



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 12, 2022 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [HRPB 22-00100335](#)
[Ordinance 2022-20](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. HRPB Project Number 22-00100335:** A request for a variance to allow construction of a pool and placement of associated pool equipment within the required side setback for the property located at 2313 North Federal Highway; PCN #38-43-44-15-06-004-1410. The subject property is a contributing resource within the College Park Historic District and is located in the Single-Family Residential (SFR) zoning district. The future land use designation is Single Family Residential (SFR).

This item is continued to the November 9, 2022 HRPB meeting.

- B. [Ordinance 2022-20: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 7 “Public Districts,” Section 23.3-26 “P- Public,” and Section 23.3-27 “PROS – Public Recreation and Open Space” for consistency with the use tables in Section 23.3-6 and clarifying the approval process for uses in the public districts; and Division 8 “Conservation District,” Section 23.3-28 “C-](#)**

Conservation,” for consistency with the use tables in Section 23.3-6, correcting a scrivener’s error and modifying the approval process to require conditional use approval for new uses; and Division 1 “Generally,” Section 23.3-6 “Use Tables,” to remove the P, PROS, and C zoning districts from all use categories in the use tables in this section except from the “Temporary Uses” category.

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.

Legal Notice No. 41016

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **October 12, 2022 at 6:00 pm** or soon thereafter to consider the following:

HRPB Project #22-00100335: Consideration of a variance to allow construction of a pool within the required setback as well as alterations to the existing spa for the property located at 2313 North Federal Highway. The subject property is located in the Single-Family Residential (SFR) zoning district and the College Park National and Local Historic District. PCN#38-43-44-15-06-001-1410.

The public can view the meeting via YouTube, <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available: <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, email historicpreservation@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Historic Resources Preservation Board to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. **For additional information, please contact City staff at 561-586-1687 or historicpreservation@lakeworthbeachfl.gov.**

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 (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email historicpreservation@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald
September 29, 2022

Legal Notice No. 41029

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 N Dixie Highway, Lake Worth Beach on **October 19, 2022 at 6:00 pm** or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on **October 12, 2022 at 6:00 pm** or soon thereafter to consider the following ordinance:

ORDINANCE 2022-20 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 3 "ZONING DISTRICTS," DIVISION 7 "PUBLIC DISTRICTS," SECTION 23.3-26 "P-PUBLIC" AND SECTION 23.3-27 "PROS - PUBLIC RECREATION AND OPEN SPACE," FOR CONSISTENCY WITH THE USE TABLES IN SECTION 23.3-6 AND CLARIFYING THE APPROVAL PROCESS FOR USES IN THE PUBLIC DISTRICTS; AMENDING ARTICLE 3 "ZONING DISTRICTS," DIVISION 8 "CONSERVATION DISTRICT" SECTION 23.3-28 "C - CONSERVATION" FOR CONSISTENCY WITH THE USE TABLES IN SECTION 23.3-6, CORRECTING A SCRIVENER'S ERROR AND MODIFYING THE APPROVAL PROCESS TO REQUIRE CONDITIONAL USE APPROVAL FOR NEW USES; AND AMENDING ARTICLE 3 "ZONING DISTRICTS," DIVISION 1 "GENERALLY" SECTION 23.3-6 "USE TABLES" BY REMOVING THE "P," "PROS" AND "C" ZONING DISTRICTS FROM ALL USE CATEGORIES IN THE USE TABLE EXCEPT FROM THE "TEMPORARY USES" CATEGORY; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

For additional information, please contact City Staff at 561-586-1687 or email pzoning@lakeworthbeachfl.gov. 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 (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if assistance is required.

Publish: The Lake Worth Herald
September 29, 2022



DATE: October 5, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: October 12 and October 19, 2022

SUBJECT: **Ordinance 2022-20:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 7 “Public Districts,” Section 23.3-26 “P- Public,” and Section 23.3-27 “PROS – Public Recreation and Open Space” for consistency with the use tables in Section 23.3-6 and clarifying the approval process for uses in the public districts; and Division 8 “Conservation District,” Section 23.3-28 “C- Conservation,” for consistency with the use tables in Section 23.3-6, correcting a scrivener’s error and modifying the approval process to require conditional use approval for new uses; and Division 1 “Generally,” Section 23.3-6 “Use Tables,” to remove the P, PROS, and C zoning districts from all use categories in the use tables in this section except from the “Temporary Uses” category.

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to allow for indoor storage (warehouse) in the Public (P) Zoning District as consistent with existing and proposed uses on publicly owned lands. In preparation of the subject text amendment, it was determined that removal of the public and conservation districts from the use table and clarification of the permitted uses and review processes in those zoning districts sections would enhance the ease of use and clarity of the LDR.

