



**AGENDA**  
**CITY OF LAKE WORTH BEACH**  
**HISTORIC RESOURCES PRESERVATION BOARD MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**WEDNESDAY, JULY 09, 2025 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

- A. [June 11, 2025 Meeting Minutes](#)

**CASES**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) [230 N Lakeside Dr Proof of Publication](#)

**WITHDRAWALS / POSTPONEMENTS**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

- A. [Ordinance 2025-04: Consideration of an ordinance amending multiple sections of Chapter 23 "Land Development Regulations," to address several housekeeping items and minor changes for clarity, as well as amend and clarify use permit and site plan processes, clarify residential density in the AI district, specify regulations for residential development of nonconforming lots of record in Mixed Use districts, and revise the parking reductions for mixed use development and affordable housing. This item was continued from the June 11th HRPB meeting.](#)

**NEW BUSINESS:**

- A. [HRPB Project Number 25-00100152: Consideration of a Certificate of Appropriateness \(COA\) for Ad Valorem Preconstruction Tax Exemption, one variance from base flood elevation requirements of the Florida Building Code and one waiver for lot coverage associated with the construction of a new ±2,621 square foot addition to the existing single-family residence at 230 N Lakeside Drive. The subject property is located in the Single Family Residential \(SFR\) zoning district and has a future land use designation of Single Family Residential \(SFR\). The property is a contributing resource in the Old Lucerne Historic District. PCN #38-43-44-21-15-036-0080.](#)
- B. [Ordinance 2025-08: Consideration of an ordinance amending Chapter 23, Article 5, Section 23.5-1\(d\)\(8\) "Signs on streets."](#)

**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, JUNE 11, 2025 -- 6:20 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Robert. D'Arinzo, Chair; Edmond LeBlanc; Elaine DeRiso; Laura Devlin; Edmund Deveaux. Absent: Nadine Heitz.

Also present were: Anne Hamilton, Senior Preservation Planner; Annie Greening, Principal Planner; Yeneneh Terefe, Preservation Planner; Tia Villegas, Associate Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; William Waters, Director for Community Sustainability; Glen Torcivia, City Attorney.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

A. April 9, 2025 Regular Meeting Minutes

E. DeRiso moved to accept minutes as presented; 2<sup>nd</sup> E. LeBlanc Ayes all, unanimous.

**CASES**

**SWEARING IN OF STAFF AND APPLICANTS:** T. Villegas administered oath to those wishing to give testimony.

**PROOF OF PUBLICATION** Provided in the meeting packet.

1) HRPB 25-00100049

**WITHDRAWALS / POSTPONEMENTS**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** E. LeBlanc lives within 100 feet of the proposed zoning change, and it won't affect his recommendation; and E. Deveaux recuses himself from New Business A.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**A. HRPB Project Number 25-00100049:** Consideration of a Certificate of Appropriateness (COA) for construction of a new single-family residential structure at 711 South Palmway. The subject property is a non-contributing resource to the South Palm Park Historic District and is located in the Single Family Residential (SFR) Zoning District. The future land use designation is Single Family Residential (SFR).

**Staff:** A. Hamilton presents case findings and analysis. In 2022 a request to split the parcel in half, with the demolition of the existing SFR was denied. A 2024 Ordinance change allowed for the demolition of non-contributing structure as it was in flood zone.

The applicant is proposing a contemporary interpretation of a Monterey-style design. The application does meet all requirements. As the surrounding structures are single story, staff recommends the lowering the height by one foot to better fit the area.

**Board:** Is it larger than the surrounding homes? **Response:** Yes, the setback of 30 feet softens the perception of being larger. Is the flood zone elevation shown? **Response:** No, there will be site grading along with a step up into the structure.

**Agents for the applicant Renbert Gordon and Boutros Bernard:** Are in agreement with all conditions with exception of the lowering of the height by one foot. The wish is to maintain a nine-foot ceiling height on both levels. **Staff:** the ceiling could be trayed on the second floor. **Applicant:** Scissor truss could be used but may be difficult for the span. **Staff:** The finished floor will be 2.5 higher than the neighboring property. The side wall will probably be 22.5 feet. **Board:** How will the applicant feel about that? **Agent for the Applicant:** it would be a deal breaker as they have produced several iterations totaling a reduction by six feet. **Staff:** The wall height as shown is at maximum code allowance and it is in a Historic District.

**Board:** When looking at the streetscape, it is not helpful since it is not to scale. The flood plain elevation is not shown. It will look out of context as it is being built up in a flood zone. It can't be expected to stay in the same context relative to neighboring properties.

**Motion:** E. LeBlanc moves to approve HRPB 25-00100049 with staff recommended conditions with exception of first condition, based upon competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation Requirements; L. Devlin 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous

**B.** Ordinance 2025-05 (HRPB 25-01300001): City-initiated Zoning Map amendment requesting a rezoning from Mixed Use East (MU-E) to Downtown (DT) for five (5) parcels located north of 1st Avenue South, west of South K Street, and east of South J Street.

City Attorney reads Ordinance Title.

**Staff:** A. Greening – A City initiated zoning change to five parcels currently zoned Mixed-Use East (MU-E) designation to Downtown (DT). It will allow for the relocation of two structures located at 17 S M Street and development of new City parking garage. Staff recommends Board approval.

**Public Comment:** None

**Board:** E. LeBlanc would not like his recommendation to be misconstrued as agreement that the new structure is compatible with surrounding area/structures. **Staff:** That will be a future application.

**Motion:** L. Devlin moves to recommend approval of Ordinance 2025-05 (HRPB 25-01300001) to the City Commission based on data and analysis in the staff report and the testimony at the public hearing; E. Deveaux

**Vote:** 4 ayes -1 nay, E. LeBlanc dissenting. Motion passes.

**C. Ordinance 2025-04:** Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations,” to address several housekeeping items and minor changes for clarity, as well as amend and clarify use permit and site plan processes, clarify residential density in the AI district, specify regulations for residential development of nonconforming lots of record in Mixed Use districts, and revise the parking reductions for mixed use development and affordable housing.

**Staff:** A. Greening- advises the PZ Board has requested additional information and will not hear until August.

City Attorney reads Ordinance Title

**Staff:** A. Greening – Highlights several areas such as Accessory Use Area; Site Plan Review Team; Combining of AUP and CUP regulations; codifies a Use Permit amendment process; Site Plan Reviews; Use Table corrections; Accessory Structures with special Setbacks; Fencing; Parking Reductions; Generator regulations moved to the mechanical equipment for clarity; created new definitions, revised definitions.

**Board:** What are the PZ issues? **Staff:** W. Waters- much of it is already in Code, the revisions are only a suggestion to be revised. As Code is used over time it becomes clear that some things need fine tuned; additional clarity is needed.

**Motion:** E. Deveaux moves to continue to the July 9 meeting; E. LeBlanc 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

### **PLANNING ISSUES:**

- A. Training about case law, required findings, and procedures for variances in Lake Worth Beach, led by City Attorney Glen Torcivia.

Variances – height area, size of structure or size of yards; parking requirements and other area requirements and open spaces. Special circumstances which are peculiar to the land. Cannot have self-created hardships and should be the minimum request. Case Law- relief for legitimate unnecessary hardship, not self-inflicted. Competent substantial evidence is the lowest level (51%), not fairly debatable standard; prior approval is not appropriate, does not entitle the applicant. Substantial evidence is more than a scintilla. Ex-parte communications, must disclose.

W. Waters reminds all about the Historic waivers which is similar to a variance.

**PUBLIC COMMENTS:** (3 minute limit) None

**DEPARTMENT REPORTS:** Two meetings will be held in July (9 & 16) , please advise of availability.

Mobility Fee structure; Carbon Neutrality Element, first in the State; Open Space & Recreation meeting; Beach renovation study forthcoming with referendum in March – these changes will affect LDR's for the Beach and Casino Zoning District.

**BOARD MEMBER COMMENTS:** The City Commission will be holding interviews for open positions on the CRA Board. Board members hope there will be interviews for this Board as well. W. Waters states some Board members are serving at the pleasure of the Commission.

**ADJOURNMENT** 7:39 pm



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## LEGAL NOTICES

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**HRPB 25-00100152 - 230 North Lakeside Drive**

Consideration of a Certificate of Appropriateness (COA) for Ad Valorem Tax Exemption, one variance from base flood elevation requirements of the Florida Building Code and one waiver for lot coverage associated with the construction of a new ±2,621 square foot addition to the existing single-family residence at 230 N Lakeside Drive.

Tue, Jun 24, 2025

[object Object]

Quasi-judicial Hearings - Lake Worth Beach

Tue, Jun 24, 2025, 5:29 p.m. EDT

[HRPB #25-00100152 - 230 N Lakeside Drive - Legal Ad](#)

SCOALE@lakeworthbeachfl.gov

Yes



DATE: July 2, 2025

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

FROM: William Waters, Director of Community Sustainability

MEETING: July 9 and August 6, 2025

SUBJECT: **Ordinance 2025-04**: Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations,” to address several housekeeping items and minor changes for clarity, as well as amend and clarify use permit and site plan processes, clarify residential density in the AI district, specify regulations for residential development of nonconforming lots of record in missed use districts, and revise the parking reductions for mixed use development and affordable housing.

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**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 23.2-6: Site Plan Review Team
- Article 2 – Section 23.2-28: Administrative Adjustments/Administrative Use Permits
- Article 2 – Section 23.2-29: Conditional Use Permits
- Article 2 – Section 23.2-30: Site Plan Review
- Article 2 – Section 23.2-31: Site Qualitative Standards
- Article 2 – Section 23.2-32: Site Plans and Specifications
- Article 2 – Section 23.2-39: Affordable/Workforce Housing Program
- Article 3 – Section 23.3-6: Use Tables
- Article 3 – Section 23.3-7: Single-Family Residential (SF-R)
- 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 23.3-23: Artisanal Industrial (AI)
- Article 3 – Section 23.3-29: Cultural Arts District Overlay
- 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 23.4-15: Cemeteries/Mausoleums/Columbariums

- Article 4 – Section 23.4-16: Mechanical Systems/Equipment for Existing Residential Structures
- Article 4 – Section 23.4-17: Standby Generator/Permanent
- Article 4 – Section 23.4-25: Micro-Units
- Article 5 – Section 23.5-1: Signs

**Accessory Use Area:** Amending the definition for accessory use to specify the maximum total use area that may be devoted to accessory use(s).

**Site Plan Review Team:** Clarifying membership, applications the team reviews, and meeting requirements.

**Administrative and Conditional Use Permits:** Moving AUP regulations from Section 23.2-28 to Section 23.2-29 so that all use permit regulations (AUP and CUP) are in one section; also reorganizing subsections for clarity and conciseness and codifying a use permit amendment process.

**Site Plan Reviews:** Clarifying when a site plan review is required, revising the types of development that require a minor site plan, codifying the site plan modification review, removing redundant language, removing outdated requirements for site plan applications, and adding requirements for site plan modification applications.

**Use Table:** Correcting errors related to allowed residential uses in the Neighborhood Commercial district to align with the existing zoning district regulations and Comprehensive Plan, allowing low-intensity take-out establishments in the BAC district and medium-intensity minor repair and maintenance uses in the I-POC district, creating high-intensity and low-intensity social service center uses, and allowing medium-intensity social service center uses in the NC district.

