



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 11, 2024 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [August 21, 2024 Regular Meeting Minutes](#)

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [Ordinance 2024-15: Consideration of an ordinance amending Chapter 23 "Land Development Regulations," Article 7 "Floodplain Management" to adopt the new FEMA Floodplain maps and required language.](#)
- B. [Ordinance 2024-13: Consideration of an ordinance amending multiple sections of Chapter 23 "Land Development Regulations" to address several housekeeping items and minor changes for clarity.](#)

PLANNING ISSUES:

PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. *(Sec. 2-12 Lake Worth Code of Ordinances)*

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**MINUTES
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 21, 2024 -- 6:01 PM**

ROLL CALL and RECORDING OF ABSENCES Present were: Edmond LeBlanc; Nadine Heitz-Vice Chair; Laura Devlin; Elaine DeRiso; Edmund Deveaux (6:08). Absent: R. D'Arinzo. Also present were: Annie Greening, Principal Planner; Yeneneh Terefe, Preservation Planner; Anne Hamilton, Senior Preservation Planner; Scott Rodriguez, Assistant Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

A. July 10, 2024 Regular Meeting Minutes

L. Devlin moves to amend July 10, 2024 minutes -New Business-paragraph four (4) to read "it is the opinion of a Board member that the traffic is too heavy for on-street parking. Quad units are being built on these lots and there isn't sufficient parking on the lot"; E. LeBlanc 2nd.

Correct the adjournment time to 7:06 pm

Vote: Ayes all, unanimous.

CASES

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION None required

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. **HRPB Project Number 23-00100077:** Consideration of three historic waivers to the minimum required side setback, maximum impermeable surface coverage, and minimum front yard landscaping area for property located at 424 South K Street. The subject property is located within the Single Family Residential (SFR) zoning district and has a future land use designation

of Medium Density Residential (MDR). The property is a contributing resource in the Southeast Lucerne Historic District.

Staff: A. Greening provides background information and analysis of the project. Through various permit inspections it was discovered by the Building Official that renovations had gone beyond the scope of permitted work, specifically, over 50% of the structural members were replaced, interior structural work.

The property must now come into compliance with current building code and LDR's. A minor site plan to reduce non-conformities resulted in the need for waivers. The specific LDR's that are not met are side-setbacks, total impermeable percentages and front yard impermeable percentages. The waivers would address those three (3) issues.

As a contributing property in the Southeast Lucerne Historic District, the parcel is eligible to request the waivers. The property built in 1925 exceeds the wall height at the south side setback, this is unlikely to change and is minimal. The impermeable surface coverage if allowed to remain enables the multi-family property to meet required off-street parking requirements. All applicable Conditions remain from the Minor Site Plan Approval 23-01400029; the three waivers as granted are project specific, no exterior renovations are included in this approval. Any future exterior renovations will require a Certificate of Appropriateness (COA).

Nour Darwish - with Schmidt Nichols: The applicant is in agreement with all Conditions of Approval Board discussion on the wall height, impermeability and parking conformity.

Motion: E. Deveaux moves to approve HRPB 23-00100077 with staff recommended Conditions of Approval based on the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements; L. Devlin 2nd.

Vote: Ayes all, unanimous.

B. Ordinance 2024-11: Consideration of an ordinance amending Chapter 23 "Land Development Regulations," Article 4 "Development Standards," Section 23.4-25 "Micro-units" to provide minor changes to the development standards for Micro-Units.

Board Attorney reads Ordinance Title.

Staff: S. Rodriguez recaps the reason for the amendment to the Ordinance. Meetings with potential developers and according to real-world scenarios prompted the need for the changes as follows:

Line 59 – proposes that if a mix of uses are not provided, the interior shared common space shall be 15 %- a reduction from 20 % for new builds.

Exception H – Line 103 allows for existing structures to participate and proposes for the combination of shared interior and outdoor amenity be at 20%.

Board: Are they affordable units? **Response:** No, but it could be combined with that type of incentive.

Staff: Planning & Zoning Board recommended changes to the proposed amendment. In particular there were concerns with Exception H and the ability to provide the total percentage of shared space on the exterior of the building. They proposed a reduction to 15% with 10% interior and 5% exterior or other combination of interior/exterior but remained adamant about the requirement for interior space. The Board may choose to follow the PZB recommendation or propose their own change if desired.

Motion: E. Deveaux moves to recommend approval of Ordinance 2024-11 to the City Commission, mirroring the Planning & Zoning Board parameters, of Line 59 change to 15% and Line 109 h. Exception- to 10% interior shared common space and 5% exterior amenity; E. DeRiso 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES:

S. Rodriguez advises the Board that City Commission has not directed staff to study or make changes to the Land Development Regulations. Discussions regarding the parking structure associated with the

WMODA project is separate and distinct from Land Development Regulation changes. E. Deveaux inquires if staff has to wait for direction? Staff: yes, although minor changes can be made to the Land Development Regulations, an overhaul of the entire parking LDR's would require direction from the City Commission.

E. Deveaux expresses appreciation for staff looking into his concern.

Staff informs Board that four items are projected to be heard at the September 11, 2024 meeting.

PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

- A. Notification of the condemnation of the principal structure and accessory structure at 523 South M Street. The subject property is a contributing resource in the Southeast Lucerne Local Historic District.

Staff: A. Greening advises this is a notification only, not a request to approve demolition. The structure has already been condemned by the City Building Official, Barry Schultz, and is subject to demolition proceedings.

Originally built in 1925 in the Mission/Mediterranean style and now owned by a bank. The property was in foreclosure for approximately 10 years and perhaps unsafe for nearly 50 years. It remained in the same family until the foreclosure. Photos by staff show the extent of the neglect and irreparable damage. The Banyan tree(s) may be mitigated; mitigation typically is species and size specific. There may also be protections available to the tree(s). At some point in the past the prohibition against demolition by neglect was enacted to no avail.