The proposed amendments would add a new section to the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 3 “Zoning Districts,” Section 23.3-26 - P- Public,
- Article 3 “Zoning Districts,” Section 23.3-27 - PROS – Public Recreation and Open Space
- Article 3 “Zoning Districts,” Section 23.3-28 - C- Conservation
- Article 3 “Zoning Districts,” Section 23.3-6 - Use Tables

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-20.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-20.

Attachments

- A. Draft Ordinance 2022-20

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3 **ORDINANCE 2022-20 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 3 “ZONING DISTRICTS,”**
6 **DIVISION 7 “PUBLIC DISTRICTS,” SECTION 23.3-26 “P-PUBLIC” AND**
7 **SECTION 23.3-27 “PROS – PUBLIC RECREATION AND OPEN SPACE,”**
8 **FOR CONSISTENCY WITH THE USE TABLES IN SECTION 23.3-6 AND**
9 **CLARIFYING THE APPROVAL PROCESS FOR USES IN THE PUBLIC**
10 **DISTRICTS; AMENDING ARTICLE 3 “ZONING DISTRICTS,” DIVISION 8**
11 **“CONSERVATION DISTRICT” SECTION 23.3-28 “C –**
12 **CONSERVATION” FOR CONSISTENCY WITH THE USE TABLES IN**
13 **SECTION 23.3-6, CORRECTING A SCRIVENER’S ERROR AND**
14 **MODIFYING THE APPROVAL PROCESS TO REQUIRE CONDITIONAL**
15 **USE APPROVAL FOR NEW USES; AND AMENDING ARTICLE 3**
16 **“ZONING DISTRICTS,” DIVISION 1 “GENERALLY” SECTION 23.3-6**
17 **“USE TABLES” BY REMOVING THE “P,” “PROS” AND “C” ZONING**
18 **DISTRICTS FROM ALL USE CATEGORIES IN THE USE TABLE**
19 **EXCEPT FROM THE “TEMPORARY USES” CATEGORY; AND**
20 **PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND**
21 **AN EFFECTIVE DATE**
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23 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
24 municipality having such power and authority conferred upon it by the Florida Constitution
25 and Chapter 166, Florida Statutes; and
26

27 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
28 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
29 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
30 municipal government, perform municipal functions, and render municipal services, and
31 may exercise any power for municipal purposes, except as expressly prohibited by law;
32 and
33

34 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
35 body of each municipality in the state has the power to enact legislation concerning any
36 subject matter upon which the state legislature may act, except when expressly prohibited
37 by law; and
38

39 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
40 Regulations,” Article 3 “Zoning Districts,” Division 7 “Public Districts,” Section 23.3-26 “P-
41 Public,” and Section 23.3-27 “PROS – Public Recreation and Open Space” for
42 consistency with the use tables in Section 23.3-6 and clarifying the approval process for
43 uses in the public districts; and
44

45 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
46 Regulations,” Article 3 “Zoning Districts,” Division 8 “Conservation District,” Section 23.3-
47 28 “C- Conservation,” for consistency with the use tables in Section 23.3-6, correcting a
48 scrivener’s error and modifying the approval process to require conditional use approval
49 for new uses; and
50

51 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
52 Regulations,” Article 3 “Zoning Districts,” Division 1 “Generally,” Section 23.3-6 “Use
53 Tables,” to remove the P, PROS, and C zoning districts from all use categories in the use
54 tables in this section except from the “Temporary Uses” category; and

55
56 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
57 agency, considered the proposed amendments at a duly advertised public hearing; and

58
59 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
60 planning agency, considered the proposed amendments at a duly advertised public
61 hearing; and

62
63 **WHEREAS**, the City Commission finds and declares that the adoption of this
64 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
65 City, its residents and visitors.

66
67 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
68 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

69
70 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
71 being true and correct and are made a specific part of this ordinance as if set forth herein.

72
73 **Section 2:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
74 Districts,” Division 7 “Public Districts,” Section 23.3-26 “P- Public,” is hereby amended to
75 read as follows:
76

77 **Sec. 23.3-26. P—Public.**

78 a) *Intent.* The "public district" designates locations for public schools and municipal facilities
79 including City Hall, City Hall Annex, Lake Worth Public Library, Pine Crest Cemetery and
80 the reclaimed landfill site at the southern city limits. It also provides for publicly owned utility
81 facilities. Because of the diverse variety of uses permitted in the "public district" and the
82 mapping of the district throughout the city, all uses are permitted as conditional uses. The
83 P public district implements the P public land use category of the Lake Worth
84 Comprehensive Plan.