**Accessory Structures with Special Setbacks in SFR:** Amending accessory structure location regulations for parcels with an existing special front setback requirement in Section 23.3-7 to allow 1 one-story tall accessory structure in front of the principal structure, predicated that the accessory structure has a minimum front setback of at least 75 feet.

**Residential Development in Mixed Use Districts:** Revising language in multiple zoning districts to clarify the zoning regulations for residential development in mixed use zoning districts, as well as special regulations for residential development on lots of record which do not meet minimum lot width or lot area requirements.

**Fencing:** Revising the minimum setback for 6-foot tall fencing along roadways from 30 inches to 18 inches, and clarifying fencing regulations for public and conservation uses.

**Parking Reductions:** Revising parking reductions for mixed use development and affordable housing development from a 25% reduction to a 15% reduction.

**Generators:** Moving regulations for permanent generators to the mechanical equipment section for added clarity, revising the permitted hours for maintenance running, and clarifying zoning districts which prohibit the use of generators with integrated fuel systems.

**Housekeeping Items:** Creating definitions for build-to lines, dark sky lighting, green roofs, and sheds, revising the definitions for impermeable and semi-pervious surfaces to match the minimum setback requirement to the 18-inch fence setback requirement, revising language for retirement homes to instead refer to independent senior living, correcting the types of signage allowed in the Cultural Arts District Overlay, correcting the types of fencing allowed for single-destination retail uses, and removing minimum distance requirements from cemeteries to assisted living facilities, nursing homes, and independent senior living facilities.

At their meeting on June 4, 2025, the Planning & Zoning Board voted to continue the item to their meeting on August 6, 2025, to provide additional time for Board members to review the proposed LDR amendments. Board members also offered suggested edits regarding definitions for green roof, impermeable surface, semi-pervious surface, and sheds, as well as language in Section 23.2-30 regarding when site plan review is required.

At their meeting on July 11, 2025, the Historic Resources Preservation Board voted to continue the item to their meeting on July 9, 2025, to provide additional time for Board members to review the proposed LDR amendments.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2025-04.

**POTENTIAL MOTION:**

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2025-04.

**Attachments**

- A. Draft Ordinance 2025-04
- B. Exhibit I – Use Table
- C. “Clean Copy” of Exhibits D, E, and G

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**ORDINANCE 2025-04 - 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 1 “DECISIONMAKERS,” SECTION 23.2-6 SITE PLAN REVIEW TEAM; AND DIVISION 3 “PERMITS,” SECTION 23.2-28 ADMINISTRATIVE ADJUSTMENTS/ADMINISTRATIVE USE PERMITS, SECTION 23.2-29 CONDITIONAL USE PERMITS, SECTION 23.2-30 SITE PLAN REVIEW, SECTION 23.2-31 SITE QUALITATIVE STANDARDS, SECTION 23.2-32 SITE PLANS AND SPECIFICATIONS, AND SECTION 23.2-39 AFFORDABLE/WORKFORCE HOUSING PROGRAM; 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; 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 5, INDUSTRIAL DISTRICTS,” SECTION 23.3-23 AI – ARTISANAL INDUSTRIAL; AND DIVISION 9, “OVERLAY DISTRICTS,” SECTION 23.3-29 CULTURAL ARTS DISTRICT OVERLAY; 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, SECTION 23.4-15 CEMETERIES/MAUSOLEUMS/COLUMBARIUMS, SECTION 23.4-16 MECHANICAL SYSTEMS/EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES, SECTION 23.4-17 STANDBY GENERATOR/PERMANENT, AND SECTION 23.4-25 MICRO-UNITS; AND ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 SIGNS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE**

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**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

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**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

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**WHEREAS**, the City wishes to amend Chapter 23, Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 – Definitions to revise the definition for accessory use, create a definition for build-to line, create a definition for dark sky lighting, create a definition for green roof, revise the definition for impermeable/impervious surface, revise the definition for medium-intensity institutional uses, revise the definition for residential uses, revise the definition for

51 retirement center/facility, revise the definition for semi-pervious surface, and create a definition  
52 for shed; and

53  
54 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 1  
55 “Decisionmakers,” Section 23.2-6 “Site plan review team” to clarify membership, applications the  
56 team reviews, and meeting requirements; and

57  
58 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3  
59 “Permits,” Section 23.2-28 “Administrative adjustments/administrative use permits” to move the  
60 administrative use permit regulations to Section 23.2-29; and

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62 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3  
63 “Permits,” Section 23.2-29 “Conditional use permits” to place the administrative and conditional  
64 use permit regulations in one section, reorganize subsections for clarity and conciseness, and  
65 codify a use permit amendment process; and

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67 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3  
68 “Permits,” Section 23.2-30 “Site plan review” to clarify when a site plan review is required, revise  
69 the types of development that require a minor site plan, and to codify the site plan modification  
70 review; and

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72 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3  
73 “Permits,” Section 23.2-31 “Site qualitative standards” to add dark sky requirements and clarify  
74 when the community appearance criteria are applicable; and

75  
76 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3  
77 “Permits,” Section 23.2-32 “Site plans and specifications” to remove redundant language and  
78 outdated requirements and add site plan modification requirements; and

79  
80 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3  
81 “Permits,” Section 23.2-39 “Affordable/workforce housing program” to change the twenty-five  
82 percent affordable/workforce housing parking reduction to a fifteen percent reduction; and

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84 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 1  
85 “Generally,” Section 23.3-6 “Use Tables” to correct errors related to allowed residential uses in  
86 the NC district to align with the existing zoning district regulations and Comprehensive Plan, revise  
87 references of retirement homes/facilities to instead refer to independent senior living, allow low-  
88 intensity take-out establishments in the BAC district, allow medium-intensity minor repair and  
89 maintenance uses in the I-POC district, create high-intensity and low-intensity social service  
90 center uses, and to allow medium-intensity social service center uses in the NC district; and

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92 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 2  
93 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential,” to amend the accessory  
94 structure location regulations for certain parcels with special setbacks; and

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96 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 3  
97 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east,” Section 23.3-14 “DT –  
98 Downtown,” Section 23.3-16 “MU-FH – Mixed use – Federal Highway,” Section 23.3-17 “MU-DH  
99 – Mixed use – Dixie Highway,” Section 23.3-18 “MU-W – Mixed use west,” Section 23.3-19 “TOD-  
100 E – Transit oriented development east,” and Section 23.3-20 “TOD-W – Transit oriented

101 development west,” to clarify regulations for residential development in mixed use districts,  
102 including development on nonconforming lots of record; and  
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104 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 5  
105 “Industrial Districts,” Section 23.3-23 “AI – Artisanal industrial,” to clarify regulations for density of  
106 residential development to align with the Comprehensive Plan and Use Table; and  
107

108 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 9  
109 “Overlay Districts,” Section 23.3-29 “Cultural Arts District Overlay,” to correct information about  
110 allowable signage; and  
111

112 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
113 Section 23.4-4 – “Fences, walls, and gates,” revise the minimum setback for six-foot tall fencing  
114 along roadways and clarify fencing regulations for public and conservation uses; and  
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116 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
117 Section 23.4-10 “Off-street parking” to change the twenty-five percent mixed use parking  
118 reduction to a fifteen percent reduction; and  
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120 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
121 Section 23.4-13 – “Administrative uses and conditional uses,” to correct the fencing standards for  
122 single destination retail uses and revise language for retirement homes to instead refer to  
123 independent senior living; and  
124

125 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
126 Section 23.4-15 – “Cemeteries/Mausoleums/Columbariums,” to remove minimum distance  
127 requirements from assisted living facilities, nursing homes, and independent senior living facilities;  
128 and  
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130 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
131 Section 23.4-16 – “Mechanical Systems/Equipment for Existing Residential Structures,” include  
132 regulations for generators previously provided in Section 23.4-17, to revise the permitted hours  
133 for maintenance running, and clarify zoning districts which prohibit the use of generators with  
134 integrated fuel systems; and  
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136 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
137 Section 23.4-17 – “Standby Generator/Permanent,” to move the existing generator regulations to  
138 23.4-16 and make this section reserved; and  
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140 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
141 Section 23.4-25 “Micro-units” to revise references to a twenty-five percent mixed use parking  
142 reduction to a fifteen percent reduction; and  
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144 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,”  
145 Section 23.5-1 - “Signs,” to correct references to the landscape regulations in Section 23.6-1; and  
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147 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,  
148 considered the proposed amendments at a duly advertised public hearing; and  
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150 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local  
151 planning agency, considered the proposed amendments at a duly advertised public hearing; and

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**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 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit A**.

**Section 3:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 1 “Decisionmakers,” Section 23.2-6 “Site Plan Review Team” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit B**.

**Section 4:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-28 “Administrative Adjustments/Administrative Use Permits” is hereby amended by deleting the words struck through as indicated in **Exhibit C**.

**Section 5:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-29 “Conditional Use Permits” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit D**.

**Section 6:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-30 “Site Plan Review” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit E**.

**Section 7:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site Qualitative Standards” is hereby amended by adding the words shown in underline type as indicated in **Exhibit F**.

**Section 8:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-32 “Site Plans and Specifications” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit G**.

**Section 9:** Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-39 “Affordable/Workforce Housing Program” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit H**.

**Section 10:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 1 “Generally,” Section 23.3-6 “Use Tables” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit I**.

203            **Section 11:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
204 Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential” is hereby  
205 amended by adding the words shown in underline type as indicated in **Exhibit J**.  
206

207            **Section 12:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
208 Division 3 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east” is hereby amended by  
209 adding the words shown in underline type as indicated in **Exhibit K**.  
210

211            **Section 13:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
212 Division 3 “Mixed Use Districts,” Section 23.3-14 “DT – Downtown” is hereby amended by adding  
213 the words shown in underline type as indicated in **Exhibit L**.  
214

215            **Section 14:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
216 Division 3 “Mixed Use Districts,” Section 23.3-16 “MU-FH – Mixed use-Federal Highway ” is  
217 hereby amended by adding the words shown in underline type as indicated in **Exhibit M**.  
218

219            **Section 15:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
220 Division 3 “Mixed Use Districts,” Section 23.3-17 “MU-DH – Mixed use-Dixie Highway” is hereby  
221 amended by adding the words shown in underline type as indicated in **Exhibit N**.  
222

223            **Section 16:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
224 Division 3 “Mixed Use Districts,” Section 23.3-18 “MU-W – Mixed use west” is hereby amended  
225 by adding the words shown in underline type as indicated in **Exhibit O**.  
226

227            **Section 17:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
228 Division 3 “Mixed Use Districts,” Section 23.3-19 “TOD-E – Transit oriented development east” is  
229 hereby amended by adding the words shown in underline type and deleting the words struck  
230 through as indicated in **Exhibit P**.  
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232            **Section 18:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
233 Division 3 “Mixed Use Districts,” Section 23.3-20 “TOD-W – Transit oriented development west”  
234 is hereby amended by adding the words shown in underline type and deleting the words struck  
235 through as indicated in **Exhibit Q**.  
236

237            **Section 19:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
238 Division 5 “Industrial Districts,” Section 23.3-23 “AI – Artisanal Industrial” is hereby amended by  
239 adding the words shown in underline type and deleting the words struck through as indicated in  
240 **Exhibit R**.  
241

242            **Section 20:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
243 Division 9 “Overlay Districts,” Section 23.3-29 “Cultural Arts District Overlay” is hereby amended  
244 by adding the words shown in underline type and deleting the words struck through as indicated  
245 in **Exhibit S**.  
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247            **Section 21:** Chapter 23 Land Development Regulations, Article 4 “Development  
248 Standards,” Section 23.4-4 “Fences, walls and gates” is hereby amended by adding the words  
249 shown in underline type and deleting the words struck through as indicated in **Exhibit T**.  
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251            **Section 22:** Chapter 23 Land Development Regulations, Article 4 “Development  
252 Standards,” Section 23.4-10 “Off-street parking” is hereby amended by adding the words shown  
253 in underline type and deleting the words struck through as indicated in **Exhibit U**.