Board comments/recommendations include the sad, unfortunate state of what was once a structure of significant redeeming value. L. Devlin proposed the new owner preserve the trees to the extent possible; E. LeBlanc concurs/2nds the proposal.

BOARD MEMBER COMMENTS: Board inquired about Gulfstream Hotel progress and projected timeline for opening.

Staff advised that Phase I, including the addition, to the Historic Hotel is tentatively projected to be complete within 18 months of permit issuance. Phase II permits (which includes the parking garage) are anticipated to be issued by December 2024.

L. Devlin thanks staff for the work and effort that goes into preparing the presentations and staff reports for the Board meetings.

ADJOURNMENT 6:55 PM

ORDINANCE 2024-15 - AN ORDINANCE BY THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 7 "FLOODPLAIN MANAGEMENT,"; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Lake Worth Beach participates in the National Flood Insurance Program and the City desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, with an effective date of December 20, 2024; and

WHEREAS, the City wishes to amend Chapter 23, "Land Development Regulations," Article 7 "Floodplain Management," Section 23.7-2 "Applicability" to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps; and

WHEREAS, the City wishes to amend Chapter 23, "Land Development Regulations," Article 7 "Floodplain Management," Section 23.7-7 "Variances and appeals" to correct the cited reference to the Florida Building Code; and

WHEREAS, the City has determined that it is in the public interest to amend Chapter 23, "Land Development Regulations," Article 7 "Floodplain Management," Section 23.7-10 "Definitions" to revise the definitions for historic structure, letter of map change, and market value; and

WHEREAS, the Planning and Zoning Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the Historic Resources Preservation Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the City Commission has reviewed the proposed amendments and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1: The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance as if set forth herein.

Section 2: Chapter 23 "Land Development Regulations," Article 7 "Floodplain Management," Division 1 "Administration," Section 23.7-2 "Applicability" is hereby amended by

52 adding the words shown in underline type and deleting the words struck through as indicated in
53 **Exhibit A.**

54
55 **Section 3:** Chapter 23 “Land Development Regulations,” Article 7 “Floodplain
56 Management,” Division 1 “Administration,” Section 23.7-7 “Variances and appeals” is hereby
57 amended by adding the words shown in underline type and deleting the words struck through as
58 indicated in **Exhibit B.**

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60 **Section 4:** Chapter 23 “Land Development Regulations,” Article 7 “Floodplain
61 Management,” Division 2 “Definitions,” Section 23.7-10 “Definitions” is hereby amended by adding
62 the words shown in underline type and deleting the words struck through as indicated in **Exhibit**
63 **C.**

64
65 **Section 5:** Severability. If any section, subsection, sentence, clause, phrase or portion
66 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
67 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
68 such holding shall not affect the validity of the remaining portions thereof.

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70 **Section 6:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
71 herewith are hereby repealed to the extent of such conflict.

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73 **Section 7:** Codification. The sections of the ordinance may be made a part of the City
74 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
75 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

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77 **Section 8:** Effective Date. This ordinance shall become effective 10 days after
78 passage.

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80 The passage of this ordinance on first reading was moved by _____, seconded
81 by _____, and upon being put to a vote, the vote was as follows:

82
83 Mayor Betty Resch
84 Vice Mayor Sarah Malega
85 Commissioner Christopher McVoy
86 Commissioner Mimi May
87 Commissioner Reinaldo Diaz

88
89 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
90 day of _____, 2024.

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92
93 The passage of this ordinance on second reading was moved by _____,
94 seconded by _____, and upon being put to a vote, the vote was as follows:

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96 Mayor Betty Resch
97 Vice Mayor Sarah Malega
98 Commissioner Christopher McVoy
99 Commissioner Mimi May
100 Commissioner Reinaldo Diaz

102 The Mayor thereupon declared this ordinance duly passed on the _____ day of
103 _____, 2024.

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LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 7 "FLOODPLAIN MANAGEMENT"

Article 7, "Floodplain Management," Division 1, "Administration"

Sec. 23.7-2. Applicability.

c) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, dated ~~October 5, 2017~~ **December 20, 2024**, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Lake Worth City Hall, 7 North Dixie Highway, Lake Worth **Beach**, Florida 33460.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 7 "FLOODPLAIN MANAGEMENT"

Article 7, "Floodplain Management," Division 1, "Administration"

Sec. 23.7-7. Variances and appeals.

- d) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 44 **12** Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 7 "FLOODPLAIN MANAGEMENT"

Article 7, "Floodplain Management," Division 2, "Definitions"

Sec. 23.7-10. Definitions.

Historic structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 44 12 Historic Buildings.

Letter of map change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

- 1. Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- 2. Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- 3. Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- 4. Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Market value: ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts.~~ As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.



DATE: September 4, 2024

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: September 11 & September 18, 2024

SUBJECT: **Ordinance 2024-15**: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 7 “Floodplain Management” to adopt the new FEMA Floodplain maps and required language.

PROPOSAL / BACKGROUND/ ANALYSIS:

The City of Lake Worth Beach participates in the National Flood Insurance Program, which requires the City to meet the requirements of Title 44, Code of Federal Regulations. The Federal Emergency Management Agency (FEMA) has revised and reissued the Flood Insurance Study for Palm Beach County with an effective date of December 20, 2024. Ordinance 2024-15 would adopt the new FEMA Floodplain maps and amend required language in the Floodplain Management section of the Land Development Regulations.