85 b) *Use restrictions.* Uses permitted by right and as conditional uses shall be subject to the
86 applicable provisions of Article 4, Development Standards. ~~Refer to the permitted use table~~
87 ~~at section 23.3-6 for a complete list of uses.~~

88 1. *Principal uses permitted by right in P public district.* No uses are permitted by right
89 in the P public district. All principal uses shall be subject to conditional use review.

90 2. *Principal uses permitted as ~~either administrative or conditional~~ uses in P public*
91 *district.*

92 A. Office uses - low to high intensity.

93 B. Institutional uses - low to high intensity.

94 C. Public uses, including recreational facilities - low to high intensity.

95 D. Cultural & Artisanal uses, including radio and television broadcasting studios &
96 assembly uses such as a performing arts theater - low to high intensity.

97 E. Vehicular & Industrial uses in support of governmental & school/educational
98 operations, including warehouse (indoor storage) and repair and maintenance
99 facilities - low to high intensity.

100 F. Heavy utility facilities.

101 G. Light utility facilities.

102 H. Marinas.

103 I. Power plants generation facilities & substations.

104 J. Public safety facilities, including fire stations and police stations.

105 K. Water towers.

106 L. Essential services.

107 M. Communication towers.

108 N. Radio and television broadcasting studios

109 O. Cemetery

110 P. Community facilities such as community centers, nature centers, community
111 gardens, libraries, museums, and ballroom, banquet, and meeting rooms.

112 Q. Outdoor Markets & Mobile Food Vending Courts

113 3. *Accessory uses permitted as either administrative or conditional uses in P public*
114 *district. Any use accessory to and customarily incidental to a permitted principal use,*
115 *including commercial, retail and educational uses, permitted as either an*
116 *administrative if less than 2,500 sf, or as a conditional use if greater than 2,500 sf.*

117 c) *Development regulations for P public district sites which lie adjacent to land zoned for*
118 *residential use. P public district sites which lie adjacent to any parcel zoned with a district*
119 *with the term "residential" in its name shall be subject to minimum development regulations*
120 *as set forth below, or by higher development regulations if determined necessary pursuant*
121 *to conditional use review and approval. All new public buildings shall use green/sustainable*
122 *building design and obtain LEED certification.*

123 1. *Minimum lot dimension for P public district.*

124 A. Minimum lot area: Six thousand five hundred (6,500) square feet.

125 B. Minimum lot width: Fifty (50) feet.

126 2. *Maximum height of buildings in P public district.*

127 A. Principal building: Sixty-five (65) feet.

128 B. Garages and other accessory buildings: Twenty-five (25) feet.

129 3. *Minimum setbacks for building in P public district.*

130 A. Minimum front setback: Twenty (20) feet.

131 B. Minimum side setback:

132 (1) From street side lot lines: Twenty (20) feet.

133 (2) From interior side lot lines adjacent to land zoned in any district other than
134 a district with the term "residential" in its name: none.

135 (3) From interior side lot lines adjacent to land zoned in any district with the
136 term "residential" in its name: Ten (10) feet.

137 C. Minimum rear setback: Ten (10) feet.

- 138 D. Buildings in excess of thirty-five (35) feet in height shall provide an additional
139 front and rear setback of between eight (8) and twelve (12) feet to the minimum
140 required front and rear setbacks.
- 141 4. *Floor area ratio.* The maximum FAR is 2.0.
- 142 5. *Maximum impermeable surface for use in P public district.* The maximum permitted
143 impermeable surface for nonresidential uses in the P public district shall be sixty-
144 five (65) percent.
- 145 d) *Development regulations for P public district sites which do not lie adjacent to land zoned*
146 *for residential use.* P public district sites which do not lie adjacent to any parcel zoned with
147 a district with the term "residential" in its name shall be subject to minimum development
148 regulations as set forth in the most restrictive adjacent district.
- 149 e) *Supplemental regulations for the P public district.* ~~Uses permitted by right and uses~~
150 ~~permitted as either administrative or conditional~~ All uses shall be subject to applicable
151 provisions of Article 4, Development Standards.

152
153 **Section 3:** Chapter 23 "Land Development Regulations," Article 3 "Zoning
154 Districts," Division 7 "Public Districts," Section 23.3-27 "PROS—Public recreation and
155 open space," is hereby amended to read as follows:
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157 **Sec. 23.3-27. PROS—Public recreation and open space.**