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

**Section 24:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-15 “Cemeteries/mausoleums/columbariums” is hereby amended by deleting the words struck through as indicated in **Exhibit W**.

**Section 25:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-16 “Mechanical systems/equipment for existing residential structures” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit X**.

**Section 26:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-17 “Standby generator/permanent” is hereby amended by deleting the words struck through as indicated in **Exhibit Y**.

**Section 27:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-25 “Micro-units” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit Z**.

**Section 28:** Chapter 23 Land Development Regulations, Article 5 “Supplemental Regulations,” Section 23.5-1 “Signs” is hereby amended by deleting the words struck through as indicated in **Exhibit AA**.

**Section 29:** Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 30:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 31:** Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

**Section 32:** Effective Date. This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first 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 Anthony Segrich

305 The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_\_  
306 day of \_\_\_\_\_, 2025.

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308

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

311

- 312 Mayor Betty Resch
- 313 Vice Mayor Sarah Malega
- 314 Commissioner Christopher McVoy
- 315 Commissioner Mimi May
- 316 Commissioner Anthony Segrich

317

318 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
319 \_\_\_\_\_, 2025.

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LAKE WORTH BEACH CITY COMMISSION

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By: \_\_\_\_\_  
Betty Resch, Mayor

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ATTEST:

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331 \_\_\_\_\_  
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 use: A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use. For non-residential or mixed-use properties, an accessory use shall not exceed thirty (30) percent of the total use area.

\*\*\*

Build-to line: A line on a parcel, measured parallel from the front and/or side lot line, where the structure must be located. The building facade must be located on the build-to line.

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Dark sky lighting: Lighting products and designs that comply with Dark Sky International's Five Lighting Principles for Responsible Outdoor Lighting to minimize glare, reduce light trespass, and reduce light pollution.

\*\*\*

Green roof: A vegetated roofing system which is functionally integrated onto a roof area. Green roofs may be considered extensive, semi-intensive, or intensive, depending on the depth of the growing medium and diversity of plant selection. A green roof may count either as a semi-permeable surface or as a qualifying sustainability feature for the Sustainable Bonus Incentive Program.

\*\*\*

Impermeable/impervious surface: All surfaces on a lot incapable of being penetrated by water under normal circumstances, wherein moisture runs off the surface instead of penetrating the material to be absorbed in the underlying soil. Impermeable materials include, but are not limited to, asphalt, concrete, pavers and compacted shell rock and roofs. Impermeable surfaces shall have a minimum eighteen (18) inch of a ~~one-foot~~ setback from the side property lines, and rear property lines. Impervious surfaces shall also have a minimum eighteen (18) inch setback from the rear property line, unless the surfaces are used to access parking.

\*\*\*

Independent senior living ~~Retirement center/facility~~: Public or private institution, building, residence, private home, or other place including independent living units, whether operated for profit or not, including a place operated by a county or municipality, providing living accommodations and recreational services for retired individuals including accessory uses incidental to such use but not inclusive of medical care, supervision, diagnosis, treatment or prevention of diseases, illness, injury or other physical or mental impairments.

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381 *Medium-intensity institutional uses:* These are institutional uses that typically generate  
382 moderate volumes of customer traffic, to include the following and those that are substantially  
383 similar or related:

- 384 Botanical research and education.
- 385 Colleges and universities (satellite campus).
- 386 Day care center.
- 387 Marine research and education.
- 388 Museums.
- 389 Nursing homes/assisted living facilities/~~retirement homes~~.
- 390 Places of worship.
- 391 Welcome centers.

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394 *Residential uses:* Uses such as single-family, two-family, and multi-family providing living  
395 accommodations to households including but not limited to the following types of structures:  
396 single-family dwelling/residence, duplex dwelling/residence, apartment building, condominium,  
397 ~~assisted living center and/or nursing/retirement home~~ and independent senior living.

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400 *Semi-pervious surface:* A surface covered by materials with a percolation rate of at least fifty  
401 (50) percent relative to the ground percolation rate. Semi-pervious surface may include but are  
402 not limited to permeable paving material and other semi-pervious materials such as gravel, small  
403 stone, and other substantially similar materials. For semi-pervious surfaces, two (2) square feet  
404 of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the  
405 purpose of calculating development regulations. The semi-pervious surface credit shall not reduce  
406 the required open space and landscape area requirements. Semi-pervious surfaces shall have a  
407 minimum eighteen (18) inch ~~of a one-foot~~ setback from the side property lines. Semi-pervious  
408 surfaces shall also have a minimum eighteen (18) inch ~~one-foot~~ setback from the rear property  
409 line, unless the surfaces are used to access parking.

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412 *Shed: A one-story accessory structure used primarily for storage purposes. Sheds are not*  
413 *designed to be served by plumbing. A permit shall not be required for a shed under 121 square*  
414 *feet that does not require a concrete pad; this exemption shall only apply to one (1) shed on a*  
415 *property. If a shed is placed on a concrete pad/foundation, is larger than 121 square feet, or the*  
416 *property has more than one shed in total, a permit shall be required.*

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**EXHIBIT B**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 1, "Decisionmakers"

**Sec. 23.2-6 – Site Plan Review Team.**

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- (a) *Powers and duties.* The site plan review team reviews and makes technical ~~recommendations to the development review official~~ comments for the following applications: annexation, abandonment, site plan approvals, planned developments, ~~and text amendments,~~ administrative use permits, conditional use permits, rezoning, and future land use map amendments. Each member of the site plan review team reviews and comments on the application as to that member's area of expertise and compliance with the Comprehensive Plan and these LDRs. Comments are provided in a collective response from the site plan review team to the applicant.
  - (b) *Membership.* The site plan review team members shall be members of the department for community sustainability and members of other departments and agencies as deemed appropriate by the city manager or the director for community sustainability, including but not limited to, the public works services department, the utilities departments, the community redevelopment agency, the Lake Worth Drainage District, the city attorney, and the ~~police and fire agencies~~ of the county city.
  - (c) *Meetings.* The site plan review team shall meet on an as-needed basis to process applications within the time required by these LDRs and without undue delay. Special meetings may be called by the director for community sustainability. ~~The meetings shall be noticed.~~

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3, "Permits"

Sec. 23.2-28 – Administrative Adjustments/Administrative Use Permits.

a) Administrative adjustments. The development review official may administratively adjust Code provisions and regulations for setbacks, landscape placement, driveway access, lot area, lot coverage for buildings, floor area ratio, and impermeable surface ratio by no more than five (5) percent, and parking by no more than ten (10) percent, where the development review official determines that a literal enforcement will result in unnecessary hardship and where additional amenities will be provided that will offset any deficiency. A deficiency includes, but is not limited to, addressing accessibility, meeting minimum housing standards, providing additional essential living space due to changes in familial status or affording substantially similar improvements to comply with Florida Building Code requirements.

1. All existing structures that exceed the development regulations for building lot coverage, impermeable lot coverage, or floor area ratio (F.A.R.) may be expanded by right no more than ten (10) percent of the existing overall square footage. The up to ten (10) percent expansion by right shall be granted only once; any additional expansions shall have to meet the established standards for the granting of a formal variance and be reviewed by the appropriate decision-making authority.

2. The development review official may administratively adjust Code provisions and regulations for establishing the front yard for all corner and multi-frontage lots, and to adjust setback, height, and location of fences fronting public rights-of-way to conform to the orientation of the structure in all residential zoning districts.

~~b) Administrative use permits. Administrative use permits are required for certain uses that are generally compatible with other uses permitted in a district, but that require verification that all development-related standards and regulations have been met. In addition, any change of use shall be approved by administrative use permit. This paragraph sets forth findings for review and approval of administrative use permits. These findings are adopted to provide guidelines for the reviewing authority to follow in arriving at a final decision.~~

~~1. Approval authority. The development review official, in accordance with the procedures, standards and limitations of this section, shall approve or deny an application for an administrative use permit after review and comment by the site plan review team (if applicable). The development review official's decision on an administrative use permit is final, but may be appealed to the appropriate regulatory board by the applicant or affected party, pursuant to section 23.2-17.~~

~~2. General procedures. In accordance with sections 23.2-10 through 23.2-13, an application for an administrative use permit shall be made in writing upon an application form approved by the department for community sustainability, and~~

504 shall be accompanied by applicable fees. The department for community  
505 sustainability shall review the application in accordance with these LDRs and  
506 prepare a result letter that summarizes the application and the effect of the  
507 proposed use, including whether the application complies with each of the findings  
508 for granting an administrative use permit stated below, and approve or deny the  
509 application as submitted.

510 3. ~~General findings relating to adherence with LDRs and comprehensive plan.~~ Prior  
511 to approving any administrative use permit, the development review official shall  
512 find based on competent and substantial evidence that:

- 513 a) ~~The proposed use or development conforms to the applicable provisions~~  
514 ~~of the comprehensive plan.~~
- 515 b) ~~The proposed use or development conforms to the applicable provisions~~  
516 ~~of these LDRs.~~
- 517 c) ~~The subject property is in compliance with all laws, regulations, and rules~~  
518 ~~pertaining to uses, subdivision, and any other applicable provisions of the~~  
519 ~~City Code, or can demonstrate previous approval of the existing~~  
520 ~~nonconformity.~~
- 521 d) ~~The proposed use or development will not generate traffic to a level~~  
522 ~~higher than that of a use permitted by right for the site.~~
- 523 e) ~~The required landscape buffering has been provided for project sites that~~  
524 ~~are adjacent to properties that are zoned for residential use.~~
- 525 f) ~~All activities of the use occur on site, or as permitted by separate permit~~  
526 ~~as provided by code, such as but not limited to right of way permit or~~  
527 ~~sidewalk café permit.~~
- 528 g) ~~The proposed use makes adequate provisions for adverse impacts on~~  
529 ~~protected land uses as defined in section 23.1-12.~~

530 4. ~~Additional requirements.~~ Prior to approving any administrative use permit, the  
531 development review official shall ensure that the following requirements have been  
532 met:

- 533 a) ~~Any and all outstanding code enforcement fees and fines related to the~~  
534 ~~project site have been paid to the city.~~
  - 535 b) ~~Any previously imposed conditions of approval for the use at the site have~~  
536 ~~been met, if applicable.~~
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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3, "Permits"

Sec. 23.2-29 – Conditional-Use Permits.

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a) *Purpose and intent.* This section sets forth findings for review and approval or denial of administrative use permits and conditional use permits. These findings are adopted to provide guidelines for the reviewing authority to follow in arriving at a use permit decision.

Administrative use are those uses that are generally compatible with other uses permitted in a district, but that require verification that all development-related standards and regulations have been met. In addition, any change of use shall be reviewed by administrative use permit.

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.

~~This section sets forth findings for review, approval, approval with conditions, or denial of conditional use permits. These findings are adopted to provide guidelines for the reviewing authority to follow in arriving at any conditional use decision.~~

~~Conditional uses set forth in these LDRs shall be deemed to carry the potential for adverse impacts to the public interest, thus requiring individual review and findings of fact before approval can be granted. In those instances when the decision-making authority determines that all findings for approval of a particular conditional use at a specific location have been met, then the decision making authority shall approve the use.~~

b) *Approval authority.* The development review official, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for an administrative use permit after review and comment by the site plan review team (if applicable). The development review official's decision on an administrative use permit is final, but may be appealed to the appropriate regulatory board by the applicant or affected party, pursuant to section 23.2-17

The planning and zoning board or historic resources preservation board, as applicable, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official and review and comment by the site plan review team. The board's decision on a conditional use permit may be appealed to the city commission by the applicant or affected party, pursuant to section 23.2-17.

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c) *General procedures.* An application for an administrative or conditional use permit shall be made in writing upon an application form approved by the department for community sustainability, and shall be accompanied by applicable fees. ~~If applicable, n~~Notice shall be by publication, mail and posting pursuant to the provisions in section 23.2-15.

The development review official, in collaboration with the site plan review team, shall review the administrative use permit application in accordance with these LDRs and prepare a result letter that summarizes the application and the effect of the proposed use, including whether the application complies with each of the findings for granting an administrative use permit stated below, and approve, approve with conditions, or deny the application as submitted.

~~The department for community sustainability~~ development review official, in collaboration with the site plan review team, shall review the conditional use permit application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied. Once the report is complete, the applicant will be notified and furnished a copy of the report, and the application shall be scheduled for hearing before the planning and zoning board or historic resources preservation board, as applicable.

~~i)-d)~~ *Development regulations and site plan review standards.* All administrative and conditional uses shall be subject to the development regulations applicable to the district in which they are located, except when specific provisions of Article 4 establish different standards or when higher standards are set by these LDRs. All conditional uses shall be subject to the site design qualitative development standards set forth for site plan review in this article.

~~h)-e)~~ *Conditions.* The decision-making authority may impose such conditions in a development order for an administrative or conditional use that are necessary to accomplish the purposes of the comprehensive plan and the code of ordinances these LDRs to prevent or minimize adverse impacts upon the public, the environment and neighborhoods, and to ensure compatibility, including but not limited to function, size, bulk and location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, site circulation, and hours of operation. ~~Conditions shall be included if conventional standards are inadequate to protect the public interest, surrounding land uses or if additional improvements are needed to facilitate a more thoughtful transition between different uses.~~ The placement of conditions on the approval of a development order shall be the minimum conditions necessary in order for the proposed use to meet all necessary findings, as set forth in this section.

~~j)-f)~~ *Adherence to required conditions and safeguards.* Conditions and requirements stated as part of the approval of an administrative or conditional use shall be a continuing obligation of the property owner unless and until the administrative or conditional use shall expire. All plans, specifications and statements submitted with the application for an administrative or conditional use approval shall become, with any changes ordered by the decision-making authority, a part of the conditions of any approval. The development review official shall make periodic investigations of developments authorized as administrative or conditional uses to determine compliance with all requirements.

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The development review official may deny permission to continue an administrative or conditional use approval upon his determination that the conditions prescribed in the issuance of the original approval, including the requirement that the use be discontinued after a specified time period, are no longer met and that:

1. Violations of conditions continue to exist more than thirty (30) days after an order to correct has been issued; or
2. Violations of conditions have recurred after an order to correct has been issued and the violations have been corrected.

g) Amendment to use approval. An administrative use permit may be administratively amended if the use area is expanded by no more than ten (10) percent of the previously-approved use area or a new accessory use is proposed. Approval of new principal uses shall require a new use permit. Amendments to administrative use permits shall be subject to staff review, SPRT review as applicable, approval by the development review official, and applicable fees.

A conditional use permit may be administratively amended if the use area is expanded by no more than twenty-five (25) percent of the previously-approved use area or a new accessory use is proposed which does not, by itself, require a conditional use approval. Approval of new principal uses shall require a new use permit. Amendments to conditional use permits shall be subject to staff review including SPRT review, approval by the development review official, and applicable fees.

k)-h) Expiration of use approval. Any approval of an administrative or conditional use granted by the development review official, planning and zoning board, the historic resources preservation board, or the city commission shall be subject to the time limits set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the expiration of development orders.

i) General findings relating to adherence with code of ordinances and comprehensive plan – administrative use permits. Prior to approving any administrative use permit, the development review official shall find based on competent and substantial evidence that:

1. The proposed use or development conforms to the applicable provisions of the comprehensive plan.
2. The proposed use or development conforms to the applicable provisions of the code of ordinances.
3. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, and any other applicable provisions of the City Code, or can demonstrate previous approval of the existing nonconformity.
4. The proposed use or development will not generate traffic to a level higher than that of a use permitted by right for the site.
5. The required landscape buffering has been provided for project sites that are adjacent to properties that are zoned for residential use.
6. All activities of the use occur on site, or as permitted by separate permit as provided by code, such as but not limited to right of way permit or sidewalk café permit.
7. The proposed use makes adequate provisions for adverse impacts on protected land uses as defined in section 23.1-12.

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~~d)-j)~~ i) General findings relating to harmony with LDRs and protection of public interest – conditional use permits. Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that:

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.
2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.
3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other administrative or conditional use permitted on the site.
4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

~~e)-k)~~ l) Specific findings for all conditional uses. Prior to approving any conditional use, the decision-making authority shall find that:

1. The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.
2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.
3. The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.
4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.
5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.
6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.
7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

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8. The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-340, Exterior lighting.

~~f)-l)~~ f)-l) Findings for nonresidential conditional uses in residential districts. Prior to approving any nonresidential conditional use in any residential district and prior to approving any more intensive residential conditional use in a less intensive residential district, the decision-making authority shall find based on competent substantial evidence that:

1. The location of the conditional use will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long range development of the district for the residential purposes intended.
2. The size of the conditional use and the nature and intensity of the operations involved will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long range development of the district for the residential purposes intended.
3. The location of the conditional use will not result in a small existing or planned residential area being isolated from other residential development by being completely or largely surrounded by arterial streets and nonresidential land uses.
4. The design of buildings for commercial and office conditional uses in residential districts shall be in a manner similar to residential structures in the same general area or neighborhood. Such a finding shall be based on a consideration of the building mass, height, materials, window arrangement, yards and any other pertinent considerations.

~~g)-m)~~ g)-m) Additional requirements. Prior to approving any administrative or conditional use permit, the decision-making authority shall ensure that the following requirements have been met:

1. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city, unless this use approval is required to address code citations on the project site.
2. Any previously imposed conditions of approval for the use at the site have been met, if applicable, unless a request for amendment of conditions is part of the current conditional-use permit application.

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EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3, "Permits"

Sec. 23.2-30 – Site Plan Review.

a) *Intent.* The intent of the site plan review provisions is to establish standards for development and provide review procedures which ensure compliance with these qualitative standards and with other regulations of the code of ordinances these LDRs. Site plans shall be prepared in accordance with the qualitative site design requirements in section 23.2-31. ~~Site plan review and approval shall be required for the following:~~

- ~~1. Construction of all new structures, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.~~
- ~~2. Modification of existing structures, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.~~
- ~~3. Occupancy of an existing structure, where a change of occupancy requires additional parking, a site plan shall be required. Where a change of use does not require additional parking, an application so stating and signed by the development review official must be attached to the certificate of occupancy application file prior to the issuance of a certificate of occupancy.~~
- ~~4. Modifications to parking, landscaping, open space, and impervious area that impact greater than five (5) percent of the site, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.~~
- ~~5. Reconfiguration or modification of on-site circulation, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.~~

In the case of a site plan that is part of a master development plan for a planned development district, the procedures in section 23.3-25 shall apply.

b) *Determination if site plan review required.* ~~Prior to issuance of a building permit or a certificate of occupancy, the development review official shall determine if site plan review pursuant to the provisions of this section is required. If site plan review is required, the development review official shall notify the applicant of this determination.~~

- 1. Construction of all new structures outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.
- 2. Modification of existing structures outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.
- 3. Occupancy of an existing structure, where a change of use and occupancy requires additional parking.

831 4. Modifications to parking, landscaping, open space, and impervious area for  
832 properties outside of the single-family residential or single-family and two-family  
833 residential zoning districts. Site plan review shall not be required for residential  
834 properties with fewer than three (3) total dwelling units.

835 5. Reconfiguration or modification of on-site circulation for properties outside of the  
836 single-family residential or single-family and two-family residential zoning districts.  
837 Site plan review shall not be required for residential properties with fewer than  
838 three (3) total dwelling units.

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840 c) *Determination of type of site plan review procedure application.* Applications shall be  
841 submitted to the department for community sustainability. The development review  
842 official shall review development applications to determine if they require site plan review  
843 or approval as minor or major developments. If the application constitutes a major  
844 development, notice of the review by the appropriate board shall be given by publication,  
845 posting and courtesy mailing in accordance with the notice provision of this article.  
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847 1. Major review: If an application requires a major review per the criteria listed in this  
848 section, the application shall be forwarded to the site plan review team for review  
849 and determination as to whether the application complies with applicable  
850 regulations. Once the development review officer has made a determination of  
851 compliance, the application will be scheduled for action by the planning and  
852 zoning board or the historic resources preservation board, as applicable. The  
853 board shall consider and act on site plan review applications for major  
854 developments. For all applications, the board may approve the application as  
855 submitted; approve the application with any reasonable conditions, limitations, or  
856 requirements; deny the application for specific reason(s); or postpone  
857 consideration of any application pending submittal of additional information which  
858 may be required to make a determination.  
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860 The board shall issue a written decision which shall be attached to the application for  
861 site plan approval. Each consideration substantiating the action of the board shall be  
862 included in the decision. The decision shall also include a citation to the legal authority  
863 on which a denial is based. The decision of the board shall be final unless appealed to  
864 the city commission, as provided in section 23.2-17.  
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866 Major development shall include one or more of the following:  
867 a. All development including new structure(s) or use area having more than  
868 seven thousand five hundred (7,500) square feet of floor area.  
869 b. An increase of more than twenty-five (25) percent of existing or approved  
870 parking spaces, or more than ten (10) parking spaces.  
871 c. Amendments to existing development or site plans, previously approved as a  
872 minor development, where the combined total of all site development  
873 (existing and proposed) meets or exceeds the thresholds for review as a  
874 major development.  
875 d. Amendments to existing development or site plans, previously approved as a  
876 major development, that change a phasing plan or developer control that  
877 would substantially impact the approval.  
878 e. Amendments to existing development or site plans, previously approved as a  
879 major development, that significantly change the approved building design  
880 as determined by the development review official, increase the building  
881 height of a structure by one or more stories, or modify the approved site plan

882 by more than ten percent (10%) for density or intensity (FAR), or modify the  
883 approved site plan by twenty-five percent (25%) or more for impervious  
884 surface, parking area, or landscape area. one or more of the following:

- 885 1) ~~Density,~~
- 886 2) ~~Intensity (FAR),~~
- 887 3) ~~Impervious surface or parking area, or~~
- 888 4) ~~Landscape area.~~

890 2. Minor review: The development review official shall consider and act on site plan  
891 review applications for minor developments following review by the city's site plan  
892 review team. The development review official may either approve; approve with  
893 any reasonable conditions, limitations or requirements; deny; or postpone  
894 consideration of any application pending submittal of additional information which  
895 may be required to make a determination. The development review official shall  
896 issue a written decision which shall be attached to the application for site plan  
897 approval. Each consideration substantiating the action of the development review  
898 official shall be included in the decision. The decision shall also include a citation  
899 to the legal authority on which a denial is based.

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901 Minor development shall include all development that is not determined to be major  
902 development, which may include but is not limited to the following:

- 903 a. ~~Addition of awnings, canopies or ornamental structures;~~ a Addition or  
904 modification of pool location or size;
- 905 b. ~~a~~ Addition or modification of landscape areas or impervious areas greater than  
906 ten (10) percent but less than twenty-five (25%) of the existing areas;
- 907 c. Addition or modification of less than ten percent (10%) of existing and/or  
908 previously approved density, intensity, or height, which does not add  
909 additional stories to a structure or require changes to incentive approvals  
910 granted by a board or city commission;
- 911 d. Addition of parking spaces and drives and driveways;
- 912 e. ~~m~~ Modifications in stairs or elevations of decks, porches, and terraces that  
913 occupy twenty five (25) percent or more of the property's linear frontage and  
914 fencing; or similar types of improvements;
- 915 f. Addition or modification of fencing that affects site circulation or ingress/egress;
- 916 g. ~~b~~ An increase of up to twenty-five (25) percent of existing or approved parking  
917 spaces, or no more than ten (10) parking spaces; or reconfiguration of drive  
918 aisles, driveways, and on-site circulation;
- 919 e-h. All development including new structure(s) or use area less than seven  
920 thousand five hundred (7,500) square feet in total, which are not determined  
921 to be major development by the development review official because it does  
922 not have the potential to negatively impact the surrounding neighborhood.

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925 3. Modification review: Planning, zoning, and historic preservation staff shall consider  
926 and act on site plan modification applications concurrently with the associated  
927 building permit review. Staff may either approve; approve with any reasonable  
928 conditions, limitations or requirements; deny; or postpone consideration of any  
929 application pending submittal of additional information which may be required to  
930 make a determination. Staff shall issue a written decision which shall be attached  
931 to the application for site plan modification. Each consideration substantiating the

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action of staff shall be included in the decision. The decision shall also include a citation to the legal authority on which a denial is based.

Site plan modifications shall include all development that is not determined to be major or minor development, which may include but is not limited to the following:

- a. Addition of awnings, canopies or ornamental structures;
- b. Modification of up to ten (10) percent of existing landscape areas or impervious areas;
- c. Addition or modification of stairs, decks, porches, and terraces that occupy less than twenty five (25) percent of the property's linear frontage;
- d. Addition or modification of fencing that does not affect site circulation or ingress/egress.

~~d) Site plan review procedures for minor developments. The development review official shall consider and act on site plan review applications for minor developments following review by the city's site plan review team. The development review official may either approve; approve with any reasonable conditions, limitations or requirements; deny; or postpone consideration of any application pending submittal of additional information which may be required to make a determination. The development review official shall issue a written decision which shall be attached to the application for site plan approval. Each consideration substantiating the action of the development review official shall be included in the decision. The decision shall also include a citation to the legal authority on which a denial is based.~~

~~e) Site plan review procedures for major developments. If the development review official determines that the application requires a major review, the application shall be forwarded to the site plan review team for review and, determination as to whether the application complies with applicable regulations. Once the development review officer has made a determination of compliance, the application will be scheduled for action by the planning and zoning board or the historic resources preservation board, as applicable. The board shall consider and act on site plan review applications for major developments. For all applications, the board may:~~

- ~~1. Approve the application as submitted;~~
- ~~2. Approve the application with any reasonable conditions, limitations, or requirements;~~
- ~~3. Deny the application for specific reason(s); or~~
- ~~4. Postpone consideration of any application pending submittal of additional information which may be required to make a determination.~~

~~The board shall issue a written decision which shall be attached to the application for site plan approval. Each consideration substantiating the action of the development review official shall be included in the decision. The decision shall also include a citation to the legal authority on which a denial is based. The decision of the board shall be final unless appealed to the city commission, as provided in section 23.2-17.~~

~~f) e) Expiration of site plan approval. Any site plan approval shall be subject to the time limits set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the expiration of development orders.~~

~~g) f) Compliance with LDRs required. In all cases requiring site plan review, no structure, or part thereof, shall be erected or used, or land or water used, or any change of use~~

983 consummated, nor shall any building permit be issued, unless a site plan has been  
984 reviewed and approved, and in no instance shall the decision-making body modify the  
985 written standards of these LDRs in approving a site plan; except as provided for in this  
986 section.

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988 h)g) Violations. Failure to complete and continually maintain all approved elements of an  
989 approved site plan including landscape, appearance and other site development  
990 features, shall be a violation of these LDRs subject to enforcement and penalty  
991 procedure of the City Code of Ordinances.

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EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3, "Permits"

Sec. 23.2-31 – Site Qualitative Standards.

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d) Buildings, generally.

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14. Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized. Exterior lighting shall follow Dark Sky lighting principles.

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h) Criteria for parking lots and vehicular use areas.

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4. Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night. Lighting shall follow Dark Sky lighting principles.

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m) Community appearance criteria. The general requirements outlined in this section are minimum aesthetic standards for all site developments, buildings, structures, or alterations within the corporate limits of the city, except individually-developed single-family or two-family residences. However, additions to existing buildings and sites shall be subject to review by the development review official for a determination regarding submission to the planning and zoning board or historic resources preservation board for review. All site development, structures, buildings or alterations to site development, structures or buildings shall demonstrate proper design concepts, express honest design construction, be appropriate to surroundings, and meet the following community appearance criteria:

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.
2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

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4. The proposed structure or project is in compliance with this section and section 23.2-29, as applicable.

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**EXHIBIT G**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 “ADMINISTRATION”

*Article 2, “Administration,” Division 3, “Permits”*

**Sec. 23.2-32 – Site Plans and Specifications.**

a) *Preliminary review plans and specifications required.* ~~In accordance with section 23.2-30, Site plan review, plans and specifications as required herein shall be submitted to the development review official.~~ Applicants shall schedule a pre-application meeting with planning, zoning, and historic preservation staff for preliminary review to determine if a particular project shall require site plan review. If it is determined that site plan review is required, then review in accordance with design criteria of section 23.2-31 shall also be required. The applicant shall submit complete plans and specifications in accordance with this section before the site plan review process may begin.

b) *Application requirements.* Plans shall depict exterior elevations, designate construction materials, façade and roof treatments and the colors of each. Walls, lighting and other permanent structures and fixtures shall be designated. Landscaping materials shall be specified by name, together with information specifying height and spacing at time of planting. In addition to the above requirements, the applicant shall submit color renderings of the site plan and building elevations, complete with actual samples of the color treatments to be applied. Applicant shall submit photographs depicting the subject site as well as adjacent and surrounding properties, sufficient to enable the planning and zoning board, ~~or the historic resources preservation board, or the development review official, as applicable,~~ to determine that the proposed development structure would be appropriate to surrounding buildings and open areas, and in conformity with the existing as well as evolving atmosphere of the area.

If, in the opinion of the development review official, the plans submitted do not furnish sufficient information to show the scope of the proposed development, the application shall be deemed incomplete and shall be placed on hold pending the submittal of sufficient information. ~~planned construction for which a permit has been requested, then there shall be furnished seven (7) sets of detailed plans and specifications for such proposed work including an electronic copy of all application materials plans.~~

Unless otherwise determined by the development review official, ~~Both the plans and specifications shall be prepared by a registered architect or registered engineer, qualified under the laws of the state to prepare such plans and specifications and no permit for the project shall be issued until such plans (and specifications when required) have been approved.~~

c) *Major development site plan requirements.* The major development site plan shall be drawn to a scale of not more than fifty (50) feet to the inch. One (1) ~~Seven (7)~~ copies of the site plan as well as an electronic copy shall be submitted by the applicant for the use of the appropriate city departments and boards. The plan, for the purpose of this section, shall include, but not necessarily be limited to, the following plans, designs, specifications and information:

- 1100
- 1101 1. The exact property lines of the property for which site plan approval is requested,
- 1102 including existing street and right-of-way lines and survey and legal description of
- 1103 site prepared by a Florida-registered land surveyor, with impression seal;
- 1104 2. Adjacent properties on the same frontage, indicating the locations of buildings and
- 1105 structures on such adjacent properties, means of ingress and egress to such
- 1106 properties, off-street parking, loading and service areas, if any, for or on such
- 1107 properties, and any screening ~~or-of~~ buffers on such properties and the nature and
- 1108 type thereof;
- 1109 3. Location of present and proposed structures on the site;
- 1110 4. Location and dimensions of all required yards;
- 1111 5. Location of facilities for ingress and egress to the site, including existing and
- 1112 proposed curb cuts, if any, and proposed directions of traffic flow on the site and
- 1113 into and from public rights-of-way;
- 1114 6. Location and dimensions of off-street parking, loading and service areas;
- 1115 7. A drainage plan for the entire site;
- 1116 8. Location and dimensions of areas for service to the property and for refuse
- 1117 disposal and recyclable material collection and storage;
- 1118 9. Location of all utilities and easements;
- 1119 10. Landscape plans;
- 1120 11. Location and dimensions of all signs and exterior lighting facilities to be placed
- 1121 on the site, including photometric plans;
- 1122 12. Samples of all paint colors and photographs of the subject site as well as
- 1123 adjacent and surrounding properties; shall be submitted in seven (7) copies as
- 1124 well as an electronic version as specified in these LDRs, when the plan proceeds
- 1125 to the planning and zoning board or the historic resources preservation board, as
- 1126 applicable.
- 1127 13. Any other information necessary to review the proposed development, as
- 1128 determined by the development review official or designee.
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1130 d) *Minor development site plan requirements.* Minor development site plans shall meet all  
1131 the requirements and specifications of a major site plan ~~this section~~ except where such  
1132 information is determined not to be required by the development review official.

1133 e) *Site plan modification requirements.* Site plan modification applications shall be  
1134 submitted as part of a permit application and shall include, but not necessarily be limited  
1135 to, the following:

- 1137 1. A survey that accurately reflects the current property and all existing easements;
- 1138 2. Annotated copy of the survey that clearly shows the proposed alterations,
- 1139 including dimensions and setbacks;
- 1140 3. All other information as required for the concurrent permit as determined by the
- 1141 development review official or designee.
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1143 e) *Plans and specifications required.*

- 1144 1. ~~Preliminary review plans and specifications required. In accordance with this~~
- 1145 ~~article, plans and specifications as required therein shall be submitted to the~~
- 1146 ~~development review official for preliminary review to determine that said plans and~~
- 1147 ~~specifications appear to be in compliance with code requirements. The~~
- 1148 ~~development review official shall determine if a particular project shall require site~~
- 1149 ~~plan review. If it is determined that site plan review is required, then review in~~
- 1150 ~~accordance with community appearance criteria shall also be required. Said plans~~

1151 and specifications shall be submitted for review in accordance with this section to  
1152 determine whether aesthetic qualities of the structure are acceptable for the  
1153 placement of the structure in the proposed area.

1154 2. ~~Application requirements. Plans shall depict exterior elevations, designate~~  
1155 ~~construction materials, façade and roof treatments and the colors of each. Walls,~~  
1156 ~~lighting and other permanent structures and fixtures shall be designated.~~  
1157 ~~Landscaping materials shall be specified by name, together with information~~  
1158 ~~specifying height and spacing at time of planting. In addition to the above~~  
1159 ~~requirements, the applicant shall submit color renderings of the site plan and~~  
1160 ~~building elevations, complete with actual samples of the color treatments to be~~  
1161 ~~applied. Applicant shall submit photographs depicting the subject site as well as~~  
1162 ~~adjacent and surrounding properties, sufficient to enable the planning and zoning~~  
1163 ~~board or the historic resources preservation board to determine that the proposed~~  
1164 ~~structure would be appropriate to surrounding buildings and open areas, and in~~  
1165 ~~conformity with the existing as well as evolving atmosphere of the area. If, in the~~  
1166 ~~opinion of the development review official, the plans submitted do not furnish~~  
1167 ~~sufficient information to show the scope of the planned construction for which a~~  
1168 ~~permit has been requested, then there shall be furnished seven (7) sets of~~  
1169 ~~detailed plans and specifications for such proposed work as well as one (1)~~  
1170 ~~electronic copy of all application materials. Both the plans and specifications shall~~  
1171 ~~be prepared by a registered architect or registered engineer, qualified under the~~  
1172 ~~laws of the State of Florida to prepare such plans and specifications and no permit~~  
1173 ~~for the project shall be issued until such plans (and specifications when required)~~  
1174 ~~have been approved by all required entities.~~

1175 3. ~~Review procedure, general requirements. The general requirements outlined in~~  
1176 ~~this section are minimum aesthetic standards for all site developments, buildings,~~  
1177 ~~structures, or alterations within the corporate limits of the city, except single family~~  
1178 ~~residences. However, additions shall be subject to development review official~~  
1179 ~~review and determination regarding submission to community appearance review.~~  
1180 ~~It is required that all site development, structures, buildings or alterations to site~~  
1181 ~~development, structures or buildings show proper design concepts, express~~  
1182 ~~honest design construction and be appropriate to surroundings. Proper design~~  
1183 ~~concepts refers to architectural planning and to the analysis of the whole structure~~  
1184 ~~in terms of form and function as it relates to aesthetics and composition, color,~~  
1185 ~~materials and surface decorations. It includes scale in relationship to scale of~~  
1186 ~~adjacent buildings and landscape. It applies to the inner character of an individual~~  
1187 ~~project. It applies in the same manner to alterations and advertising on a project~~  
1188 ~~or building. The excuse that the area contains other unsightly buildings shall not~~  
1189 ~~be considered a valid defense. Honest design construction concerns proper~~  
1190 ~~design of all work and its details, the use of weather-resistant materials, and~~  
1191 ~~materials appropriate to the south Florida environment. The concept applies~~  
1192 ~~equally to advertising. Poorly designed work must be discouraged. Appropriate to~~  
1193 ~~surroundings does not mean uniformity in style or subordination to existing~~  
1194 ~~buildings, but rather bringing new buildings into an orderly relationship with~~  
1195 ~~landscape and nature, surrounding buildings and open areas. Scale and~~  
1196 ~~composition play an important role, as related to adjacent properties.~~  
1197 ~~Surroundings encompass not only the buildings within a neighborhood, but shall~~  
1198 ~~be considered the total "picture" of the neighborhood as a whole. Future~~  
1199 ~~surroundings must also be weighed. Advertising signs on buildings must be~~  
1200 ~~appropriate to the surroundings in the same way.~~

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**EXHIBIT H**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Article 2, "Administration," Division 3, "Permits"*

**Sec. 23.2-39. – Affordable/workforce housing program.**

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b) *Purpose.* The purpose of the affordable/workforce housing program is to encourage the inclusion of affordable and workforce housing units within both residential and mixed-use projects as well as planned developments of all types to provide for broader and more accessible housing options within the city. The affordable/workforce housing program offers the following as "program incentives."

1. *Tier One:* May apply to all development projects consistent with the provisions of this section.

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- (c) Up to a fifteen (15) ~~twenty-five (25)~~ percent reduction in required parking, provided that each residential dwelling unit is provided at least one (1) on-site parking space. This reduction may not be combined with other parking reduction provisions of these LDRs;

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**EXHIBIT I**

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.**

**EXHIBIT J**

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.**

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d) *Special setbacks and restrictions for uses permitted by right.*

1. The following special setbacks and restrictions are hereby established in these several areas in the SF-R district:

- A. South Lakeside Drive. Setback from the street on the east side of South Lakeside Drive from 13th Avenue South, more specifically described as Lot 1, Block 60, Addition No. 1, to 5th Avenue South, further described as Lot 10, Block 5, Addition No. 1, shall not be less than fifty (50) feet from such street and the front of such lots and residences shall be on South Lakeside Drive. One (1) accessory structure may be permitted in front of the principal structure on these properties, predicated that the accessory structure is no more than one (1) story tall, no more than fifteen (15) feet in height, and maintains a minimum front setback of at least 75 feet.

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**EXHIBIT K**

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.**

\*\*\*

b) *Use restrictions and development regulations for residential uses.* In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. Multiple-family, and two-family ~~and single-family~~ residential-uses may be established subject to the provisions of section 23.3-11. Townhouses are permitted as conditional uses subject to the regulations and standards as set forth in Article 4, Development Standards. Single-family residences existing as of August 16, 2013 are permitted uses as of right, and may be expanded provided that they do not increase existing nonconformities in regard to the applicable development regulations of section 23.3-11(c).

1. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-11.

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**EXHIBIT L**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”

*Article 3, “Zoning Districts” Division 3, “Mixed Use Districts”*

**Sec. 23.3-14. – DT – Downtown.**

\*\*\*

- b) *Use restrictions and development regulations for residential uses in the DT district. In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. For projects that are all residential, see section 23.3-13(b). Multiple-family residential uses may be established and expanded in the DT district subject to the provisions of section 23.3-12.*

1. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-12.

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**EXHIBIT M**

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.**

\*\*\*

b) *Use restrictions and development regulations for residential uses.*

1. Multiple-family, two-family and single-family residential uses may be established in the MU-FH district subject to the provisions of section 23.3-10. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-10.

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5. ~~For projects that are all residential, see section 23.3-13(b).~~ In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district.

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**EXHIBIT N**

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.**

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- b) *Use restrictions and development regulations for residential uses in the MU-DH district. In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. Multiple-family residential uses, excluding single-family and two-family uses, may be established and expanded in the MU-DH district subject to the provisions of section 23.3-10 for uses on the east side of Dixie Highway and section 23.3-11 for uses on the west side of Dixie Highway. Provided however that residential uses shall not be permitted at the ground floor of any building fronting on Dixie Highway.*

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2. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in sections 23.3-10 and 23.3-11.

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**EXHIBIT O**

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.**

\*\*\*

b) *Use restrictions and development regulations for residential uses. In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. For projects that are all residential, see section 23.3-13(b). Multiple-family residential uses may be established subject to the provisions of section 23.3-11. Townhouses are permitted as conditional uses subject to the regulations and standards as set forth in Article 4, Development Standards. Single-family residences existing as of August 16, 2013 are permitted uses as of right, and may be expanded provided that they do not increase existing nonconformities in regard to the applicable development regulations of section 23.3-11(c).*

1. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-11.

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**EXHIBIT P**

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.**

\*\*\*

b) *Use restrictions and development regulations for residential uses in the TOD-E district. In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. For projects that are all residential, see section 23.3-13(b). Multiple-family residential uses may be established and expanded in the TOD-E district subject to the provisions of section 23.3-12.*

1. Minimum living area shall be as follows:

- A. ~~(1)~~ Efficiency units: four hundred (400) square feet.
- B. ~~(2)~~ One-bedroom units: six hundred (600) square feet.
- C. ~~(3)~~ Two-bedroom units: seven hundred fifty (750) square feet.
- D. ~~(4)~~ Three-bedroom units: nine hundred (900) square feet.
- E. ~~(5)~~ Four-bedroom units: one thousand three hundred fifty (1,350) square feet.

2. Single-family residences existing as of August 16, 2013 are permitted uses as of right, and may be expanded provided that they do not increase existing nonconformities in regard to the applicable development regulations of section 23.3-12~~4~~(c).

3. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-12.

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**EXHIBIT Q**

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.**

\*\*\*

b) *Use restrictions and development regulations for residential uses in the TOD-W district. In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district. For projects that are all residential, see section 23.3-13(b). Multiple-family residential uses may be established and expanded in the TOD-W district subject to the provisions of section 23.3-12.*

1. Minimum living area shall be as follows:

- A. ~~(1)~~ Efficiency units: four hundred (400) square feet.
- B. ~~(2)~~ One-bedroom units: six hundred (600) square feet.
- C. ~~(3)~~ Two-bedroom units: seven hundred fifty (750) square feet.
- D. ~~(4)~~ Three-bedroom units: nine hundred (900) square feet.
- E. ~~(5)~~ Four-bedroom units: one thousand three hundred fifty (1,350) square feet.

2. Single-family and two-family residences existing as of August 16, 2013 are permitted uses as of right, and may be expanded provided that they do not increase existing nonconformities in regard to the applicable development regulations of section 23.3-12(c).

3. Multiple-family and two-family residential uses may be established on lots of record which do not meet the minimum lot width or lot area requirements established in section 23.3-12.

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**EXHIBIT R**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

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

\*\*\*

b) Use restrictions for residential uses. Multiple-family residential uses may be established and expanded in the AI district subject to the provisions of section 23.3-11, and can follow the height, setback, FAR and building lot coverage of the AI district instead of the multi-family district.

b-c) Use restrictions for nonresidential uses. Uses permitted both by right and as either administrative or conditional uses shall also comply with the applicable regulations in Article 4, Development Standards. Refer to the permitted use table at section 23.3-6 for complete list of uses.

\*\*\*

e-d) Development regulations for uses permitted by right

*portion of table omitted for brevity.*

Lot Area	6,500 square feet
	<u>Max density 30 dwelling units per gross acre or 43,560 square feet, minimum of 1,450 square feet per unit</u>

*portion of table omitted for brevity.*

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1. Minimum lot dimension and maximum density.

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C. Maximum density for multiple-family structures on lots which have at least 6,500 square feet of area and fifty (50) feet of width: One (1) dwelling unit per each one thousand eighty-five (1,450) square feet of net lot area.

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**EXHIBIT S**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 9, "Overlay Districts"*

**Sec. 23.3-29. – Cultural Arts District Overlay.**

\*\*\*

d) *Development regulations.*

\*\*\*

6. *Signage.*

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E. A freestanding sign shall be a maximum of five (5) feet in height. Such freestanding sign may be placed within five (5) feet of the property line provided that the sign does not impede pedestrians or impact sight distances. A freestanding sign may be a monument ~~pole~~ sign, but may not be a pole ~~monument~~ sign.

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**EXHIBIT T**

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.*

\*\*\*

1. *Height limitations.*

\*\*\*

D. Along side and rear property lines adjacent to roadways (except alleys) a fence or wall placed at the property line shall have a maximum height of four (4) feet. Fencing over four feet in height, up to a maximum height of six (6) feet, must be set back a minimum of eighteen (18) ~~thirty (30)~~ inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches (see definitions). Walls over four (4) feet in height, up to a maximum height of six (6) feet, must be set back a minimum of five (5) feet from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches. (See definitions.).

\*\*\*

e) *Multi-family residential uses.*

\*\*\*

1. *Height limitations.*

\*\*\*

C. Along side and rear property lines adjacent to roadways (except alleys) a fence or wall placed at the property line shall have a maximum height of four (4) feet. Fencing over four (4) feet in height, up to a maximum height of six (6) feet, must be set back a minimum of eighteen (18) ~~thirty (30)~~ inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches (see definitions). Walls over four (4) feet in height, up to a maximum height of six (6) feet, must be set back a minimum of five (5) feet from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches. (See definitions.).

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h) *Park/public recreation/public/conservation/school (elementary/intermediate/secondary).*

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EXHIBIT U

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-10. – Off-street parking.

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f) *Minimum parking space requirements by use category.*

1. Minimum off-street parking space requirements are as follows:

A. Residential uses:

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The total required residential parking shall be reduced by fifteen (15) ~~twenty-five (25)~~ percent for developments that provide no less than fifteen (15) percent of all proposed units as income restricted affordable or workforce housing units in accordance with section 23.2-39. This reduction may not be combined with other parking reduction provisions of these LDRs, and at least one (1) parking space per residential dwelling unit is also required.

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B. Nonresidential uses:

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Properties with multiple uses shall calculate the aggregate total of parking required for each use category prior to taking a fifteen (15) ~~twenty-five (25)~~ percent deduction. Uses that generate a high parking demand of greater than six (6) spaces per one thousand (1,000) square feet\*, but do not exceed the fifty (50) person threshold to qualify as assembly per the latest version of the Florida Building Code shall be required to provide fifty (50) percent more parking than other uses in the same use category.

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h) *Shared parking for mixed-use zoning.* It is the purpose of the shared parking subsection to provide flexible parking provisions for the city in the appropriate mixed-use zoning districts where mixed-use developments occur. Mixed-use developments typically do not experience peak parking demands at the same time so reduced parking may be provided in these instances.

1. Shared parking levels for mixed-use development. When any land or building is used for two (2) or more uses, the total requirement for off-street parking shall be the sum of the requirements of the various uses computed separately, minus fifteen (15) ~~twenty-five (25)~~ percent of the total required. However, in no case, shall less than eight-tenths (0.8) of a space be provided for each employee and one (1.0) space be provided for each dwelling unit.

2. Credit for onsite transit facilities in TOD districts. In the event onsite transit facilities are provided within two thousand (2,000) feet of a building, the parking required for that building shall be reduced by fifteen (15) ~~twenty-five (25)~~ percent.

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**EXHIBIT V**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

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

c) *Standards.*

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5. *Single destination retail uses including stand alone retail and single destination commercial uses.*

B. *Design and performance standards.*

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(4) Buffering. A fence or wall shall be erected at a height of not less than six (6) feet when the parking area(s), pay phones or other common area(s) is within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined in subsection (5), above. All fences and walls shall be constructed of concrete, masonry or metal. Metal fences shall be open weave chain link fencing shall not be used in front of the front building setback line or on a portion of a property abutting public rights-of-way except alleys. If chain link fencing is used it shall be vinyl coated type combined with a shrub hedge or ornamental in nature. Walls shall be finished with a graffiti-resistant paint.

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12. *Assisted living center/facility/nursing homes/independent senior living retirement homes.*

A. *Assisted living centers/facilities/nursing homes/independent senior living retirement homes shall comply with the following:*

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(6) Facilities shall not be located within a radius of one thousand (1,000) feet of existing assisted living center/facility/nursing home or independent senior living retirement home.

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**EXHIBIT W**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

**Sec. 23.4-15 – Cemeteries/Mausoleums/Columbariums.**

A. Cemeteries/mausoleums/columbariums shall comply with the following:

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~~(5) Facilities shall not be located within a radius of one thousand (1,000) feet of existing assisted living center/facility/nursing home or retirement home.~~

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EXHIBIT X

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

**Sec. 23.4-16 - Mechanical Systems/Equipment and Permanent Standby Generators for Existing Residential Structures.**

a) For existing residential structures, placement of mechanical equipment shall be allowed in the rear or side setback and/or between the main structure and a public street if there is insufficient space to locate the equipment outside of the setbacks. However, in no case shall mechanical equipment be located less than eighteen (18) inches from a property line to allow for its maintenance. Equipment located in the rear or side setback must meet requirements of the landscape code and the equipment must be screened from view of the right-of-way. In addition, product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line. Mechanical systems/equipment are not permitted to be located in the front setback of any property.

b) Permanent standby by generators are permitted in all districts and for all uses and may be used only during periods of electrical power outages in the utility system. Maintenance running may occur once a week Monday through Friday between 8:00 a.m. and 5:00 p.m. for a period not to exceed ten (10) minutes. Only one (1) generator shall be allowed per residential unit. Noise levels shall not be in excess of sixty-five (65) decibels measured from the property line. Property owners will be allowed to have generators as an accessory use subject to the following requirements:

1. May be located in side setbacks with a maximum height of thirty (30) inches including the concrete pad. If located in a side yard, a landscape plan must be submitted indicating the landscape or screening used to prevent visibility from the right-of-way.
2. May be located in the rear setback if the property is not located on an alley.
3. A standby generator located in a side or rear setback requires a minimum three-foot separation from the property line.
4. A site plan must be submitted indicating the proposed location of the generator and the distance to the property line and the distance to any adjacent residential openings such as doors, windows, vents, etc.
5. Product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line.
6. Standby generators with an integral/integrated fuel system storage are prohibited in the mixed use east (MU-E), mixed use Federal Highway (MU-FH), downtown (DT), transit oriented development – east (TOD-E), and artisanal industrial (AI) districts.

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EXHIBIT Y

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

**Sec. 23.4-17 – Standby generator/permanent. Reserved.**

~~a) Permanent standby by generators are permitted in all districts and for all uses and may be used only during periods of electrical power outages in the utility system. Maintenance running may occur once a week Monday through Friday between 10:00 a.m. and 2:00 p.m. for a period not to exceed ten (10) minutes. Only one (1) generator shall be allowed per residential unit. Noise levels shall not be in excess of sixty-five (65) decibels measured from the property line. Property owners will be allowed to have generators as an accessory use subject to the following requirements:~~

- ~~1. May be located in side setbacks with a maximum height of thirty (30) inches including the concrete pad. If located in a side yard, a landscape plan must be submitted indicating the landscape or screening used to prevent visibility from the right-of-way.~~
- ~~2. May be located in the rear setback if the property is not located on an alley.~~
- ~~3. A standby generator located in a side or rear setback requires a minimum three-foot separation from the property line.~~
- ~~4. A site plan must be submitted indicating the proposed location of the generator and the distance to the property line and the distance to any adjacent residential openings such as doors, windows, vents, etc.~~
- ~~5. Product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line.~~
- ~~6. Standby generators with an integral/integrated fuel system storage are prohibited in the mixed use east (MU-E) and downtown (DT) districts.~~

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**EXHIBIT Z**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

**Sec. 23.4-25. – Micro-units.**

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f) *Parking.* Parking may be a combination of the following:

1. One (1) on-site parking space or equivalent for each micro unit;
2. Fifty (50) percent or more of the required spaces shall be standard parking spaces;
3. Up to twenty-five (25) percent of the parking spaces may be compact spaces (8'0" x 18'0");
4. Up to twenty-five (25) percent of the parking spaces may be met with bicycle, scooter or motorcycle storage. Four (4) bicycle storage spaces shall equal one (1) parking space; two (2) scooter storage spaces shall equal one (1) parking space; and two (2) motorcycle storage spaces shall equal one (1) parking space;
5. Required guest and employee parking may be met with the same parking space combination ratio. Guest and employee parking shall be no less than one (1) space for every one hundred (100) square feet of common area, public area, support area and offices, excluding required hallways, egress routes and stairs; and
6. The mixed-use parking reduction of fifteen (15) ~~twenty-five (25)~~ percent shall not apply.

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**EXHIBIT AA**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

**Sec. 23.5-1. – Signs.**

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e) *Special regulations by type of sign.*

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5. *Freestanding signs.*

C. Landscape shall be installed at the base of the freestanding sign in accordance with section 23.6-1(f).

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**EXHIBIT D**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3, "Permits"

**Sec. 23.2-29 –Use Permits.**

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a) *Purpose and intent.* This section sets forth findings for review and approval or denial of administrative use permits and conditional use permits. These findings are adopted to provide guidelines for the reviewing authority to follow in arriving at a use permit decision.

Administrative use are those uses that are generally compatible with other uses permitted in a district, but that require verification that all development-related standards and regulations have been met. In addition, any change of use shall be reviewed by administrative use permit.

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.

b) *Approval authority.* The development review official, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for an administrative use permit after review and comment by the site plan review team (if applicable). The development review official's decision on an administrative use permit is final, but may be appealed to the appropriate regulatory board by the applicant or affected party, pursuant to section 23.2-17

The planning and zoning board or historic resources preservation board, as applicable, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a conditional use permit after review and recommendation by the development review official and review and comment by the site plan review team. The board's decision on a conditional use permit may be appealed to the city commission by the applicant or affected party, pursuant to section 23.2-17.

c) *General procedures.* An application for an administrative or conditional use permit shall be made in writing upon an application form approved by the department for community sustainability, and shall be accompanied by applicable fees. If applicable, notice shall be by publication, mail and posting pursuant to the provisions in section 23.2-15.

The development review official, in collaboration with the site plan review team, shall review the administrative use permit application in accordance with these LDRs and prepare a result letter that summarizes the application and the effect of the proposed use, including whether the application complies with each of the findings for granting an

51 administrative use permit stated below, and approve, approve with conditions, or deny the  
52 application as submitted.

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54 The development review official, in collaboration with the site plan review team, shall  
55 review the conditional use permit application in accordance with these LDRs and prepare  
56 a report that summarizes the application and the effect of the proposed conditional use,  
57 including whether the application complies with each of the findings for granting  
58 conditional uses stated below and provide a recommendation for whether the application  
59 should be approved, approved with conditions, or denied. Once the report is complete, the  
60 applicant will be notified and furnished a copy of the report, and the application shall be  
61 scheduled for hearing before the planning and zoning board or historic resources  
62 preservation board, as applicable.

63  
64 d) *Development regulations and site plan review standards.* All administrative and  
65 conditional uses shall be subject to the development regulations applicable to the district  
66 in which they are located, except when specific provisions of Article 4 establish different  
67 standards or when higher standards are set by these LDRs. All conditional uses shall be  
68 subject to the site design qualitative development standards set forth for site plan review  
69 in this article.

70  
71 e) *Conditions.* The decision-making authority may impose such conditions in a  
72 development order for an administrative or conditional use that are necessary to  
73 accomplish the purposes of the comprehensive plan and the code of ordinances to prevent  
74 or minimize adverse impacts upon the public, the environment and neighborhoods, and to  
75 ensure compatibility, including but not limited to function, size, bulk and location of  
76 improvements and buildings, standards for landscaping, buffering, lighting, adequate  
77 ingress and egress, site circulation, and hours of operation. The placement of conditions  
78 on the approval of a development order shall be the minimum conditions necessary in  
79 order for the proposed use to meet all necessary findings, as set forth in this section.