The proposed ordinance would amend the following sections of Article 7 of the City’s Land Development Regulations:

- Division 1 “Administration,” Section 23.7-2 – Applicability
- Division 1 “Administration,” Section 23.7-7 – Variances and Appeals
- Division 2 “Definitions,” Section 23.7-10 – Definitions

Flood Insurance Study Date: Identifies the effective date of the new FEMA Flood Insurance Study and Flood Insurance Rate Maps.

Historic Buildings: Corrects the Florida Building Code reference in the Historic Building definition and in the section regarding variances and appeals for repair, improvement or rehabilitation to Historic Buildings in the floodplain.

Letter of Map Change: Revises the definition to properly categorize Letter of Map Amendment, Letter of Map Revision, Letter of Map Revision Based on Fill, and Conditional Letter of Map Revision as subtypes of a Letter of Map Change.

Market Value: Revises the language defining Market Value.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-15.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2024-15.

Attachments

- A. Draft Ordinance 2024-15



DATE: September 4, 2024

TO: Members of the and Historic Resources Preservation and Planning & Zoning Boards

FROM: William Waters, Director Community Sustainability

MEETING: September 11 & September 18, 2024

SUBJECT: **Ordinance 2024-13**: Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping items and minor changes for clarity.

PROPOSAL / BACKGROUND/ ANALYSIS:

The proposed LDR Amendments will modify the following sections of the City’s Land Development Regulations:

- Article 1 – Section 23.1-12: Definitions
- Article 2 – Section 23.2-19.1: Public Neighborhood Meeting
- Article 3 – Section 23.3-6: Use Tables
- Article 3 – Section 23.3-7: Single-Family Residential (SF-R)
- Article 3 – Section 23.3-8: Single-Family and Two-Family Residential (SF-TF 14)
- Article 3 – Section 23.3-10: Multi-Family Residential (MF-20)
- Article 3 – Section 23.3-11: Medium Density Multi-Family Residential (MF-30)
- Article 3 – Section 23.3-12: High Density Multi-Family Residential (MF-40)
- Article 3 – Section 23.3-13: Mixed Use – East (MU-E)
- Article 3 – Section 23.3-14: Downtown (DT)
- Article 3 – Section 23.3-16: Mixed Use – Federal Highway (MU-FH)
- Article 3 – Section 23.3-17: Mixed Use – Dixie Highway (MU-DH)
- Article 3 – Section 23.3-18: Mixed Use – West (MU-W)
- Article 3 – Section 23.3-19: Transit Oriented Development East (TOD-E)
- Article 3 – Section 23.3-20: Transit Oriented Development West (TOD-W)
- Article 3 – Section 23.3-21: Neighborhood Commercial (NC)
- Article 3 – Section 23.3-23: Artisanal Industrial (AI)
- Article 3 – Section 23.3-24: Industrial Park of Commerce (I-POC)
- Article 4 – Section 23.4-4: Fence, Walls, and Gates
- Article 4 – Section 23.4-10: Off-Street Parking
- Article 4 – Section 23.4-13: Administrative Uses and Conditional Uses
- Article 4 – Section 23.4-26: Pools
- Article 5 – Section 23.5-1: Signs
- Article 5 – Section 23.5-3: Nonconformities

Accessory Indoor Storage: Adding a definition for accessory storage, including clarifications to the maximum use area, and revising definitions to contractor showroom and low-intensity office uses to allow accessory indoor storage.

Use Table: Revising the single family dwelling use to match the text of the Mixed Use – East zoning district, removing a redundant listing of low-intensity take-out establishments, revising the specialty brewery/distillery use to be permitted with an Administrative Use Permit (AUP) in the Transit Oriented Development East and Artisanal Industrial zoning districts, revising the wholesale use to permitted with an AUP in the Artisanal Industrial zoning district, creating a low-intensity indoor storage use permitted by right in the industrial zoning districts, creating a high-intensity place of worship use, and revising the institutional uses to allow for museums and environmental nature centers in multiple zoning districts.

Public Neighborhood Meeting: Require neighborhood meetings to include an in-person component

Roof Overhang Encroachment: Revising language in multiple zoning districts to correct and clarify the maximum two-foot encroachment of a roof overhang into a side setback.

Build-To Line: Amending language in the Mixed Use – Dixie Highway and Transit Oriented Development East zoning districts to clarify the requirement for a street side build-to line.

Fences and Gates: Clarifying permitted fence height for industrial uses as well as revising and clarifying permitted gate heights and locations for residential, commercial, and industrial uses.

Parking: Creating a definition and standards for ribbon driveways, clarifying the requirement for an access aisle to an ADA parking space, and creating standard dimensions for motorcycle parking spaces.

Pools: Creating a new section to clarify and establish supplementary development standards for residential pools, including setbacks, distance from easements, pool decks, and pool enclosures.

Housekeeping Items: Revising the definition of holistic health care facilities to allow for singular or multiple services within one facility, revising the definition for semi-pervious surface to clarify the minimum setback requirement, correcting the use approval review processes for places of worship, clarifying the maximum sign area requirements for multi-tenant buildings, and clarifying the requirements for a nonconforming lot of record.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-13.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2024-13.

Attachments

- A. Draft Ordinance 2024-13
- B. Exhibit C – Use Table

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ORDINANCE 2024-13 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 2 “DEFINITIONS,” SECTION 23.1-12 – DEFINITIONS; ARTICLE 2 “ADMINISTRATION,” DIVISION 2 “PROCEDURES,” SECTION 23.2-19.1 PUBLIC NEIGHBORHOOD MEETING; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 1, “GENERALLY,” SECTION 23.3-6 USE TABLES; AND DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-7 – SF-R - SINGLE-FAMILY RESIDENTIAL, SECTION 23.3-8 – SF-TF-14 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL, SECTION 23.3-10 – MF-20 - MULTI-FAMILY AND TWO-FAMILY RESIDENTIAL, SECTION 23.3-11 – MF-30 - MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL, AND SECTION 23.3-12 – MF-40 - HIGH DENSITY MULTI-FAMILY RESIDENTIAL; AND DIVISION 3, “MIXED USE DISTRICTS,” SECTION 23.3-13 – MU-E - MIXED USE EAST, SECTION 23.3-14 – DT - DOWNTOWN, SECTION 23.3-16 – MU-FH – MIXED USE – FEDERAL HIGHWAY, SECTION 23.3-17 – MU-DH - MIXED USE – DIXIE HIGHWAY, SECTION 23.3-18 – MU-W - MIXED USE WEST, SECTION 23.3-19 – TOD-E - TRANSIT ORIENTED DEVELOPMENT EAST, AND SECTION 23.3-20 – TOD-W - TRANSIT ORIENTED DEVELOPMENT WEST; AND DIVISION 4, “COMMERCIAL DISTRICTS,” SECTION 23.3-21 – NC - NEIGHBORHOOD COMMERCIAL; AND DIVISION 5, “INDUSTRIAL DISTRICTS,” SECTION 23.3-23 – AI - ARTISANAL INDUSTRIAL AND SECTION 23.3-24 – I-POC - INDUSTRIAL PARK OF COMMERCE; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-4 FENCES, WALLS AND GATES, SECTION 23.4-10 OFF-STREET PARKING, SECTION 23.4-13 ADMINISTRATIVE USES AND CONDITIONAL USES, AND ADDING A NEW SECTION 23.4-26 POOLS; AND ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 SIGNS AND SECTION 23.5-3 NONCONFORMITIES; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, the City wishes to amend Chapter 23, Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 – Definitions to create a definition for accessory storage, revise the definition for contractor–showroom, revise the definition for holistic health care facility, revise the definition for low-intensity office uses, create a definition for ribbon driveway, and revise the definition for semi-pervious surface; and

50 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 2
51 “Procedures,” Section 23.2-19.1 – “Public neighborhood meeting” to require neighborhood
52 meetings to include an in-person component; and

53
54 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 1
55 “Generally,” Section 23.3-6 “Use Tables” to correct errors related to single-family dwellings in the
56 Mixed Use East zoning district and wholesale facilities in the Artisanal Industrial zoning district, to
57 allow and modify required review processes by zoning district for specialty breweries/distilleries,
58 museums, and environmental nature centers, to allow low-intensity indoor storage in industrial
59 districts, and to correct a repeated listing of low-intensity takeout establishments; and

60
61 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 2
62 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential,” Section 23.3-8 “SF-TF
63 14 – Single-family and two-family residential,” Section 23.3-10 “MF-20 – Multifamily and two-
64 family residential,” Section 23.3-11 “MF-30 – Medium density multi-family residential,” and Section
65 23.3-12 “MF-40 – High density multi-family residential.”; Division 3 “Mixed Use Districts,” Section
66 23.3-13 “MU-E – Mixed use east,” Section 23.3-14 “DT – Downtown,” Section 23.3-16 “MU-FH –
67 Mixed use – Federal Highway,” Section 23.3-17 “MU-DH – Mixed use – Dixie Highway,” Section
68 23.3-18 “MU-W – Mixed use west,” Section 23.3-19 “TOD-E – Transit oriented development east,”
69 and Section 23.3-20 “TOD-W – Transit oriented development west.”; Division 4 “Commercial
70 Districts,” Section 23.3-21 “NC – Neighborhood commercial.”; and Division 5 “Industrial Districts,”
71 Section 23.3-23 “AI – Artisanal industrial,” and Section 23.3-24 “I-POC – Industrial park of
72 commerce,” to correct the maximum encroachment of roof overhangs into a side setback; and

73
74 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 3
75 “Mixed Use Districts,” Section 23.3-17 “MU-DH – Mixed use – Dixie Highway,” and Section 23.3-
76 19 “TOD-E – Transit oriented development east,” to clarify the front build-to line and street side
77 build-to line; and

78
79 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
80 Section 23.4-4 – “Fences, walls, and gates,” to clarify permitted fence heights for industrial uses,
81 as well as clarify permitted gate locations and permitted gate heights for residential commercial,
82 and industrial uses; and

83
84 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
85 Section 23.4-10 – “Off-street parking,” to create standards for ribbon driveways, clarify dimensions
86 of handicapped spaces, and create standard dimensions for motorcycle spaces; and

87
88 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
89 Section 23.4-13 – “Administrative and conditional uses,” to correct the review process for places
90 of worship; and

91
92 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to
93 establish a new section, Section 23.4-26 – “Pools,” to establish supplementary development
94 standards for pools associated with residential uses; and

95
96 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,”
97 Section 23.5-1 - “Signs,” to clarify sign area requirements for multi-tenant buildings; and

98

99 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,”
100 Section 23.5-3 - “Nonconformities,” to clarify the requirements for a nonconforming lot of record;
101 and

102
103 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,
104 considered the proposed amendments at a duly advertised public hearing; and

105
106 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
107 planning agency, considered the proposed amendments at a duly advertised public hearing; and

108
109 **WHEREAS**, the City Commission has reviewed the proposed amendments and has
110 determined that it is in the best interest of the public health, safety, and general welfare of the City
111 to adopt this ordinance.

112
113 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
114 **LAKE WORTH BEACH, FLORIDA, that:**

115
116 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being
117 true and correct and are made a specific part of this ordinance as if set forth herein.