- 158 a) *Intent.* The public recreation and open space district designates locations for parks and
159 other outdoor open space areas intended for active and passive use. The district
160 implements the public recreation and open space land use category in the Lake Worth
161 Comprehensive Plan.
- 162 b) *Use restrictions.* Uses permitted by right and as conditional uses shall be subject to the
163 applicable provisions of Article 4, Development Standards. ~~Refer to the permitted use table~~
164 ~~at section 23.3-6 for a complete list of uses.~~
- 165 1. *Principal uses permitted by right in PROS district.*
- 166 A. Parks and other outdoor open space areas intended for passive use.
- 167 B. Essential services.
- 168 2. *Principal uses permitted as ~~either administrative or conditional~~ uses.*
- 169 A. Public uses - medium to high intensity.
- 170 B. Institutional uses - medium to high intensity.
- 171 C. Cemetery.
- 172 D. Gymnastic studios / training facilities & gym/studio for dance or fitness
- 173 E. Ballroom, banquet and meeting rooms
- 174 F. Governmental Administrative Office
- 175
- 176 3. *Accessory uses permitted by right.* Any use accessory to and customarily incidental
177 to a principal use permitted by right.
- 178 4. *Accessory uses permitted as either administrative or conditional uses in PROS*
179 *district.* Any use accessory to and customarily incidental to a principal use permitted

as a conditional use shall be permitted as either an administrative use if less than 2,500 sf, or as a conditional use if greater than 2,500 sf.

c) *Development regulations.*

- 1. Height: Thirty-five (35) feet.
- 2. Setback: Twenty (20) feet from all lot lines.
- 3. Floor area ratio: Maximum FAR of 0.1.

Section 4: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 8 “Conservation District,” Section .3-28 “C—Conservation,” is hereby amended to read as follows:

Sec. 23.3-28. C—Conservation.

a) *Intent.* The C conservation district is intended to provide standards for the protection and preservation of areas having natural beauty and to mitigate the effects of development on the environment. A conservation area designation can be applied to a tract of land to provide protected status in order to ensure that natural features or biota are safeguarded. A conservation area may be a nature reserve, a park, a land reclamation project or other area.

b) *Use restrictions.* Uses permitted by right and as either administrative or conditional uses shall be subject to the applicable provisions of Article 4, Development Standards. ~~Refer to the permitted use table at section 23.3-6 for a complete list of uses.~~

1. *Permitted uses by right.* No uses are permitted by right in the C – conservation district. ~~P-public district~~. All uses shall be subject to conditional use review.

2. *Principal u*~~Uses permitted as either administrative or conditional uses.~~

- A. Botanical research and education.
- B. Marine uses, kayak, canoe and other non-motorized watercraft.
- C. Marine research and education.
- D. Marinas and associated uses.
- E. Limited dockage.
- F. Nature, foot and bicycle trails.
- G. Public and private nature preserves.
- H. Public parks.
- I. Water conservation areas, reservoirs and control structures.
- J. Accessory structures not exceeding five hundred (500) square feet.
- K. Accessory uses in support of the intent of the district that facilitate public access to the conservation area, including nature and welcome centers.

c) *Prohibited uses.* The following uses are prohibited in the CON conservation district:

- 1. Wheeled or tracked vehicles, prop (agitation) dredging and airboats are prohibited. Government and emergency vehicles are exempt.
- 2. Any use which has an adverse impact upon the habitat, bird roosting areas, archaeological sites, endangered or threatened wildlife species causing the

221 deterioration of the habitat, physical alteration of the environment, or prohibiting the
222 propagation or causing the extermination thereof is prohibited.

223 d) *Development regulations.*

- 224 1. Height: Thirty-five (35) feet.
- 225 2. Setback: Twenty (20) feet from all lot lines.

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228 **Section 5:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
229 Districts,” Division 1 “Generally,” Section 23.3-6 “Use Tables,” is hereby amended to
230 remove the P, PROS, and C zoning districts from all use categories in the use tables
231 except from the “Temporary Uses” category.

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234 **Section 6:** Severability. If any section, subsection, sentence, clause, phrase or
235 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
236 competent jurisdiction, such portion shall be deemed a separate, distinct, and
237 independent provision, and such holding shall not affect the validity of the remaining
238 portions thereof.

239
240 **Section 7:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
241 conflict herewith are hereby repealed to the extent of such conflict.

242
243 **Section 8:** Codification. The sections of the ordinance may be made a part of
244 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
245 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
246 any other appropriate word.

247
248 **Section 9:** Effective Date. This ordinance shall become effective 10 days after
249 passage.

250
251 The passage of this ordinance on first reading was moved by
252 _____, seconded by _____, and upon
253 being put to a vote, the vote was as follows:

- 254
- 255 Mayor Betty Resch
- 256 Vice Mayor Christopher McVoy
- 257 Commissioner Sarah Malega
- 258 Commissioner Kimberly Stokes
- 259 Commissioner Reinaldo Diaz

260
261 The Mayor thereupon declared this ordinance duly passed on first reading on the
262 _____ day of _____, 2022.

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

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Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega
Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk