been made for commercial facilities and they are in locations where the land is well adapted for such uses. The industrial districts also contain practically all of the existing industries with provision being made for future expansion. Efforts were made to provide large, compact, industrial districts, but this is not possible in the southern portion of the city because of the street pattern and the intensive development of residential property in close proximity to the railroad.

#### Miscellaneous Provisions

The proposed ordinance contains a number of new sections that are concerned with administration and enforcement. Many of these are included in practically all new modern ordinances, but some of them are so different than what is provided in the present ordinance that the following comments are made thereon.

#### Special Permits

The City Commission is authorized to permit certain uses in districts from which they would otherwise be prohibited. These include such uses as cemeteries, hospitals, institutions, airports

and the like. Under certain conditions an institution or hospital could be very desirable in a residential section, even in single-family districts, especially if they were located on large tracts and were improved with a park-like character. On the other hand, a large institutional building on a small lot immediately adjoining single-family homes would have a very adverse influence upon the residences. Thus, certain standards are established under which the Commission can authorize desirable and beneficial types of new improvements rather than to create a special district or to change the zoning for such use. Further, a public hearing is required before any such permit can be issued and a Planning Board must make a report upon the desirability of the development and upon the standards that should be established and maintained.

#### General Exceptions

There are a number of general exceptions included in a single section rather than to include them within the regulations for each of the eleven districts. These include, for example, the authority to build a garage, or similar buildings in the rear yard and the erection of church spires and steeples above the normal height limits. Likewise, it is proposed to permit the renting of a few rooms in single-family districts during the tourist season with-

out placing all of the property in a multiple dwelling classification. In general, these exceptions are intended to make the ordinance more workable and, yet, insure that it will be in keeping with existing conditions and normal practices.

#### Board of Appeals

The Board of Zoning Appeals is continued, although the method of appointment is contained in the text rather than to require interested citizens to refer to the City Code of 1948 to obtain such information. The powers and duties of the Board are also more clearly defined and prescribed and general standards are established for its guidance in making decisions on variations and exceptions. These should insure a more efficient administration and should be particularly helpful to the Board in that it would indicate the instances in which they can assume jurisdiction. All too frequently the Boards of Zoning Appeals have made such extensive variations that they actually constitute a change in the zoning and thus exceeded their legal authority. Only the City Commission is authorized to make any change in the district boundaries or in the zoning regulations. The Board of Appeals can, however, perform very valuable services in adjusting the regulations to unusual conditions.



TABLE NUMBER THREE  
COMPARISON OF LAND USED AND PROPOSED ZONING  
WEST PALM BEACH, FLORIDA

Use	Present Use (Acres)	*Probable Future Re- quirements	RECOMMENDED ZONING		Accumulating Total
			District	Area (Acres)	
Single Family Residence	1165.0	2295.0	A	3135.8	5926.3
			B	1706.5	
			C	1084.0	
			D	<u>47.1</u>	
Two Family Dwellings	254.5	510.0			47.1
Four Family Dwellings Multiple Dwellings	194.9	382.5	E	421.0	930.0
			F	<u>509.0</u>	
Neighborhood Shopping Commercial Central Business District Semi-Commercial	185.7	382.5	G	191.7	435.9
			H	156.3	
			J	<u>87.9</u>	
Public & Semi-Public Parks & Playgrounds	274.0 410.3	552.5 850.0			
Light Industrial	87.5	255.0	I	157.1	536.0
Industrial	51.1	127.5	K	<u>378.9</u>	
Railroads	250.2	425.0			
Streets & Alleys	<u>1143.2</u>	<u>2210.0</u>			
Total	<u>4096.7</u>	<u>8143.0</u>			1143.2
Vacant Land	3969.8				9018.5
Water Area	952.0				
Total City Area	9018.5				

\* See Table Number Two

### Non-Conforming Uses

As in the present regulations, any non-conforming use or structure can be continued. However, where the non-conforming use comprises only the storage of materials upon the premises, it must be discontinued within five years after the adoption of the amended regulations. Further, the use of a non-conforming building can be changed to another use in a similar classification, but such structure shall not be enlarged or reconstructed.

### Changes and Amendments

The Ordinance and District Map may be changed from time to time in the manner provided by the State Law. The City Commission is the only agency authorized to adopt the official change, but before any action is taken thereon, a public hearing must be held and the Planning Board must make a study and report. It is most logical that the Planning Board, which is primarily a fact-finding and recommendatory body, and which should be continually studying the trend of development and current needs, should advise the City Commission upon the desirability of the change.

### Adequacy Of The Proposed Zoning Districts

The area contained in the proposed zoning districts are shown on Table 3. Also included in the table are data regarding area of existing land uses and estimated future land use requirements.

With one minor exception, which will be explained later, the table clearly reveals that the proposed districts make more than adequate provision for all future uses. For example only 185.7 acres are now used for commercial purposes and the estimated requirements are 382.5 acres, yet the proposed districts contain 435.9 acres. Likewise, the estimated future requirements for all types of multiple dwellings are some 382 acres, yet the proposed districts contain 930 acres. One reason why the proposed districts are substantially larger than the estimated needs is that the existing uses are so widely scattered, that a large area was embraced to include the predominate amount of such uses.

It should also be noted that additional commercial and multiple dwelling zoning will be provided in the future. For example, all of the Westward Expansion Area is now included in the "A" District, yet the plan for this area provides for commercial and apartment districts which will undoubtedly be established as the area is improved. Likewise, since the future urban area will extend beyond the present corporate limits, some local shopping centers will be created beyond the present city.

The proposed district that contains less area than the estimated future requirements is the "D" Two-family District. This is due to the fact that there was such a limited portion of the city, com-

pactly developed with such uses that the area of the district was necessarily small. Actually there are ample opportunities provided for two-family dwellings since they will be located in the extensive multiple dwelling districts. Further, more than 50 percent of the two-family classification is now represented by a single-family home and a garage apartment upon the same lot and this use is permitted in the "C" Single-family district which contains more than 1000 acres.

The proposed industrial zoning is about the same as the estimated requirements, but as previously indicated additional industrial districts should be provided beyond the present corporate limits. While no area is zoned for public and semi-public uses these will be distributed throughout the city-primarily within residential sections, and obviously there is ample room for a high standard of such facilities.

In summary, the proposed zoning provides ample area for all future needs and there is no tendency, whatsoever, to place a monopoly upon any type of property. The provision of extensive additional areas for the less restricted uses, such as commerce and multiple dwellings, would not properly protect the residential districts and would encourage a scattered and intermingled development where each use could not function to its best advantage. Consequently, the proposed zoning is a comprehensive plan

that is closely related to existing conditions and probable future requirements. It is not a question of providing additional area, but merely one of whether the proposed districts are properly located.



## ADMINISTRATION

A zoning ordinance is only as good as its administration and enforcement. Even the most carefully prepared ordinance does not produce satisfactory benefits if it is frequently violated, if the districts and the regulations are changed upon each individual request, or if extensive variations and exceptions are permitted.

The land use survey indicated some instances where violations of the present Zoning Ordinance had apparently occurred. A number of these, probably the large majority, undoubtedly resulted from the conversion of older homes into apartments and rooming and boarding houses. This was a rather common occurrence in many cities during the recent war because of the need and demand for living facilities. The serious fact is that the continued violation of any municipal ordinance merely encourages additional violations, and eventually the regulations completely lose their effectiveness.

Both the state law and the revised Ordinance provides for changes and amendments. It is entirely possible that unforeseen conditions and trends will arise that will justify such readjustments. However, the proposed Ordinance is so liberal in its provisions for meeting both existing and future requirements that there must be substantial evidence of the need for any change.

Further, such change must result in advantages to the entire city rather than to benefit the individual property owner. A thorough report by the Planning Board will assist the City Commission in determining whether the change or amendment is completely justified.

While the enforcement of the Zoning Ordinance is primarily the responsibility of the City Officials, particularly the Inspector of Buildings, it is obvious that they cannot accomplish satisfactory results unless there is a widespread public demand and public support for its enforcement. The basic responsibility rests upon the citizens of the community. A wider public knowledge and understanding of zoning problems and the potential advantages that can be obtained from zoning regulations is essential before satisfactory progress will be made.

The purpose of zoning is to protect property values, particularly residential property, and to direct the development of the city in accordance with a comprehensive plan. If the Ordinance is strictly adhered to, a pattern of land use beneficial to all citizens will be gradually developed over a period of years. With enforcement that is thorough, fair and equitable, individual hardship will be virtually unknown. The regulations have been drafted to be reasonable in relation to existing conditions and to provide fully

for future needs. Each and every citizen in the community as a whole will benefit from their enactment and strict enforcement.

Preliminary Draft  
AMENDED ZONING ORDINANCE  
West Palm Beach, Florida

AN ORDINANCE amending Chapter 43 of the Code of the City of West Palm Beach, Florida, 1948, entitled "Zoning", as amended.

BE AND IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH IN PALM BEACH COUNTY, FLORIDA:

ARTICLE 1

SECTION 1. That Chapter 43 of the Code of the City of West Palm Beach, Florida, 1948, entitled "Zoning" as amended, be and the same is hereby amended to read as follows:

ARTICLE 2

SHORT TITLE

SECTION 1. This ordinance shall be known, referred to, and recited as "The West Palm Beach Zoning Ordinance of 1952".

ARTICLE 3

DEFINITIONS

SECTION 1. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

1. Accessory Building: A subordinate building, or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one which is incidental to the main use of the premises.

2. Alley: A way which affords only a secondary means of access to property abutting thereon.

3. Apartment: A room or suite of rooms intended or designed for use as a residence by a single-family, including bath and culinary accommodations.

4. Apartment House: See Dwelling, Multiple.

5. Basement: A story having part but not more than one-half (1/2) of its height above grade and used for storage, garages for use of occupants of the building, janitor or watchman quarters, or other utilities (exclusive of *other* rooms of habitation or assembly) common for the rest of the building. A basement used for the above purpose shall not be counted as a story, provided its height in the clear shall not exceed seven feet six inches (7'6").

6. Boarding House: A building other than a hotel where, for compensation pursuant to previous arrangement, meals or lodging and meals are provided for three (3) or more persons.

7. Building: Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.

8. Building, Height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.



9. Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one-half (1/2) of its height below grade.

10. District: Any section of the City of West Palm Beach for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

11. Dwelling: Any building or portion thereof which is designed for or used for residential purposes.

12. Dwelling, Single-Family: A building designed for or occupied exclusively by one (1) family.

13. Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families.

14. Dwelling, Multiple: A building designed for or occupied exclusively by three (3) or more families.

15. Family: One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

16. Farm: An area which is used for the growing of the usual farm products such as vegetables, fruits and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses including dairy farms with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

17. Filling Stations: Any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When such dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

18. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

19. Garage Apartment: An accessory or subordinate building, not a part of or attached to the principal building, where a portion of such building contains living facilities for not more than one family.

20. Garage, Private: An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

21. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

22. Garage, Storage: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

23. Grade: (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the City Engineer.

24. Home Occupation: Any occupation or activity carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate not more than one (1) square foot in area, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his profession.

25. Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office

supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.

26. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.

27. Lodging House: A building other than a hotel where lodging for three (3) or more persons is provided for compensation pursuant to previous arrangement and not to any one who may apply.

28. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place.

29. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

30. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

31. Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Palm Beach County; or a parcel of land, the deed of which was recorded in the office of the Clerk of the Circuit Court of Palm Beach County on or before the effective date of this Ordinance.

32. Non-Conforming Use: The use of a building, or portion thereof, or land, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.



33. Parking Space: A durably surfaced area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) standard automobile, exclusive of a surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.

34. Place: An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

35. Rooming House: See Lodging House.

36. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

37. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) per cent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.

38. Street: A public or private thoroughfare which affords the principal means of access to abutting property.

39. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

40. Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas.



41. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

42. Tourist Home: A building other than a hotel where logging is provided and offered to the public for compensation, for ~~five (5) or more~~ <sup>more than two (2)</sup> but not exceeding twenty (20) individuals and open to transient guests, with which there is used only one sign not more than two (2) square feet in area, the lighting of which shall be regulated by the Inspector of Buildings.

43. Tourist or Trailer Camp: An area where one (1) or more tents or auto trailers can be or are intended to be parked, designed or intended to be used as temporary living facilities of one (1) or more families, and intended primarily for automobile transients.

44. Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

45. Yard, Front: A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

46. Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard and the building entrance.

47. Yard, Side: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

#### ARTICLE 4

##### DISTRICTS AND GENERAL REGULATIONS THEREOF

SECTION 1. In order to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes; to regulate and restrict the height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the City of West Palm Beach is hereby divided into districts of which there shall be eleven (11) in number known as:

- "A" Conservation District W
- "B" Single-Family District A-A
- "C" Single-Family District A
- "D" Two-Family District B-B
- "E" Four-Family District B
- "F" Multiple Dwelling District C
- "G" Neighborhood Shopping District D
- "H" Commercial District E
- "I" Light Industrial F

G "J" Central Business District  
H "K" Industrial District

SECTION 2. The boundaries of the districts are shown upon the map which is made a part of this Ordinance, which map is designated as the "District Map". The district map and all the notations, references and other information shown thereon is a part of this Ordinance and has the same force and effect as if the District Map and all the notations, references and other information shown thereon was all fully set forth or described herein, the original of which District Map <sup>10</sup> are properly attested and <sup>and identified</sup> are on file with the Clerk of the City of West Palm Beach.

SECTION 3. All territory which may hereafter be annexed to the City of West Palm Beach, Florida, shall be automatically classified in the <sup>(A-A)</sup> "B" Single-Family District until otherwise changed by ordinance, after public hearing.

SECTION 4. Whenever any street, alley, or other public way is vacated by official action of the City Commission of the City of West Palm Beach, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

SECTION 5. All areas within the corporate limits of the City of West Palm Beach, which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

SECTION 6. Except as hereinafter provided:

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
4. The minimum yards and other open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this Ordinance.
5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Ordinance.

ARTICLE 5

(W)  
"A"

CONSERVATION DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the district regulations in the "A" Conservation District.



SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Farming, including the usual farm buildings and structures.
2. Truck and flower gardening, nurseries, and greenhouses.
3. Single-family dwellings.
4. Public and private forests and wildlife reservations or similar conservation projects.
5. Public Parks.
6. Golf Courses, except miniature courses and practice driving tees.
7. Gun and rifle clubs.
8. Roadside stands offering for sale only farm or truck garden products which are produced on the premises.
9. Riding stables and open kennels.
10. Institutions of an educational, religious, eleemosynary, philanthropic or similar nature.
11. Removal of muck or topsoil and growing of grass.
12. Accessory buildings and uses customarily incidental to any of the above uses, including home occupations and professional offices of one who lives in the main building.
12. Signs not exceeding sixteen (16) square feet in area, appertaining to the lease, hire or sale of a building or premises or the sale of products grown and sold on the premises; provided, however, that not more than one sign of the above character shall be permitted on any lot.

SECTION 3. Height Regulations: No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, except as hereinafter provided.



SECTION 4. Area Regulations:

1. Yards: No building shall be erected within thirty (30) feet of any property line or street line; provided, however, that temporary roadside stands may be located within the front yard.

2. Lot Area Per Family: Every lot or tract of land upon which a single-family dwelling is erected shall have an area of not less than one (1) acre, except that if a lot or tract has less area than herein required and was of record on the effective date of this Ordinance, that lot may be used for single-family dwelling purposes.

(A-A)  
ARTICLE 6

"B" SINGLE-FAMILY DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance, when referred to in this Article, are the district regulations in the "B" Single-Family Districts.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Single-family dwellings.
2. Parks, playgrounds and community buildings owned or operated by public agencies.
3. Public libraries and museums.
4. Public schools, elementary and high, or private school having a curriculum the same as ordinarily given in a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.

5. Churches or temples, but any church or temple that is erected on a new site shall provide and maintain off-street parking space upon the lot or within three hundred (300) feet thereof, which space is adequate to accommodate one (1) car for every five (5) persons for whom seating is provided in the main auditorium of the church or temple exclusive of the seating capacity of Sunday School and other special rooms.

6. Accessory buildings, including a private garage and accessory uses, customarily incident to the above uses (not involving the conduct of a business) including home occupations and the use of a lot or portion thereof for a normal vegetable or flower garden. Any accessory building that is not a part of the main structure shall be located not less than sixty (60) feet from the front lot line and not less than ten (10) feet from any portion of the main building. Accessory buildings shall also include church or public building bulletin boards and temporary signs appertaining to the lease, hire or sale of a building or premises, not exceeding ten (10) square feet in area.

SECTION 3. Height Regulations: No building shall exceed two (2) stories or shall it exceed thirty (30) feet in height, except as hereinafter provided.

SECTION 4. Parking Regulations: Whenever the following structures are erected or reconstructed they shall be provided with off-street parking space on the same lot as the main building in accordance with the following minimum requirements:

1. Single-Family Dwellings: One parking space for each dwelling unit but such parking space shall not be within the front yard.

2. Churches and Temples: One parking space for each five (5) seats provided in the main auditorium.

3. Schools and Public Buildings: One parking space for every one thousand (1,000) square feet of floor area.

SECTION 5. Area Regulations:

1. Front Yard: (a) There shall be a front yard having a depth of not less than twenty-five (25) feet, unless forty (40) percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard that is greater or less than twenty-five (25) feet in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet.

(b) On double frontage lots the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersections of two (2) or more streets, the width of the yard along the side street shall not be less than twelve and one-half (12 1/2) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard: There shall be two side yards, one on each side of the building, having a combined width of not less than fifteen (15) feet, provided, that in no case shall either side yard be less than five (5) feet in width.

3. Rear Yard: Except as hereinafter provided, there shall be a rear yard having a depth of not less than twenty (20) feet.

4. Lot Area Per Family: Every lot or tract of land shall have an area of not less than six thousand (6,000) square feet and an average width of not less than fifty (50) feet, except that if a lot or tract has less area or width than herein required and was of record at the time of the effective date of this ordinance, that lot or tract may be used for single-family dwelling purposes.

## ARTICLE 7

### (A) "C" SINGLE-FAMILY DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the district regulations in the (A) "C" Single-Family Districts.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the (A-A) "B" Single-Family Dwelling Districts.

2. Garage apartment but only when the area of the lot conforms to the lot area requirements of this Article.

SECTION 3. Height Regulations: The height regulations are the same as those in the (A-A) "B" Single-Family Districts.

SECTION 4. Parking Regulations: The parking regulations are the same as those in the (A-A) "B" Single-Family district except that an off-street parking space shall also be provided for the living unit in the garage apartment.

SECTION 5. Area Regulations:

(A-A) 1. Front Yard: The front yard regulations are the same as those in the "B" Single-Family Districts.



(A-A) 2. Side Yard: The side yard regulations are the same as those in the "B" Single-Family Districts.

3. Rear Yard: The rear yard regulations are the same as the rear yard regulations of the (A-A) "B" Single-Family District.

4. Lot Area Per Family: (a) Every lot or tract of land shall have an area of not less than five thousand (5,000) square feet and an average width of not less than fifty (50) feet except that if a lot has less area or width than herein required, and was of record at the time of the effective date of this ordinance, that lot or tract may be occupied by a single-family dwelling.

(b) Any lot or tract upon which a garage apartment is erected shall contain not less than six thousand (6,000) square feet.

#### ARTICLE 8

##### (B-B) "D" TWC-FAMILY DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the (B-B) "D" Two-Family District Regulations.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the "C" Single-Family District.
2. Two-Family Dwellings.

3. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.

SECTION 3. Parking Regulations: (a) The parking regulations for single-family dwellings, garage apartments, churches, schools and public buildings are the same as those in the (A-A) "B" and "C" Single-Family Districts.



(b) Whenever a building is erected, converted, or structurally altered for a two-family dwelling, one (1) parking space shall be provided on the lot for each dwelling unit in the building. Such parking space shall not, however, be within the front yard.

SECTION 4. Height Regulations: No building shall exceed two and one-half (2 1/2) stories or shall it exceed thirty-five (35) feet in height, except as hereinafter provided.

SECTION 5. Area Regulations:

1. Front Yard: The front yard regulations are the same as those in the "B" Single-Family District.

2. Side Yard: (a) There shall be two side yards, one on each side of the building, having a combined width of not less than twelve (12) feet, provided, that in no case shall either side yard be less than five (5) feet in width.

3. Rear Yard: Except as hereinafter provided, there shall be a rear yard having a depth of not less than twenty (20) feet.

4. Lot Area Per Family: Except as hereinafter provided, every dwelling hereafter erected, enlarged, re-located, reconstructed, or structurally altered, shall be located upon lots containing the following areas:

(a) A lot occupied by a single-family dwelling shall contain an area of not less than five thousand (5,000) square feet per family.

(b) A lot occupied by a two-family dwelling shall contain an area of not less than twenty-five hundred (2,500) square feet per family.

(c) An additional area of one thousand (1,000) square feet shall be required whenever a garage apartment is erected upon any lot.

(d) Where a lot has less area than herein required and was of record at the effective date of this ordinance, that lot may be used for single-family dwelling purposes.

(B) ARTICLE 9

(B) "E" FOUR-FAMILY DISTRICT REGULATIONS

(B) SECTION 1. The regulations set forth in this article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "E" Four-Family Districts.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the (B-B) "D" Two-Family Districts.
2. Multiple dwellings accommodating not more than four (4) families.
3. Rooming and boarding houses.
4. Fraternities, sororities, private clubs, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
5. Accessory buildings and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, club, hospital or institutional building. Any private storage garage or accessory building that is not a part of the main building shall be located not less than sixty (60) feet from the front lot line and not less than ten (10) feet from the main building.

SECTION 3. Parking Regulations: (a) The parking regulations for single-family dwellings, garage apartments, churches, schools and public buildings are the same as those in the <sup>(A-A)</sup>"B" and <sup>(A)</sup>"C" Single-F<sub>a</sub>mily Districts.

(b) Where a lot is occupied by a two-family or multiple dwelling, there shall be provided an accessible parking space on the lot adequate to accommodate not less than one (1) car for every dwelling unit within the building. Such parking space may not, however, be located within the required front yard.

(c) Whenever a structure is erected, converted, or structurally altered for a fraternity or sorority, there shall be provided accessible parking space on the lot adequate to accommodate one (1) car for every six (6) beds contained in the structure.

(d) Whenever a structure is erected or used for a rooming or boarding house, there shall be provided accessible parking space on the lot adequate to accommodate one (1) car for every two (2) guest rooms.

SECTION 4. Height Regulations: No building shall exceed two and one-half (2 1/2) stories or shall it exceed thirty-five (35) feet in height, except as hereinafter provided.

SECTION 5. Area Regulations:

1. Front Yard: (a) There shall be a front yard having a depth of not less than twenty (20) feet, unless forty (40) percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard, in which case no building shall project beyond the average front yard so established,

but this regulation shall not be interpreted to require a front yard of more than thirty-five (35) feet.

(b) Where lots have a double frontage, the required front yard shall be provided on both streets.

(c) Where a lot is located at the intersection of two (2) or more streets, the width of the <sup>side yard</sup> lot along the side street shall not be less than twelve and one-half (12 1/2) feet.

2. Side Yard: There shall be two side yards, one on each side of the building, having a combined width of not less than twelve (12) feet, provided, that in no case shall either side yard be less than five (5) feet in width.

3. Rear Yard: Except as hereinafter provided, there shall be a rear yard having a depth of not less than fifteen (15) feet.

4. Lot Area Per Family: Except as hereinafter provided, every dwelling hereafter erected, enlarged, re-located, reconstructed or structurally altered, shall be located upon lots containing the following areas:

(a) A lot occupied by a single-family dwelling shall contain a lot area of not less than four thousand (4,000) square feet per family.

(b) A lot occupied by a two-family dwelling shall contain a lot area of not less than two thousand (2,000) square feet per family.

(c) A lot occupied by a three or four family dwelling shall contain an area of not less than one thousand (1,000)

square feet per family, except that this regulation shall not apply to rooming or boarding houses, dormitories, fraternities and sororities where no cooking is done in the individual rooms or apartments.

(d) Where a lot has less area than herein required and was of record on the effective date of this ordinance that lot may be used only for single-family dwelling purposes.

## ARTICLE 10

### "F" MULTIPLE DWELLING DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations of the "F" Multiple Dwelling Districts.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the "E" Four-Family Districts.
2. Multiple Dwellings.
3. Hotels and Apartment Hotels.
4. Institutions of a religious, educational, eleemosynary or philanthropic nature, but not penal or mental institutions.
5. Hospitals, except criminal or mental hospitals.
6. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, hotel, club, hospital or institutional building. Any private storage garage or accessory building that is not a part of the main building shall be located not less than sixty (60) feet from the front line and not less than ten (10) feet from the main building.



SECTION 3. Parking Regulations: (a) The parking regulations for single-family, two-family and multiple dwellings and for rooming and boarding houses, garage apartments, churches, schools, fraternities and public buildings are the same as those in the <sup>(B)</sup>"E" Four-Family District.

(b) Whenever a structure is erected, converted or structurally altered for a hospital or institution, there shall be provided accessible parking space upon the lot adequate to accommodate one car for every six (6) beds contained in the structure.

(c) Whenever a building is erected or reconverted as a hotel or apartment hotel, there shall be one (1) parking space for every three (3) guest sleeping rooms or <sup>space</sup> ~~one (1) parking~~ for every two (2) dwelling units in the building.

SECTION 4. Height Regulations: No building shall exceed three (3) stories or forty-five (45) feet in height, at the required front, side and rear yard lines, but above the height permitted at said yard lines, one (1) foot may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the required yard lines, provided, however, that in no instance shall the building exceed a height of ten (10) stories or one hundred twenty-five (125) feet, and except as hereinafter provided.

SECTION 5. Area Regulations:

1. Front Yard: The front yard regulations for buildings not exceeding three (3) stories in height are the same as those in the <sup>(B)</sup>"E" Four-Family District.

2. Side Yard: (a) The side yard regulations for buildings not exceeding two and one-half (2 1/2) stories in height are the same as those in the <sup>(B)</sup>"E" Four-Family District.

(b) Except as hereinafter provided, there shall be a side yard on each side of a three (3) story building which shall have a width of not less than eight (8) feet.

(c) For buildings exceeding three (3) stories in height, the width of the side yard shall be increased in accordance with the regulations of Section 4 of this Article.

3. Rear Yard: The rear yard regulations for buildings not exceeding three (3) stories in height are the same as those in the <sup>(B)</sup>"E" Four-Family Districts. For buildings exceeding three (3) stories, the rear yard shall be increased in accordance with the requirements of Section 4 of this Article.

4. Lot Area Per Family: Except as hereinafter provided, every dwelling hereafter erected, enlarged, relocated, reconstructed or structurally altered, shall be located upon lots containing the following areas.

(a) Where the structure contains not more than two (2) families the lot area per family shall be the same as in the <sup>(B)</sup>"E" Four-Family Districts.

(b) A lot on which there is erected a multiple dwelling, hotel or an apartment hotel shall contain an area of not less than seven hundred fifty (750) square feet per family, except that this regulation shall not apply to dormitories, fraternities, sororities, hotels or apartment hotels where no cooking is done in individual rooms or apartments.

(c) Where a lot has less area than herein required, and was of record at the time of the effective date of this Ordinance that lot may be used for single-family dwelling purposes or for the other non-dwelling uses permitted in this Article.

## ARTICLE 11

### <sup>(D)</sup>"G" NEIGHBORHOOD SHOPPING DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "G" Neighborhood Shopping Districts.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the (C) "F" Multiple Dwelling Districts.
2. Amusement place or theatre, except open-air drive-in theatre; provided, however, that no theatre shall be erected or reconstructed unless there is provided on the same lot, or within three hundred (300) feet thereof within this district, a space for off-street parking which contains an area adequate to accommodate one (1) automobile for every five (5) seats in the theatre.
3. Bank.
4. Bakery employing not more than five (5) persons when products are sold only at retail on the premises.
5. Barber shop, beauty parlor, chiropody, massage or similar personal service shop.
6. Bicycle sales and repair shop.
7. Business or commercial schools or dancing or music academies.
8. Catering and delicatessen business.
9. Custom dressmaking, millinery, tailoring, or similar retail trade, employing not more than five (5) persons on the premises.
10. Filling Stations.
11. Garage, Public. Except that the repair or storage portion of such building shall occupy not more than fifty (50) per cent of the total floor area and no lot or portion thereof shall be used for the display of used cars.
12. Garage, Storage.
13. Laundromats.

14. Locksmith shop.
  15. Medical and dental clinic.
  16. Messenger and telegraph service station.
  17. Offices.
  18. Parking space and lots for the parking of automobiles.
  19. Photographer's studio.
  20. Receiving store for wet, dry or steam cleaning, which cleaning shall be done elsewhere.
  21. Restaurant.
  22. Shoe repairing shop, employing not more than five (5) persons.
  23. Shop for the repair of electrical and radio equipment and other similar commodities employing not more than five (5) persons on the premises, and not involving the conduct of any manufacturing on the premises.
  24. Store or shop for the conduct of a retail business.
  25. Undertaking establishment; provided, however, that no undertaking establishment shall be erected or reconstructed unless there is provided on the same lot, or within three hundred (300) feet thereof within this district, a space for off-street parking which contains an area adequate to accommodate one (1) car for every one hundred (100) square feet of floor space in the chapel or parlor.
  26. Accessory buildings and uses customarily incident to the above listed uses, including a sign or a bulletin board relating only to services, articles and products offered within the building to which the sign is attached.
- Any building used primarily for any of the above enumerated purposes may have not more than twenty-five (25) per cent of the floor area devoted to storage purposes incidental to such primary use.



SECTION 3. Parking and Loading Regulations:

1. The parking regulations for dwellings, schools, institutions and similar uses are the same as those in the "F" Multiple Dwelling District.

2. Where any building is erected, reconstructed or converted for any of the business purposes permitted in this Article, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each three hundred (300) square feet of floor space in the building which is used for commercial purposes, except that any recreation or amusement building or any restaurant or establishment whose primary use is to serve meals, lunches or drinks to patrons, either in their cars or in the building, shall provide parking spaces on the lot in the ratio of not less than one (1) parking space for each one hundred (100) square feet of floor space in the building. Such parking space may be located on the same lot as the building or on an area within this district and within three hundred (300) feet of the building and such parking space may be located within the required front yard. Two or more owners of buildings may join together in providing this parking space.

3. Any building hereafter erected or converted for any of the commercial uses permitted in this District shall provide one (1) space, with minimum dimensions of ten (10) by twenty-five (25) feet, for the loading or unloading of trucks, either within the building or upon the lot for every building containing ten thousand (10,000) square feet or less. One additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.



SECTION 4. Height Regulations: No building shall exceed two and one-half (2 1/2) stories or shall it exceed thirty-five (35) feet in height, except as hereinafter provided.

SECTION 5. Area Regulations:

1. Front Yard: No front yard shall be required unless forty (40) percent or more of the frontage on the same side of the street between two (2) intersecting streets is improved with buildings that have provided a front yard, in which case no building shall project beyond the average of the established front yards, but this regulation shall not be interpreted to require a front yard of more than twenty (20) feet.

2. Side Yard: The side yard regulations for dwellings are the same as those in the <sup>(B)</sup>"E" Four-Family Districts. In all other cases a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet. *alley way*

3. Rear Yard: The rear yard regulations for dwellings are the same as those in the <sup>(B)</sup>"E" Four-Family Districts. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than twenty (20) feet in depth.

4. Lot Area Per Family: When a lot is improved with single-family dwellings, two-family dwellings, or a multiple dwelling, or when living facilities are erected above other uses, the lot area per family regulations are the same as those required in the "E" Four-Family District.

<sup>(E)</sup> ARTICLE 12

<sup>(E)</sup> "H" COMMERCIAL DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the <sup>(E)</sup>"H" Commercial District.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the (D) "G" Neighborhood Shopping District.
2. Advertising signs and bulletin boards.
3. Dyeing and cleaning works employing not more than ten (10) persons on the premises, (exclusive of owners or drivers or employees who spend the greater part of their time outside rather than on the premises) and using a cleaning fluid whose base is of a material other than petroleum or one of its derivatives.
4. Hospital or clinic for animals, but no open kennels shall be maintained on premises.
5. Laundries employing not more than ten (10) persons on the premises, exclusive of owners or drivers or employees who spend the greater part of their time outside rather than on the premises).
6. Plumbing shop employing not more than ten (10) persons on the premises.
7. Printing shop employing not more than ten (10) persons on the premises.
8. Public garage and automobile sales room.
9. Tinsmithing shop employing not more than ten (10) persons on the premises.
10. Used car sales or storage lots.
11. Radio broadcasting and telecasting stations, studios and offices.
12. Milk distributing station, but not involving any bottling on the premises.
13. General service and repair establishments similar in character to those enumerated in this Article but employing not more than ten (10) persons on the premises.

SECTION 3. Parking and Loading Regulations:

1. The parking regulations for dwellings, schools, institutions and similar uses are the same as those in the "F" Multiple Dwelling District.
2. The parking regulations for business uses are the same as those in the <sup>(D)</sup>"G" Neighborhood Shopping District.
3. Whenever any building is erected, reconstructed or converted for a laundry, printing or plumbing shop or for similar service establishments permitted in this district, there shall be provided parking space at a ratio of not less than one (1) parking space for each two thousand (2,000) square feet of floor space in the building.
4. Any building hereafter erected or converted for any of the commercial or service uses permitted in this District shall provide one (1) space, with minimum dimensions of ten (10) by twenty-five (25) feet, for the loading or unloading of trucks, either within the building or upon the lot for every building containing ten thousand (10,000) square feet or less. One additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

SECTION 4. Height Regulations: No building shall exceed three (3) stories or shall it exceed fifty (50) feet in height, except as hereinafter provided.

SECTION 5. Area Regulations:

1. Front Yard: No front yard is required except where the frontage on one side of a street between two intersecting streets is partly in the "H" Commercial District and partly in a dwelling district, in which event the front yard regulations of the dwelling district shall apply.

2. Side Yard: The side yard regulations for dwelling uses are the same as those in the "E" Four-Family District. In all other cases a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: The rear yard regulations for dwellings are the same as in the "F" Multiple Dwelling Districts. In all other cases a rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than fifteen (15) feet.

4. Lot Area Per Family: When a lot is improved with a single-family dwelling, two-family dwelling, or a multiple dwelling, the lot area per family regulations are the same as those required in the "F" Multiple Dwelling Districts.

#### ARTICLE 13

#### (F) "I" LIGHT INDUSTRIAL DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the (F)  
"I" Light Industrial District.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the (E)  
"H" Commercial District.
2. Bakeries.
3. Blacksmith Shop.
4. Bottling Works.
5. Contractors storage yard.



6. Dyeing and cleaning establishments.
7. Laundry.
8. Lumber yard.
9. Milk distributing station.
10. Printing plants.
11. Plumbing shop.
12. Warehouse and storage plants.
13. Wholesale establishments.
14. Wood and coal yards.
15. Public utility substations and facilities.
16. Trailer or tourist camp.

17. Junk yards, but only when the area of such lot or tract devoted to such use is covered by a building in conformity with the Building Code requirements of the City of West Palm Beach.

18. Industrial and manufacturing plants where the scale of operations and the process of manufacturing or treatment of materials is such that the amount of dust, odor, gas, smoke or noise resulting therefrom will not result in a lowering of taxable values of property, and otherwise will not be objectionable to surrounding residence districts, where the operations are conducted in one or more buildings and not more than ten (10) per cent of the lot or tract is used for the open storage of products, materials, or equipment.

SECTION 3. Height Regulations: No building shall exceed three (3) stories or shall it exceed fifty (50) feet in height, unless it is set back one (1) foot from all required yard lines for each foot of additional height above forty-five (45) feet.