118
119 **Section 2:** Chapter 23 “Land Development Regulations, Article 1 “General
120 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by adding
121 the words shown in underline type and deleting the words struck through as indicated in **Exhibit**
122 **A.**

123
124 **Section 3:** Chapter 23 Land Development Regulations, Article 2 “Administration,”
125 Division 2 “Procedures,” Section 23.2-19.1 “Public neighborhood meeting” is hereby amended by
126 adding the words shown in underline type and deleting the words struck through as indicated in
127 **Exhibit B.**

128
129 **Section 4:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
130 Division 1 “Generally,” Section 23.3-6 “Use Tables” is hereby amended by adding the words
131 shown in underline type and deleting the words struck through as indicated in **Exhibit C.**

132
133 **Section 5:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
134 Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential” is hereby
135 amended by deleting the words struck through as indicated in **Exhibit D.**

136
137 **Section 6:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
138 Division 2 “Residential Districts,” Section 23.3-8 “SF-TF 14 – Single-family and two-family
139 residential” is hereby amended by deleting the words struck through as indicated in **Exhibit E.**

140
141 **Section 7:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
142 Division 2 “Residential Districts,” Section 23.3-10 “MF-20 – Multi-family and two-family residential”
143 is hereby amended by deleting the words struck through as indicated in **Exhibit F.**

144
145 **Section 8:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
146 Division 2 “Residential Districts,” Section 23.3-11 “MF-30 – Medium density multi-family
147 residential” is hereby amended by deleting the words struck through as indicated in **Exhibit G.**
148

149 **Section 9:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
150 Division 2 “Residential Districts,” Section 23.3-12 “MF-40 – High density multi-family residential”
151 is hereby amended by deleting the words struck through as indicated in **Exhibit H**.

152
153 **Section 10:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
154 Division 3 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east” is hereby amended by
155 deleting the words struck through as indicated in **Exhibit I**.

156
157 **Section 11:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
158 Division 3 “Mixed Use Districts,” Section 23.3-14 “DT – Downtown” is hereby amended by adding
159 the words shown in underline type and deleting the words struck through as indicated in **Exhibit**
160 **J**.

161
162 **Section 12:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
163 Division 3 “Mixed Use Districts,” Section 23.3-16 “MU-FH – Mixed use-Federal Highway ” is
164 hereby amended by adding the words shown in underline type and deleting the words struck
165 through as indicated in **Exhibit K**.

166
167 **Section 13:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
168 Division 3 “Mixed Use Districts,” Section 23.3-17 “MU-DH – Mixed use-Dixie Highway” is hereby
169 amended by deleting the words struck through as indicated in **Exhibit L**.

170
171 **Section 14:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
172 Division 3 “Mixed Use Districts,” Section 23.3-18 “MU-W – Mixed use west” is hereby amended
173 by adding the words shown in underline type and deleting the words struck through as indicated
174 in **Exhibit M**.

175
176 **Section 15:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
177 Division 3 “Mixed Use Districts,” Section 23.3-19 “TOD-E – Transit oriented development east” is
178 hereby amended by adding the words shown in underline type and deleting the words struck
179 through as indicated in **Exhibit N**.

180
181 **Section 16:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
182 Division 3 “Mixed Use Districts,” Section 23.3-20 “TOD-W – Transit oriented development west”
183 is hereby amended by adding the words shown in underline type and deleting the words struck
184 through as indicated in **Exhibit O**.

185
186 **Section 17:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
187 Division 4 “Commercial Districts,” Section 23.3-21 “NC – Neighborhood commercial” is hereby
188 amended by deleting the words struck through as indicated in **Exhibit P**.

189
190 **Section 18:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
191 Division 5 “Industrial Districts,” Section 23.3-23 “AI – Artisanal Industrial” is hereby amended by
192 adding the words shown in underline type and deleting the words struck through as indicated in
193 **Exhibit Q**.

194
195 **Section 19:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
196 Division 5 “Industrial Districts,” Section 23.3-24 “I-POC – Industrial Park of Commerce” is hereby
197 amended by adding the words shown in underline type and deleting the words struck through as
198 indicated in **Exhibit R**.

199

200 **Section 20:** Chapter 23 Land Development Regulations, Article 4 “Development
201 Standards,” Section 23.4-4 “Fences, walls and gates” is hereby amended by adding the words
202 shown in underline type and deleting the words struck through as indicated in **Exhibit S**.

203
204 **Section 21:** Chapter 23 Land Development Regulations, Article 4 “Development
205 Standards,” Section 23.4-10 “Off-street parking” is hereby amended by adding the words shown
206 in underline type as indicated in **Exhibit T**.

207
208 **Section 22:** Chapter 23 Land Development Regulations, Article 4 “Development
209 Standards,” Section 23.4-13 “Administrative and conditional uses” is hereby amended by adding
210 the words shown in underline type and deleting the words struck through as indicated in **Exhibit**
211 **U**.

212
213 **Section 23:** Chapter 23 Land Development Regulations, Article 4 “Development
214 Standards,” is hereby amended by adding thereto a new Section 23.4-26 “Pools” to read as shown
215 in underline type in **Exhibit V**.

216
217 **Section 24:** Chapter 23 Land Development Regulations, Article 5 “Supplemental
218 Regulations,” Section 23.5-1 “Signs” is hereby amended by adding the words shown in underline
219 type and deleting the words struck through as indicated in **Exhibit W**.

220
221 **Section 25:** Chapter 23 Land Development Regulations, Article 5 “Supplemental
222 Regulations,” Section 23.5-3 “Nonconformities” is hereby amended by adding the words shown
223 in underline type and deleting the words struck through as indicated in **Exhibit X**.

224
225 **Section 26:** Severability. If any section, subsection, sentence, clause, phrase or portion
226 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
227 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
228 such holding shall not affect the validity of the remaining portions thereof.

229
230 **Section 27:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
231 herewith are hereby repealed to the extent of such conflict.

232
233 **Section 28:** Codification. The sections of the ordinance may be made a part of the City
234 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
235 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

236
237 **Section 29:** Effective Date. This ordinance shall become effective 10 days after
238 passage.

239
240 The passage of this ordinance on first reading was moved by _____,
241 seconded by _____, and upon being put to a vote, the vote was as follows:

- 242
243 Mayor Betty Resch
244 Vice Mayor Sarah Malega
245 Commissioner Christopher McVoy
246 Commissioner Mimi May
247 Commissioner Reinaldo Diaz
248

249 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
250 day of _____, 2024.

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The passage of this ordinance on second reading was moved by _____,
seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Sarah Malega
- Commissioner Christopher McVoy
- Commissioner Mimi May
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of
_____, 2024.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 1, "General Provisions," Division 2, "Definitions"

Sec. 23.1-12. – Definitions.

Accessory storage: Indoor storage area(s) that are incidental and subordinate to a permitted principal use on a property. Accessory storage shall not exceed thirty (30%) of the total use area. Indoor storage exceeding thirty percent of the total use area shall be considered a principal use and shall be subject to the requirements in the Use Table, Section 23.3-6.

Contractor—Showroom: A showroom where no manufacturing, assembly, processing or any other industrial uses are located. A contractor showroom greater than two thousand five hundred (2,500) square feet is not permitted in the DT districts. Outdoor ~~or indoor~~ storage uses are not permitted as accessory to a contractor showroom outside of industrial districts. The business office of a contractor and a contractor showroom may occur within the same structure.

Holistic health care facility: A health-related use conducting natural, non-invasive procedures to promote self-healing. Holistic health care facilities offer singular or multiple services including but not limited to diet counseling, exercise, psychotherapy, relationship and spiritual counseling, acupuncture, chiropractic care, massage therapy, naturopathy.

Low-intensity offices uses: These are commercial office uses that typically do not generate high volumes of customer traffic, to include the following and those that are substantially similar or related:

Administrative/professional services non medical.

Contractor office no outdoor/~~indoor~~ storage.

Home occupation.

Management office.

Ribbon driveway: A ribbon driveway consists of two strips of impermeable or semi-permeable surface to accommodate vehicle tires. Ribbon driveways are a common and historically appropriate alternative to standard residential driveways, as they reduce a property's overall impermeable surface coverage. Ribbon driveways are subject to the same minimum dimensions as standard parking spaces. Individual "ribbons" are only permitted within the property (not the right-of-way) and shall measure between eighteen (18) inches and thirty (30) inches in width.

Semi-pervious surface: A surface covered by materials with a percolation rate of at least fifty (50) percent relative to the ground percolation rate. Semi-pervious surface may include but are

325 not limited to permeable paving material and other semi-pervious materials such as gravel, small
326 stone, and other substantially similar materials. For semi-pervious surfaces, two (2) square feet
327 of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the
328 purpose of calculating development regulations. The semi-pervious surface credit shall not reduce
329 the required open space and landscape area requirements. Semi-pervious surfaces shall have a
330 minimum of a one-foot setback from the side property lines and rear property line.
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EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 2, "Procedures"

Sec. 23.2-19.1. – Public Neighborhood Meeting.

(e) The public neighborhood meeting shall be held at a location that is accessible to the public and which will reasonably accommodate the number of persons notified of the meeting. The meeting may be in person, ~~virtual~~ or a combination of ~~both~~ in person and virtual.

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 1, "Generally"

Sec. 23.3-6. – Use Tables.

Under separate cover.

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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-7. – SF-R – Single-Family Residential.

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.

portion of table omitted for brevity.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-8. – SF-TF 14 – Single-Family and Two-Family Residential.

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.

portion of table omitted for brevity.

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EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-10. – MF-20 – Multi-Family and Two-Family Residential.

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-11. – MF-30 – Medium Density Multi-Family Residential.

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

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EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-12. – MF-40 – High Density Multi-Family Residential.

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	Street lot side – 10 ft. minimum up to a maximum of 22 ft.
		Interior lot side - 10% of width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

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EXHIBIT I

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-13. – MU-E – Mixed Use East.

d) Development regulations for uses permitted by right

portion of table omitted for brevity.

Setback	Side	Lake Avenue and Lucerne Avenue – 10ft. on street and 0 ft. on interior lot.
		First Avenue South and Second Avenue North – 10ft. on street and 0 ft. on interior lot for.
		Federal Highway – 10ft. on street and 10% of width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width on interior lot.
		Sixth Avenue South and Tenth Avenue North – Gateways – 10ft. on street and 10% of width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width on interior lot.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

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EXHIBIT J

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-14. – DT – Downtown.

d) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	10ft. on street and 0 ft. on interior lot.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

4. *Minimum setbacks for buildings.*

B. Minimum side setback:

(4) Roof overhangs shall not project more than two (2) feet into the setback.

EXHIBIT K

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-16. – MU-FH – Mixed Use – Federal Highway.

d) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

3. *Minimum setbacks for nonresidential buildings.*

B. Minimum side setback:

(3) Roof overhangs shall not project more than two (2) feet into the setback.

EXHIBIT L

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-17. – MU-DH – Mixed Use – Dixie Highway.

d) Development regulations for uses permitted by right

portion of table omitted for brevity.

Setback	Side	10ft. on street and 0 ft. on interior lot.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

3. Setbacks and Build-to lines.

A. Front build-to line:

(3) Front ~~setback~~ build-to line can be increased by eight (8), ten (10) or twelve (12) feet if the building provides an open arcade or public plaza.

B. ~~Minimum side setback~~ Side:

(1) ~~From street side~~ build-to lot-line: Ten (10) feet.