SECTION 4. Parking and Loading Regulations: (a) The parking regulations for uses permitted in the "H" Commercial District shall apply to such uses when located in the "I"<sup>F</sup> Light Industrial District. Parking space shall be provided on the lot or in a building on the lot adequate to accommodate the cars of the employees of any of the other uses permitted in this district, as well as the trucks and other vehicles owned by or in the custody of the establishments.

(b) Any building hereafter erected or converted for any of the commercial or industrial uses permitted in this district shall provide one space, with minimum dimensions of ten (10) by twenty-five (25) feet for the loading or unloading of trucks, either within the building or upon the lot for every building containing ten thousand (10,000) square feet or less. *loading space shall be provided for each additional ten thousand (10,000)* One additional square foot of gross floor area or fraction thereof.

SECTION 5. Area Regulations:

1. Front Yard: Where all the frontage on one side of the street between two intersecting streets is located in the "I"<sup>F</sup> Light Industrial District, no front yard shall be required. Where the frontage on one side of the street between two intersecting streets is located partly in the "I"<sup>F</sup> Light Industrial District and a dwelling or any business district, the front yard requirements of the dwelling or business district shall apply to the "I"<sup>F</sup> Light Industrial District.

2. Side Yard: The side yard regulations for dwellings are the same as in the "E"<sup>B</sup> Four-Family District. In all other cases a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: The rear yard requirements for dwellings are the same as in the <sup>(15)</sup>"E" Four-Family District. In all other cases a rear yard is not required except on a lot abutting on a dwelling district, in which case there shall be a rear yard of not less than fifteen (15) feet in depth.

4. Intensity of Use: The intensity of use regulations for dwellings are the same as those in the "F" Multiple Dwelling District.

#### ARTICLE 14

(9)  
"J"

#### CENTRAL BUSINESS DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations of the "J" Central Business District.

SECTION 2. Use Regulations: The use regulations are the same as those in the <sup>(F)</sup>"I" Light Industrial District.

SECTION 3. Loading Regulations: Any building hereafter erected or converted for any of the commercial or industrial uses permitted in this district shall provide one space, with minimum dimensions of ten (10) by twenty-five (25) feet, for the loading or unloading of trucks, either within the building or upon the lot, for every building containing ten thousand (10,000) square feet or less. One additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

SECTION 4. Height Regulations: No building shall exceed a height at the street line of eight (8) stories or one hundred (100) feet, but above the height permitted at the street line three (3) feet may be added to the height of the building for each one (1) foot that the building or

portion thereof is set back from all sides of the lot, except that the cubical contents of such buildings shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height equal to two (2) times the width of the street. Provided, however, that a tower with a base not to exceed twenty (20) percent of the lot area not to have any side greater than sixty (60) feet nor to have any wall closer than twenty (20) feet to any lot line, may be constructed without reference to the above limitations.

SECTION 5. Area Regulations:

1. Front Yard: No front yard is required for any building in the <sup>(S)</sup>"J" Central Business District.

2. Side Yard: The side yard regulations for dwellings are the same as those in the <sup>(B)</sup>"E" Four-Family Districts. In all other cases a side yard is not required.

3. Rear Yard: The rear yard regulations for dwellings are the same as those in the <sup>(B)</sup>"E" Four-Family Districts. In all other cases a rear yard is not required.

4. Lot Area Per Family: The lot area per family regulations are the same as those in the "F" Multiple Dwelling Districts.

ARTICLE 15

<sup>(H)</sup>"K" INDUSTRIAL DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the <sup>(H)</sup>"K" Industrial Districts.

SECTION 2. Use Regulations: A building or premises may be used for any except the following purposes:

1. Acid manufacture.
2. Arsenal
3. Blast Furnace.
4. Boiler works.
5. Cement, lime, gypsum or plaster of paris manufacture.
6. Coke ovens.
7. Creosote treatment or manufacture.
8. Distillation of bones, coal or wood.
9. Fat rendering.
10. Fertilizer manufacture.
11. Fireworks or explosive manufacture or storage.
12. Garbage, offal or dead animals, reduction or dumping, except garbage incinerators operated by the City of West Palm Beach.
13. Glue, size or gelatine manufacture.
14. Paper and pulp manufacture.
15. Petroleum products, refining thereof.
16. Potash works.
17. Smelting of tin, copper, zinc or iron ores in large quantities.
18. Stock yards or slaughter of animals.
19. Tallow, grease or lard manufacture or refining from animal fat.
20. Tanning, curing or storage of raw hides or skins.
21. Tar distillation or manufacture.
22. And in general any similar uses which may be obnoxious or offensive by reason of emission of large quantities of odor, dust, smoke, gas or noise or vibration.



SECTION 3. Height Regulations: No building shall exceed eight (8) stories or one hundred (100) feet in height, except that whenever any building in the <sup>(H)</sup> "K" Industrial District adjoins or abuts upon a dwelling or residence district, it shall not exceed three (3) stories nor shall it exceed forty-five (45) feet in height, unless it is set back one (1) foot from all required yard lines for each foot of additional height above forty-five (45) feet.

SECTION 4. Parking and Loading Regulations:

1. Parking space shall be provided on the lot or in a building on the lot adequate to accommodate the cars of the employees of any of the uses permitted in this district, as well as the trucks and other vehicles owned by or in the custody of the establishment.

2. Any building hereafter erected or converted for any of the commercial or industrial uses permitted in this District shall provide one (1) space, with minimum dimensions of ten (10) by twenty-five (25) feet, for the loading or unloading of trucks, either within the building or upon the lot for every building containing ten thousand (10,000) square feet or less. One additional loading space shall be provided for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof.

SECTION 5. Area Regulations:

1. Front Yard: Where all the frontage on one side of the street between two intersecting streets is located in the <sup>(H)</sup> "K" Industrial District, no front yard shall be required. Where the frontage on one side of the street between two intersecting streets is located partly in the <sup>(H)</sup> "K" Industrial District and a dwelling or a neighborhood shopping district, the front yard requirements of the dwelling or neighborhood shopping district shall apply to the <sup>(H)</sup> "K" Industrial District.



2. Side Yard: The side yard regulations for dwellings are the same as in the <sup>(C)</sup>"F" Multiple Dwelling District. In all other cases a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than five (5) feet.

3. Rear Yard: The rear yard requirements for dwellings are the same as in the <sup>(C)</sup>"F" Multiple Dwelling Districts. In all other cases a rear yard is not required except on a lot abutting on a dwelling district, in which case there shall be a rear yard of not less than fifteen (15) feet in depth.

4. Lot Area Per Family: The lot area per family regulations for dwellings are the same as those in the <sup>(C)</sup>"F" Multiple Dwelling Districts.

## ARTICLE 16

### NON-CONFORMING USES

SECTION 1. A non-conforming use of a building or portion thereof or land, which use existed lawfully at the time of the adoption or subsequent amendment of this ordinance, may be continued or changed subject to the following regulations:

1. No building which has been damaged by fire, explosions, act of God or the public enemy to the extent of more than sixty (60) percent of the fair sales value of the building immediately prior to damage, shall be restored except in conformity with the regulations in this ordinance.

2. No building or portion thereof or land used in whole or in part for non-conforming purposes according to the provisions of this ordinance, which hereafter becomes and remains vacant for a continuous period of two (2) calendar years shall again be used except in conformity with the regulations of the district in which such building or land is situated.

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provided, however, that when the discontinuance of any of these uses imposes unreasonable hardships and undue financial problems upon the owner or owners thereof, the Board of Appeals may, under the authority granted in Article 20, Section 4, Paragraph 3(c), extend the time within which the discontinuance is to become effective.

3. A non-conforming use of a building or land shall not be extended or enlarged except when required to do so by law or ordinance.

4. A non-conforming structure that was erected, converted or structurally altered in violation of the provisions of the ordinance which this ordinance amends shall not be validated by the adoption of this ordinance, and such violations or any violations of the ordinance may be ordered removed or corrected by the proper officials at any time.

5. The lawful use of land for <sup>storage yards and other</sup> storage purposes, for advertising signs and billboards, and for trailer camps which does not conform to the provisions of this ordinance shall be discontinued within five (5) years from the date of the adoption of this ordinance, and the same uses of land which become non-conforming by reason of a subsequent change in this ordinance shall also be discontinued within five (5) years from the date of the change. ← just A

6. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

## ARTICLE 17

### SPECIAL USE REGULATIONS

SECTION 1. The City Commission of the City of West Palm Beach may, by special permit and subject to such protective restrictions that are deemed necessary, authorize the location, extension or structural alteration of any of the following buildings or uses, or an increase in their height, in any district from which these are prohibited or limited by this Ordinance.

1. Any public building erected, or leased and used by any department of a Municipal, County, State or Federal Government.

2. Hospitals, clinics and institutions, except institutions for criminals; provided, however, that such buildings may occupy not over fifty (50) percent of the total area of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property; and, provided, further, that the buildings shall be set back from all yard lines heretofore established an additional distance of not less than one (1) foot for every foot of building height, and that adequate off-street parking space will be provided.

3. Airport, landing field, or land strip for aircraft.

4. Cemetery or mausoleum.

5. Commercial greenhouses, provided that any such structure shall not be less than one hundred (100) feet from all property lines.

6. Nursery and truck garden.

7. Roadside stands, commercial amusement or recreational development for temporary or seasonal periods.

8. Extraction of sand, gravel, shells, topsoil and other natural resources.

9. Parking lots on land not more than three hundred (300) feet from the boundary of any shopping, commercial or industrial district, under such conditions as will protect the character of surrounding property.

10. Drive-in theatres in an "H" Commercial or "I" Light Industrial District or in the "A" Conservation District.

11. Trailer or tourist camps in the "A" Conservation District.

12. Radio or television broadcasting tower and station.



SECTION 2. Before issuance of any special permit for any of the above buildings or uses, the following conditions shall be complied with:

1. A public hearing in relation thereto shall be held before the City Planning Board, notice and publication of which hearing shall conform to the procedure prescribed in Article 26 for hearings on changes and amendments.

2. The City Planning Board shall study and report to the City Commission regarding the effect of such proposed building or use upon the character of the neighborhood and upon traffic conditions, public utility facilities, and other matters pertaining to the public health, public safety, or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the City Planning Board has been filed, but such report shall be made within thirty (30) days after the date of the public hearing.

## ARTICLE 18

### EXCEPTIONS AND MODIFICATIONS

SECTION 1. The regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

SECTION 2. Exceptions and Modifications of Height Limitations:

1. The height limitations of this ordinance shall not apply to:

Church Spires

Belfries

Monuments

Tanks

Water Towers

Fire Towers

Stage Towers or Scenery Lofts

Cooling Towers

Ornamental Towers and Spires

Radio or Television Antenna or

Aerials

Chimneys

Elevator Bulkheads

Smoke Stacks

Oil Derricks

Conveyors

Flag Poles



4. Whenever a lot abuts upon an alley, one-half (1/2) of the alley width may be considered as a portion of the required rear yard.

5. Every part of a required yard shall be open to the sky except where accessory buildings are permitted in a rear or side yard and except for the ordinary projections of sills, belt courses, cornices and ornamental features projecting not to exceed eighteen (18) inches. It is further provided that parking spaces may be provided in the required side and rear yards of any districts but shall not be permitted within the required minimum front yards of any residential districts; namely, "A" to "F" inclusive.

6. A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and is removed at least five (5) feet from the nearest side lot line.

7. An open unenclosed porch or paved terrace may project into a required front yard for a distance of not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

8. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Inspector of Buildings for a distance of not more than five (5) feet but only where the same are so placed as not to obstruct light and ventilation.

9. Temporary roadside stands in the "A" Conservation District may be located within the front yard.

#### SECTION 4. Exceptions and Modifications to Use Regulations:

1. Existing railroads and utilities may continue to be operated and maintained in dwelling and commercial districts, but no new railroad or utility structure other than the usual poles, wires and underground utilities shall be established in such districts except when so authorized by the Board of Appeals.

2. Fences may be erected along the boundaries of a lot or yard area but no fence shall be constructed closer than eighteen (18) inches to other fences or other structures and no fence shall be erected within thirty (30) feet of the intersection of two (2) or more streets.

3. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

4. The Inspector of Buildings may permit the renting of not more than three (3) rooms for roomers or tourists in the "B" and "C" single-family districts for a period not to exceed a total of seven (7) months, which period shall extend from November 1st of one calendar year, provided, however, that no sign shall be displaced upon the premises indicating that such rooms are available nor shall any meals be served to persons renting the rooms. No such permit shall be issued until a regular rooming or hotel license therefor has been issued nor shall any such permit be issued unless (1) off-street parking space is available for each room that is to be rented. Such off-street parking space shall be in addition to the parking space required for the single-family dwelling.

*See next section Re. building from rear yard ordinance*  
SECTION 5. Regulation of Accessory Buildings:

1. Any accessory building that is not a part of the main building shall be located not less than sixty (60) feet from the front lot line.

2. Accessory buildings including a garage apartment, may be built in required rear yards but such accessory buildings shall not occupy more than forty (40) percent of the required rear yard. No accessory building shall, however, be nearer than five (5) feet to any lot line.

3. Accessory buildings erected in a required rear yard shall not exceed twenty (20) feet in height.

SECTION 6. Community Unit Plan: An authorized agency of the Municipal, County, State or Federal Government or the owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the City Commission of the City of West Palm Beach a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the City Planning Board for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedure prescribed in Article 26 for hearings on changes and amendments. If the Board approves the plans, these shall then be submitted to the City Commission for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets with the following conditions:

1. The property adjacent to the area included in the plan will not be adversely affected.
2. The plan is consistent with the intent and purposes of this ordinance to promote public health, safety, morals and general welfare.
3. That the buildings shall be used only for single-family dwellings, two-family dwellings or multiple dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including churches.
4. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

if the City Commission approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

## ARTICLE 19

### BUILDING SETBACK LINES

SECTION 1. The zoning map of the City made a part of this Ordinance by Section \_\_\_\_\_ hereof has been amended so as to attach thereto an annex described as Annex No. 1 upon which annex are delineated graphically the approved center lines of certain arterial through highways of the City, and certain congested business streets in the old portion of the City, which such delineations and such annex are hereby ratified and confirmed.

SECTION 2. There are hereby established building setback lines of the following distances from the approved center lines, as such center lines appear on the map referred to in Section \_\_\_\_\_ of this Article, of the following streets and highways of the city.

<u>Street</u>	<u>Terminals</u>	<u>Distance from Approved Center Line</u>
(a) First St.	From Tamarind Ave. to Poinsettia Ave.	30' Northerly and Southerly
(b) First St.	From Poinsettia to Narcissus Ave.	27' 6" Northerly and Southerly
(c) Clematis St.	From Sapodilla to Tamarind Ave.	40' Northerly and Southerly
(d) Clematis St.	From Sapodilla to Narcissus	33' Northerly and Southerly
(e) Datura St.	From Poinsettia to Tamarind Ave.	30' Northerly and Southerly
(f) Datura St.	From Poinsettia to Narcissus	33' Northerly and Southerly
(g) Evernia St.	From Olive to Tamarind	40' Northerly and Southerly
(h) Evernia St.	From Olive to Flagler Drive	33' Northerly and Southerly
(i) Fern St.	From Olive to Tamarind	40' Northerly and Southerly
(j) Fern St.	From Olive to Flagler	30' Northerly and Southerly



	<u>Street</u>	<u>Terminals</u>	<u>Distance from Approved Center Line</u>
(k)	Tanglewood Court	From Poinsettia to Flagler Dr.	15' Northerly and Southerly
(l)	Trinity Place	From Poinsettia to Flagler Dr.	20' Northerly and Southerly
(m)	Chase Ave.	From Okeechobee to Flagler Dr.	30' Easterly and Westerly
(n)	Lakeview Ave.	From Poinsettia to Flagler Dr.	30' Northerly and Southerly
(o)	Tamarind Ave.	From Gardenia to 23rd St.	30' Easterly and Westerly
(p)	Parker Ave.	From Park St. to Maddock St.	30' Easterly and Westerly
(q)	Southern Blvd.	On the west by the west city limits and on the east by the water of Lake Worth	40' Northerly and Southerly
(r)	Belvedere	On the west by the west city limits and on the east by Olive Ave.	40' Northerly and Southerly
(s)	Okeechobee Rd.	On the west by the west city limits and on the east by the waters of Lake Worth	40' Northerly and Southerly
(t)	Poinsettia Ave.	From Datura to Hibiscus	30' Easterly and Westerly
(u)	Olive Ave.	From 12th St. WPB Canal	30' Easterly and Westerly
(v)	Poinsettia Ave.	From Hibiscus to Belvedere Rd.	37' Easterly and Westerly
(w)	Poinsettia Ave.	From Belvedere Rd. to the south limits of the city	40' Easterly and Westerly
(x)	Poinsettia Ave.	From 1st St. to Datura St.	28' Easterly and Westerly
(y)	Broadway	From 40th St. to north city limits	37' Easterly and Westerly
(z)	Poinsettia Ave.	From 1st St. to Northwood Ave.	40' Easterly and Westerly
(aa)	Flagler Dr.	From E line of Chase St. to E line of Lot 1-A Revised plat, PHILLIPS POINT ADDITION	70' Southerly of existing bulk-head
(bb)	Flagler Dr.	From 36th St. to 26th St.	40' Easterly and Westerly



<u>Street</u>	<u>Terminals</u>	<u>Distance From Approved Center Line</u>
(cc) Flagler Dr.	From Butler St. to N line of Gruber Carlberg Addition	40' Easterly and Westerly
(dd) Flagler Dr.	From North line of Gruber Carlberg Addition to South line of Brelsford Park	45' Easterly and Westerly
(ee) Flagler Dr.	From South line of Brelsford Park to Loftin St.	40' Easterly and Westerly
(ff) Flagler Dr.	From 2nd St. to Datura St.	50' Easterly and Westerly
(gg) Flagler Dr.	From Fern St. to inter- section of Chase St.	80' Westerly from existing Bulkhead
(hh) Flagler Dr.	From North line of Lot 1A, Revised Plat of PHILLIPS POINT ADDITION to South right-of-way line of Okeechobee Rd.	80' Westerly from existing bulkhead
(ii) Flagler Dr.	From South line of Okee- chobee Rd. right-of-way to south line of Buena Court Subdivision	50' Westerly west right-of- way line of Flagler Dr.
(jj) Flagler Dr.	From South line of Buena Court Subdivision to South city limits	80' Westerly from existing bulkhead, or where none exists, from government bulkhead line

SECTION 3. It shall be unlawful for any person to erect or construct, or to cause the erection or construction of any building or structure, or parts thereof, between the approved center line of the streets or highways, described in Section \_\_\_\_ of this chapter, and the building setback lines in such section established. It shall also be unlawful for any person to alter, remodel, reconstruct, or add to that portion of any building setback line and the approved center line to which such building setback line appertains, if in altering, remodeling, reconstructing, or adding to such building or structure it shall become necessary, for the owner, or any other person applying for the building permit, shall desire to make major repairs to that portion of the exterior wall or walls of the building or structures upon that portion of the property located between such building setback line and such approved center line.

SECTION 4. "Major Repairs," as that term is used in Section \_\_\_\_\_ hereof, shall be deemed to be involved when such repairs involve alterations, additions, changes or work upon the exterior wall or walls (including windows or other openings) of the building facing the setback line, and when the total cost of such repairs, including all labor and materials, as determined by the building inspector, equal or exceed 10 percent of the last city assessed valuation of the building (not including land) in question. In all cases of razing or demolition of such exterior walls, major repairs shall likewise be deemed to be involved.

## ARTICLE 20

### BOARD OF ZONING APPEALS

SECTION 1. A Board of Zoning Appeals is hereby established. The word "Board" when used in this Article shall be construed to mean the Board of Zoning Appeals. The zoning board of appeals shall be composed of five (5) members who shall be appointed by the city commission and who shall serve without compensation. The present members of said zoning board of appeals shall be the members of said board under this act until the terms to which they were respectively appointed shall expire, whereupon the city commission shall appoint members of said board for a term of three (3) years and such appointments shall be made triennially thereafter. Said city commission may also appoint an alternate member for each member of said zoning board of appeals, which alternate member shall act in the absence, disability or disqualification of the member for which he was appointed as an alternate. Any member or alternate member of the zoning board of appeals shall be subject to removal from office by the city commission for misfeasance, malfeasance, or nonfeasance in office or for disorderly or other conduct unbecoming an officer, either connected with his duties as such officer not amounting to malfeasance or misfeasance; provided, however, that such member of the zoning board of appeals shall not be removed except by a majority vote of the city commission after charges shall have been preferred and served upon him and a trial had before the city commission.

SECTION 2. Said zoning board of appeals shall elect its own chairman, vice chairman and secretary, and shall fix and prescribe the duties of each of them. All meetings of said zoning board of appeals shall be held at the call of the chairman, and at such other times as said board may determine. Said chairman, or in his absence, the vice chairman may administer oaths and compel the attendance of witnesses. All meetings of said board shall be open to the public. Said board shall keep minutes of its proceedings, showing the votes of each member present upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations

and other official actions. Every rule, regulation or amendment or repeal thereof, and every order, requirement, decision or determination of said board shall be immediately filed in the office of said board, and shall be and remain a public record.

SECTION 3. Appeals may be taken to and before said zoning board of appeals by any person aggrieved, or by any officer, department, board or bureau of the city. Such appeal shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by filing with the officer from whom the appeal is taken shall forthwith transmit to the zoning board of appeals, all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Inspector of Buildings shall certify to the zoning board of appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the zoning board of appeals or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appeal in person or agent or by attorney. The board may reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to

that end, shall have all powers of the officer from whom the appeal is taken. The concurring vote of four (4) members or alternate members, of the board shall be necessary to reverse, any order, requirement, decision or determination of any Inspector of Buildings or to decide in favor of the applicant, any matter upon which said board is required to pass under any such ordinance.

SECTION 4. The Board of Zoning Appeals shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Inspector of Buildings in the enforcement of this ordinance.

2. In hearing and deciding appeals the Board shall have the power to grant an exception in the following instances:

(a) Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this ordinance.

(b) Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

(c) Permit the erection and use of a building or the use of premises for railroads or public utility purposes.

(d) Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) per cent of its assessed value, where the



Board finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.

(e) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(f) Permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.

(g) To determine whether an industry should be permitted within the "I" Light Industrial and "K" Industrial Districts because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.

3. The Board shall have the authority to grant the following variations:

(a) Permit a variation in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.

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(b) Permit a variation within the building set-back lines of Article 20, but only when such adjustments are made that would meet the objectives of such regulations and when such variation will not merely constitute a convenience or individual advantage.



(c) Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plans as established by this Ordinance, and at the same time, the surrounding property will be properly protected.

In consideration of all appeals and all proposed exceptions or variations to this Ordinance, the Board shall before making any exceptions or variations from the Ordinance in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of West Palm Beach.

SECTION 5. No permit for, or authority to make, or variation or exception to the requirements of Chapter 43 of the Code of the City of West Palm Beach, Florida, 1948, entitled "Zoning," as amended, which was issued by the Board of Zoning Appeals prior to January 1, 1951, and upon which no construction or action has been initiated upon the effective date of this ordinance, shall thereafter have any effect or validity and all use and intensity of use of the property shall conform to the regulations of this Ordinance.

SECTION 6. Any person or persons jointly or severally aggrieved by any decision of the Board, or any officer, department, board or bureau of the City of West Palm Beach may appeal to any court having chancery jurisdiction in accordance with the provisions of the code of the City of West Palm Beach, 1948.

SECTION 7. A fee of Fifteen Dollars (\$15.00) shall be paid to the Inspector of Buildings at the time the notice on appeal is filed, which the Inspector shall forthwith pay over to the City Treasurer to the credit of the general revenue fund of the City of West Palm Beach.

## ARTICLE 21

### OCCUPANCY PERMITS

SECTION 1. Subsequent to the effective date of this Ordinance no change in the use or occupancy of land, nor any change of use or occupancy in an existing building shall be made, nor shall any new building be occupied for any purpose until a certificate of occupancy has been issued by the Inspector of Buildings. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this Ordinance.

SECTION 2. No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until that certificate and permit is issued.

SECTION 3. A record of all certificates of occupancy shall be kept on file in the office of the Inspector of Buildings and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such certificate of occupancy.

## ARTICLE 22

### PLATS

SECTION 1. Each application for a building permit shall be accompanied by a plat in duplicate, or duplicate prints thereof, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location

of the buildings to be erected; the size, shape and location of any existing buildings, and such other information as may be necessary to provide for the enforcement of this Ordinance. A record of applications and plats shall be kept in the office of the Inspector of Buildings.

## ARTICLE 23

### BOUNDARIES OF DISTRICTS

SECTION 1. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Ordinance, the following rules apply:

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

3. In any unsubdivided property the district boundary lines on the District Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the map.

ARTICLE 24  
ENFORCEMENT

SECTION 1. It shall be the duty of the Inspector of Buildings to enforce this Ordinance. It shall also be the duty for all officers and employees of the city and especially of all members of the Police Department to assist the Inspector of Buildings by reporting to him upon new construction, reconstruction, or land uses, or upon seemingly violations.

Appeal from the decision of the Inspector of Buildings may be made to the Board of Zoning Appeals as provided in Article 20.

ARTICLE 25  
INTERPRETATION, PURPOSE AND CONFLICT

SECTION 1. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinances or agreements, the provisions of this Ordinance shall control.



## ARTICLE 26

### CHANGES AND AMENDMENTS

SECTION 1. The City Commission of the City of West Palm Beach may from time to time, on its own motion or on petition, after a public hearing of which at least fifteen (15) days' notice has been given in an official newspaper, amend, supplement, or change, modify or repeal the boundaries or regulations herein or subsequently established, but only after submitting same to the City Planning Board for its recommendations and report. In case, however, that the City Planning Board disapproves the change, or of a protest against such changes duly signed and acknowledged by the owners of twenty (20) per cent or more of the frontage proposed to be altered, or by the owners of twenty (20) per cent or more of the frontage immediately in the rear thereof and extending five hundred (500) feet therefrom or by the owners of twenty (20) per cent of the frontage directly opposite the frontage proposed to be altered or by the owners of twenty (20) per cent of the property immediately adjacent thereto and extending five hundred (500) feet therefrom, such amendment shall not be passed except by the three-fourths ( $3/4$ ) vote of all members of the City Commission.

SECTION 2. Before any action shall be taken as provided in this Article, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Treasurer the sum of Twenty Dollars (\$20.00) to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Commission.



SECTION 3. In the event any court of competent jurisdiction should hold that any provision of the Zoning Code of the City of West Palm Beach, or the Zoning Map made a part thereof, is unconstitutional or unenforceable as to any particular parcel of land or building within the City of West Palm Beach because the use allowed for such parcel of land or building under the Zoning Code of such city amounts to taking property without due process of law, or for any other reason, then, and in that event, such piece or parcel of land or building is hereby declared to be, and is hereby, classified under the Zoning Code of such City in the next less restricted classification.

#### ARTICLE 27

##### VIOLATION AND PENALTY

SECTION 1. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. The owner of any buildings or premises or part thereof, where anything in violation of this chapter shall be placed, or shall exist, and any architect, <sup>engineer</sup> builder, contractor, agent, or person employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense.

#### ARTICLE 28

##### VALIDITY

SECTION 1. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

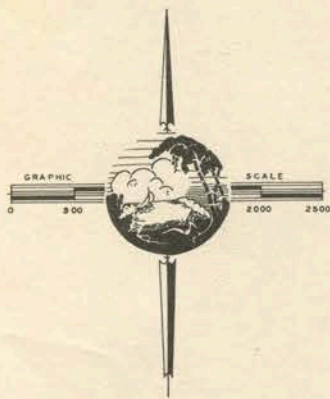
ARTICLE 29

EFFECTIVE DATE

SECTION 1. This ordinance shall become effective in the manner and at the time provided for by the charter and ordinance of such city.

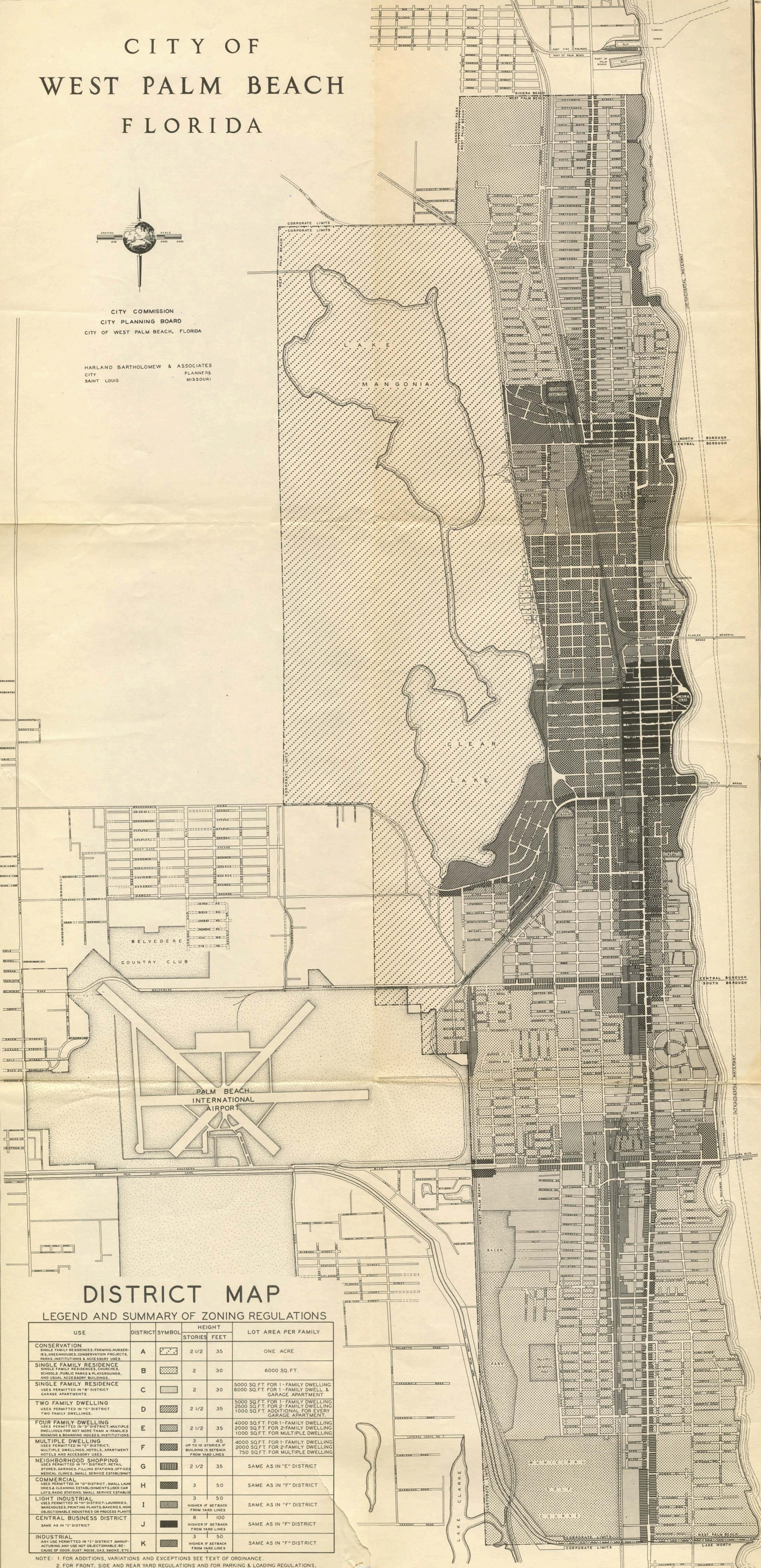


CITY OF  
WEST PALM BEACH  
FLORIDA



CITY COMMISSION  
CITY PLANNING BOARD  
CITY OF WEST PALM BEACH, FLORIDA

HARLAND BARTHOLOMEW & ASSOCIATES  
CITY PLANNERS  
SAINT LOUIS, MISSOURI



DISTRICT MAP

LEGEND AND SUMMARY OF ZONING REGULATIONS

USE	DISTRICT	SYMBOL	HEIGHT		LOT AREA PER FAMILY
			STORIES	FEET	
CONSERVATION SINGLE FAMILY RESIDENCES, FARMING, NURSERIES, GREENHOUSES, CONSERVATION PROJECTS, PARKS, INSTITUTIONS & ACCESSORY USES.	A		2 1/2	35	ONE ACRE
SINGLE FAMILY RESIDENCE SINGLE FAMILY RESIDENCES, CHURCHES, SCHOOLS, PUBLIC PARKS & PLAYGROUNDS, AND USUAL ACCESSORY BUILDINGS.	B		2	30	6000 SQ. FT.
SINGLE FAMILY RESIDENCE USES PERMITTED IN "B" DISTRICT GARAGE APARTMENTS.	C		2	30	5000 SQ. FT. FOR 1-FAMILY DWELLING 6000 SQ. FT. FOR 1-FAMILY DWELL & GARAGE APARTMENT
TWO FAMILY DWELLING USES PERMITTED IN "C" DISTRICT TWO FAMILY DWELLINGS.	D		2 1/2	35	5000 SQ. FT. FOR 1-FAMILY DWELLING 2500 SQ. FT. FOR 2-FAMILY DWELLING 1000 SQ. FT. ADDITIONAL FOR EVERY GARAGE APARTMENT.
FOUR FAMILY DWELLING USES PERMITTED IN "D" DISTRICT, MULTIPLE DWELLINGS FOR NOT MORE THAN 4-FAMILIES, ROOMING & BOARDING HOUSES, INSTITUTIONS.	E		2 1/2	35	4000 SQ. FT. FOR 1-FAMILY DWELLING 2000 SQ. FT. FOR 2-FAMILY DWELLING 1000 SQ. FT. FOR MULTIPLE DWELLING
MULTIPLE DWELLING USES PERMITTED IN "E" DISTRICT, MULTIPLE DWELLINGS, HOTELS, APARTMENT HOTELS AND ACCESSORY USES.	F		3 UP TO 10 STORIES IF BUILDING IS SETBACK FROM YARD LINES	45	4000 SQ. FT. FOR 1-FAMILY DWELLING 2000 SQ. FT. FOR 2-FAMILY DWELLING 750 SQ. FT. FOR MULTIPLE DWELLING
NEIGHBORHOOD SHOPPING USES PERMITTED IN "F" DISTRICT, RETAIL STORES, GARAGES, FILLING STATIONS, OFFICES, MEDICAL CLINICS, SMALL SERVICE ESTABLISHMENTS.	G		2 1/2	35	SAME AS IN "E" DISTRICT
COMMERCIAL USES PERMITTED IN "G" DISTRICT, SMALL LAUNDRIES & CLEANING ESTABLISHMENTS, USED CAR LOTS, RADIO STATIONS, SMALL SERVICE ESTABLISHMENTS.	H		3	50	SAME AS IN "F" DISTRICT
LIGHT INDUSTRIAL USES PERMITTED IN "H" DISTRICT, LAUNDRIES, WAREHOUSES, PRINTING PLANTS, BAKERIES, NON-OBJECTONABLE INDUSTRIES OR PROCESS PLANTS.	I		3 HIGHER IF SETBACK FROM YARD LINES	50	SAME AS IN "F" DISTRICT
CENTRAL BUSINESS DISTRICT SAME AS IN "I" DISTRICT	J		8 HIGHER IF SETBACK FROM YARD LINES	100	SAME AS IN "F" DISTRICT
INDUSTRIAL ANY USE PERMITTED IN "I" DISTRICT MANUFACTURING ANY USE NOT OBJECTONABLE, BECAUSE OF ODOR, DUST, NOISE, GAS, SMOKE, ETC.	K		3 HIGHER IF SETBACK FROM YARD LINES	50	SAME AS IN "F" DISTRICT

NOTE: 1. FOR ADDITIONS, VARIATIONS AND EXCEPTIONS SEE TEXT OF ORDINANCE.  
2. FOR FRONT, SIDE AND REAR YARD REGULATIONS AND FOR PARKING & LOADING REGULATIONS, SEE TEXT OF ORDINANCE.