(2) ~~From~~ Minimum interior side setback ~~lot-line~~: None.

(3) Street side ~~setback~~ build-to line can be increased by eight (8), ten (10) or twelve (12) feet if the building is provided an open arcade or public plaza.

4. ~~Build-to line.~~ All buildings fronting on Dixie Highway shall be situated ten (10) feet from the property line to afford a consistent building line along the street. If public arcade or public open space is provided the build-to-line may be adjusted in increments of eight (8), ten (10) and twelve (12) feet. Reserved.

EXHIBIT M

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-18. – MU-W – Mixed Use West.

d) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	20ft. minimum on street
		10% of overall lot width, minimum of 3 ft., up to a minimum of 20 ft. for lots over 200 ft. in width on interior lot.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

4. *Minimum setbacks for buildings.*

B. Minimum side setback:

(4) Roof overhangs shall not project more than two (2) feet into the setback.

EXHIBIT N

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-19. – TOD-E – Transit Oriented Development East.

d) Development regulations for uses permitted by right

portion of table omitted for brevity.

Setback	Side	10ft. on street and 0 ft. on interior lot.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

3. ~~Minimum setbacks and build-to lines for buildings.~~

A. Front setback-build-to line:

(3) Front ~~setback~~ build-to line can be increased by eight (8), ten (10) or twelve (12) feet if the building is provided an open arcade or public plaza.

B. ~~Minimum side setback~~ Side:

(1) ~~From street side~~ build-to lot-line: Ten (10) feet.

(2) ~~From~~ Minimum interior side setback ~~lot line~~: None.

(3) Street side ~~setback~~ build-to line can be increased by eight (8), ten (10) or twelve (12) feet if the building is provided an open arcade or public plaza.

(4) Roof overhangs shall not exceed more than two (2) feet into the setback.

4. ~~Build-to line. All buildings fronting on Lake or Lucerne Avenues shall be situated five (5) feet from the property line to afford a consistent building line along the avenues. If public arcade or public open space is provided the build-to-line may be adjusted in increments of eight (8), ten (10) and twelve (12) feet. Reserved.~~

EXHIBIT O

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-20. – TOD-W – Transit Oriented Development West.

d) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	10ft. on street and 0 ft. on interior lot.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

4. *Minimum setbacks for buildings.*

B. Minimum side setback:

(4) Roof overhangs shall not project more than two (2) feet into the setback.

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EXHIBIT P

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 4, "Commercial Districts"

Sec. 23.3-21. – NC – Neighborhood Commercial.

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width
		Two-story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

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EXHIBIT Q

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 5, "Industrial Districts"

Sec. 23.3-23. – AI – Artisanal Industrial.

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	10ft. on street and 0 ft. on interior lot.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

3. *Minimum setbacks for buildings.*

B. Minimum side setback:

(3) Roof overhangs shall not project more than two (2) feet into the setback.

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EXHIBIT R

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 5, "Industrial Districts"

Sec. 23.3-24. – I-POC – Industrial Park of Commerce.

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Side	20 ft. on street and 0 ft. on interior lot.
		Roof overhangs shall not exceed more than 2 ft.

portion of table omitted for brevity.

3. *Minimum setbacks for buildings.*

B. Minimum side setback:

(3) Roof overhangs shall not project more than two (2) feet into the setback.

EXHIBIT S

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-4. – Fences, walls and gates.

d) *Single-family and two-family residential uses.*

4. *Gates and gateposts.*

C. ~~Electronic security gates and keypad/call boxes shall be located a minimum of twenty-five (25) feet from the property line/right-of-way to prevent stacking of automobiles into the public right-of-way.~~ Rolling, swing, or electronic gates leading to a driveway, and/or parking space(s) shall be located a minimum of five (5) feet from the property line. The minimum stacking distance may be increased in the event the city engineer determines traffic safety so requires. Such increase shall be based on a gate queuing analysis performed by a certified traffic engineer to be provided by the applicant.

E. Gates shall only provide access to the property listed on the permit application. Gates shall not be located so as to provide access to a neighboring property or the Municipal Golf Course.

e) *Multi-family residential uses.*

4. *Gates and gateposts.*

C. ~~Electronic security gates and keypad/call boxes shall be located a minimum of twenty-five (25) feet from the property line/right-of-way to prevent stacking of automobiles in the public right-of-way.~~ Rolling, swing, or electronic gates leading to a driveway, parking space, and/or parking lot shall be located a minimum of five (5) feet from the property line. The minimum queuing distance may be increased in the event the city engineer determines traffic safety so requires. Such increase shall be based on a gate queuing analysis from a certified traffic consultant to be provided by the applicant.

E. Gates shall only provide access to the property listed on the permit application. Gates shall not be located so as to provide access to a neighboring property or the Municipal Golf Course.

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f) *Commercial/vehicular/non-residential uses.*

6. Gates and gateposts shall not exceed a height of two (2) feet above the allowable fence height for the location. Gates shall only provide access to the property listed on the permit application. Gates shall not be located so as to provide access to a neighboring property or the Municipal Golf Course.

g) *Industrial uses.*

5. Except as otherwise provided herein, all fences, walls, and hedges shall have a maximum height of six (6) feet. Except as otherwise provided herein, all fences and walls shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes and hedges within the front setback area shall be a maximum of thirty (30) inches in height from the edge of the street or alley surface.

EXHIBIT T

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-10. – Off-street parking.

j) *Minimum parking dimensions.*

1. The standard parking space is nine (9) feet in width and eighteen (18) feet in length in a perpendicular and/or angled configuration. Parallel parking spaces shall be nine (9) feet in width and twenty-two (22) feet in length.

- a. Ribbon driveways (also called parking strips) shall leave a nine (9) foot-wide area for the parking space and the ribbons shall measure between eighteen (18) and thirty (30) inches in width.

2. *Parking lot designs:*

- a. Parking space dimension for other types of spaces are:

- ii. Handicapped Spaces at twelve (12) feet x eighteen (18) feet, with a five (5) foot wide designated access aisle.
- iii. Motorcycle Spaces at four (4) feet x nine (9) feet.

EXHIBIT U

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-13. – Administrative uses and conditional uses.

c) *Standards.*

9. *Places of worship.*

A. *Purpose.* It is the purpose of this section ~~is~~ to provide regulations and standards for places of worship within designated zoning districts. Places of worship shall be approved through the appropriate regulatory board by ~~conditional~~ administrative use procedures.

EXHIBIT V

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-26. – Pools.

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848 a) Residential swimming pools.
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850 1. No swimming pool shall be located closer than five (5) feet to any rear property
851 line or within any easement for utilities, drainage or access.
852 2. Special yard situations.
853 a. Pools in the rear yard of a property with dual frontage shall have a minimum
854 setback of 10 feet from the secondary front (rear) property line and shall be
855 screened with fencing and/or landscape screening, subject to the
856 regulations in LDR Sections 23.4-4 and 23.6-1.
857 3. Pool decks and patios.
858 a. At grade deck or patio constructed in conjunction with any swimming pool
859 shall not be located within an easement or closer than one (1) foot to any
860 property line.
861 b. Above grade deck or patio constructed in conjunction with any swimming
862 pool shall be not be located within an easement or and shall follow the
863 setback requirements for structures as provided in the subject zoning
864 district.
865 4. Pool enclosures. Screen enclosures for swimming pools shall not be located within
866 an easement and shall follow the setback requirements for structures as provided
867 in the subject zoning district.
868 5. Pool equipment shall be subject to the requirements of Section 23.4-16.
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EXHIBIT W

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-1. – Signs.

f) *Regulations according to property uses.*

6. ~~Shopping centers and strip centers.~~ Multi-tenant buildings.

A. ~~Shopping centers and strip centers.~~ Multi-tenant buildings shall be exempt from the total combined sign area requirements.

B. The maximum allowable sign area for wall signs for each business in a multi-tenant building shall be one (1) square foot for each linear foot of the subject business' frontage.

EXHIBIT X

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-3. – Nonconformities.

- c) *Nonconforming lots of record.* A nonconforming lot of record is a ~~platted~~ legally created lot which by width, depth, area, dimension or location does not meet current standards set forth in these LDRs. In any zoning district in which single-family dwelling units are permitted, notwithstanding limitations imposed by other provisions of these LDRs, a single-family dwelling unit and customary accessory buildings may be erected on any single nonconforming lot of record ~~so platted~~ legally created on or before January 5, 1976. For lots in the College Park and Worthmore Park subdivisions, if two (2) or more such lots, or combination of lots or portions of lots, with continuous frontage in single ownership were of record on January 5, 1976, the lands involved shall be considered to be an individual parcel or building site for the purpose of these LDRs and shall be no less than fifty (50) feet in width. No portion of said parcel shall be used or sold in a manner which prevents compliance with lot width and area requirements established by these LDRs. For lots created after January 5, 1976, no division of any parcel shall be made which creates a lot width or area below the requirements stated in these LDRs.

Sec. 23.3-6. Use tables. Note: amended text is shown below as underlined for new text and stricken text for deleted text. Uses or sections with modified text are also highlighted.

TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1 st & 2 nd Edges	MU-E Federal Hwy	MU-E 10 th & 6 th	DT	MU- FH	MU- DH	MU-W Lake & 10 th	TOD-E	TOD- W	NC	BAC	AI	I-POC	
Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review). All residential uses except for single-family and two-family greater than 7,500 sf shall require a conditional use approval.																					
RESIDENTIAL																					

Dwelling, Single Family	P	P		P	P	P			P			P									

RETAIL																					

Low Intensity Retail Uses—Use area less than 2,500 sq. ft. and low intensity impact uses.																					
Take-out Establishments											A		A	A	A	A		A			

TYPE/USE	SF-R	SF-TF 14	MH-7	MF- 20	MF- 30	MF- 40	MU-E Lake & Lucerne	MU-E 1 st & 2 nd Edges	MU-E Federal Hwy	MU-E 10 th & 6 th	DT	MU- FH	MU- DH	MU- W Lake & 10 th	TOD-E	TOD- W	NC	BAC	AI	I-POC	
Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review).																					

INDUSTRIAL																					

Medium Intensity Industrial Uses—Use area less than 7,500 sq. ft. and/or medium intensity impact uses.																					

Brewery/Distillery—Specialty											C		C	C	A				A		

Wholesale and Distribution Facilities														A					A	A+U M1- AA &2	A

Low Intensity Industrial Uses—Use area less than 2,500 sq. ft. and low intensity impact uses.																					

Storage – Indoor																				P	P

TYPE/USE	SF-R	SF-TF 14	MH-7	MF- 20	MF- 30	MF- 40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU- FH	MU- DH	MU- W Lake & 10th	TOD- E	TOD- W	NC	BAC	AI	I-POC	Cultural Arts
Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review).																					
INSTITUTIONAL																					
High Intensity Institutional Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses.																					

Museums							C		C		C		C		<u>C</u>				C		

Places of Worship	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>					

Medium Intensity Institutional Uses—Use area less than 7,500 sq. ft. and/or medium intensity impact uses.																					

Museums							A		A		A				<u>A</u>				A		

Low Intensity Institutional Uses—Use area less than 2,500 sq. ft. and low intensity impact uses.																					
Environmental Nature Centers							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	
Museum							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P				<u>P</u>	<u>P</u>	<u>P</u>			P	