80  
81 f) *Adherence to required conditions and safeguards.* Conditions and requirements stated  
82 as part of the approval of an administrative or conditional use shall be a continuing  
83 obligation of the property owner unless and until the administrative or conditional use shall  
84 expire. All plans, specifications and statements submitted with the application for an  
85 administrative or conditional use approval shall become, with any changes ordered by the  
86 decision-making authority, a part of the conditions of any approval. The development  
87 review official shall make periodic investigations of developments authorized as  
88 administrative or conditional uses to determine compliance with all requirements.

89  
90 The development review official may deny permission to continue an administrative or  
91 conditional use approval upon his determination that the conditions prescribed in the  
92 issuance of the original approval, including the requirement that the use be discontinued  
93 after a specified time period, are no longer met and that:

- 94  
95 1. Violations of conditions continue to exist more than thirty (30) days after an order  
96 to correct has been issued; or  
97 2. Violations of conditions have recurred after an order to correct has been issued  
98 and the violations have been corrected.

99  
100 g) Amendment to use approval. An administrative use permit may be administratively  
101 amended if the use area is expanded by no more than ten (10) percent of the previously-

102 approved use area or a new accessory use is proposed. Approval of new principal uses  
103 shall require a new use permit. Amendments to administrative use permits shall be subject  
104 to staff review, SPRT review as applicable, approval by the development review official,  
105 and applicable fees.  
106

107 A conditional use permit may be administratively amended if the use area is expanded by  
108 no more than twenty-five (25) percent of the previously-approved use area or a new  
109 accessory use is proposed which does not, by itself, require a conditional use approval.  
110 Approval of new principal uses shall require a new use permit. Amendments to conditional  
111 use permits shall be subject to staff review including SPRT review, approval by the  
112 development review official, and applicable fees.  
113

114 h) *Expiration of use approval.* Any approval of an administrative or conditional use granted  
115 by the development review official, planning and zoning board, the historic resources  
116 preservation board, or the city commission shall be subject to the time limits set forth in  
117 section 23.1-11 regarding building permits and section 23.2-37 regarding the expiration of  
118 development orders.  
119

120 i) *General findings relating to adherence with code of ordinances and comprehensive plan*  
121 *– administrative use permits.* Prior to approving any administrative use permit, the  
122 development review official shall find based on competent and substantial evidence that:  
123

- 124 1. The proposed use or development conforms to the applicable provisions of the  
125 comprehensive plan.
- 126 2. The proposed use or development conforms to the applicable provisions of the  
127 code of ordinances.
- 128 3. The subject property is in compliance with all laws, regulations, and rules  
129 pertaining to uses, subdivision, and any other applicable provisions of the City  
130 Code, or can demonstrate previous approval of the existing nonconformity.
- 131 4. The proposed use or development will not generate traffic to a level higher than  
132 that of a use permitted by right for the site.
- 133 5. The required landscape buffering has been provided for project sites that are  
134 adjacent to properties that are zoned for residential use.
- 135 6. All activities of the use occur on site, or as permitted by separate permit as  
136 provided by code, such as but not limited to right of way permit or sidewalk café  
137 permit.
- 138 7. The proposed use makes adequate provisions for adverse impacts on protected  
139 land uses as defined in section 23.1-12.  
140

141  
142 j) *General findings relating to harmony with LDRs and protection of public interest –*  
143 *conditional use permits.* Prior to approving any conditional use permit, the decision-  
144 making authority shall find based on competent and substantial evidence that:  
145

- 146 1. The conditional use exactly as proposed at the location where proposed will be  
147 in harmony with the uses which, under these LDRs and the future land use  
148 element, are most likely to occur in the immediate area where located.
- 149 2. The conditional use exactly as proposed at the location where proposed will be  
150 in harmony with existing uses in the immediate area where located.
- 151 3. The conditional use exactly as proposed will not result in substantially less  
152 public benefit or greater harm than would result from use of the site for some use

153 permitted by right or some other administrative or conditional use permitted on  
154 the site.

155 4. The conditional use exactly as proposed will not result in more intensive  
156 development in advance of when such development is approved by the future  
157 land use element of the comprehensive plan.

158  
159 k) *Specific findings for all conditional uses.* Prior to approving any conditional use, the  
160 decision-making authority shall find that:

161  
162 1. The proposed conditional use will not generate traffic volumes or movements  
163 which will result in a significant adverse impact or reduce the level of service  
164 provided on any street to a level lower than would result from a development  
165 permitted by right.

166 2. The proposed conditional use will not result in a significantly greater amount of  
167 through traffic on local streets than would result from a development permitted by  
168 right and is appropriately located with respect to collector and arterial streets.

169 3. The proposed conditional use will not produce significant air pollution  
170 emissions, or will appropriately mitigate anticipated emissions to a level  
171 compatible with that which would result from a development permitted by right.

172 4. The proposed conditional use will be so located in relation to the thoroughfare  
173 system that neither extension nor enlargement nor any other alteration of that  
174 system in a manner resulting in higher net public cost or earlier incursion of  
175 public cost than would result from development permitted by right.

176 5. The proposed conditional use will be so located in relation to water lines,  
177 sanitary sewers, storm sewers, surface drainage systems and other utility  
178 systems that neither extension nor enlargement nor any other alteration of such  
179 systems in a manner resulting in higher net public cost or earlier incursion of  
180 public cost than would result from development permitted by right.

181 6. The proposed conditional use will not place a demand on municipal police or  
182 fire protection service beyond the capacity of those services, except that the  
183 proposed facility may place a demand on municipal police or fire protection  
184 services which does not exceed that likely to result from a development permitted  
185 by right.

186 7. The proposed conditional use will not generate significant noise, or will  
187 appropriately mitigate anticipated noise to a level compatible with that which  
188 would result from a development permitted by right. Any proposed use must  
189 meet all the requirements and stipulations set forth in section 15.24, Noise  
190 control.

191 8. The proposed conditional use will not generate light or glare which encroaches  
192 onto any residential property in excess of that allowed in section 23.4-340,  
193 Exterior lighting.

194  
195 l) *Findings for nonresidential conditional uses in residential districts.* Prior to approving  
196 any nonresidential conditional use in any residential district and prior to approving any  
197 more intensive residential conditional use in a less intensive residential district, the  
198 decision-making authority shall find based on competent substantial evidence that:

199  
200 1. The location of the conditional use will not be hazardous nor inconvenient to  
201 the predominantly residential character of the area in which it is to be located, nor  
202 to the long range development of the district for the residential purposes  
203 intended.

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2. The size of the conditional use and the nature and intensity of the operations involved will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long range development of the district for the residential purposes intended.
3. The location of the conditional use will not result in a small existing or planned residential area being isolated from other residential development by being completely or largely surrounded by arterial streets and nonresidential land uses.
4. The design of buildings for commercial and office conditional uses in residential districts shall be in a manner similar to residential structures in the same general area or neighborhood. Such a finding shall be based on a consideration of the building mass, height, materials, window arrangement, yards and any other pertinent considerations.

m) *Additional requirements.* Prior to approving any administrative or conditional use permit, the decision-making authority shall ensure that the following requirements have been met:

1. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city, unless this use approval is required to address code citations on the project site.
2. Any previously imposed conditions of approval for the use at the site have been met, if applicable, unless a request for amendment of conditions is part of the current use permit application.

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**EXHIBIT E**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Article 2, "Administration," Division 3, "Permits"*

**Sec. 23.2-30 – Site Plan Review.**

a) *Intent.* The intent of the site plan review provisions is to establish standards for development and provide review procedures which ensure compliance with these qualitative standards and with other regulations of the code of ordinances. Site plans shall be prepared in accordance with the qualitative site design requirements in section 23.2-31.

In the case of a site plan that is part of a master development plan for a planned development district, the procedures in section 23.3-25 shall apply.

b) *Determination if site plan review required.*

1. Construction of all new structures outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.
2. Modification of existing structures outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.
3. Occupancy of an existing structure, where a change of use and occupancy requires additional parking.
4. Modifications to parking, landscaping, open space, and impervious area for properties outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.
5. Reconfiguration or modification of on-site circulation for properties outside of the single-family residential or single-family and two-family residential zoning districts. Site plan review shall not be required for residential properties with fewer than three (3) total dwelling units.

c) *Determination of type of site plan review procedure application.* Applications shall be submitted to the department for community sustainability. The development review official shall review development applications to determine if they require site plan review or approval as minor or major developments. If the application constitutes a major development, notice of the review by the appropriate board shall be given by publication, posting and courtesy mailing in accordance with the notice provision of this article.

1. Major review: If an application requires a major review per the criteria listed in this section, the application shall be forwarded to the site plan review team for review and determination as to whether the application complies with applicable regulations. Once the development review officer has made a determination of compliance, the application will be scheduled for action by the planning and zoning board or the historic resources preservation board, as applicable. The board shall consider and act on site plan review applications for major

280 developments. For all applications, the board may approve the application as  
281 submitted; approve the application with any reasonable conditions, limitations, or  
282 requirements; deny the application for specific reason(s); or postpone  
283 consideration of any application pending submittal of additional information which  
284 may be required to make a determination.  
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286 The board shall issue a written decision which shall be attached to the application for  
287 site plan approval. Each consideration substantiating the action of the board shall be  
288 included in the decision. The decision shall also include a citation to the legal authority  
289 on which a denial is based. The decision of the board shall be final unless appealed to  
290 the city commission, as provided in section 23.2-17.  
291

292 Major development shall include one or more of the following:

- 293 a. All development including new structure(s) or use area having more than  
294 seven thousand five hundred (7,500) square feet of floor area.
- 295 b. An increase of more than twenty-five (25) percent of existing or approved  
296 parking spaces, or more than ten (10) parking spaces.
- 297 c. Amendments to existing development or site plans, previously approved as a  
298 minor development, where the combined total of all site development  
299 (existing and proposed) meets or exceeds the thresholds for review as a  
300 major development.
- 301 d. Amendments to existing development or site plans, previously approved as a  
302 major development, that change a phasing plan or developer control that  
303 would substantially impact the approval.
- 304 e. Amendments to existing development or site plans, previously approved as a  
305 major development, that significantly change the approved building design  
306 as determined by the development review official, increase the building  
307 height of a structure by one or more stories, ~~or~~ modify the approved site plan  
308 by more than ten percent (10%) for density or intensity (FAR), or modify the  
309 approved site plan by twenty-five percent (25%) or more for impervious  
310 surface, parking area, or landscape area.

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312 2. Minor review: The development review official shall consider and act on site plan  
313 review applications for minor developments following review by the city's site plan  
314 review team. The development review official may either approve; approve with  
315 any reasonable conditions, limitations or requirements; deny; or postpone  
316 consideration of any application pending submittal of additional information which  
317 may be required to make a determination. The development review official shall  
318 issue a written decision which shall be attached to the application for site plan  
319 approval. Each consideration substantiating the action of the development review  
320 official shall be included in the decision. The decision shall also include a citation  
321 to the legal authority on which a denial is based.  
322

323 Minor development shall include all development that is not determined to be major  
324 development, which may include but is not limited to the following:  
325

- 326 a. Addition or modification of pool location or size;
- 327 b. Addition or modification of landscape areas or impervious areas greater than  
328 ten (10) percent but less than twenty-five (25%) of the existing areas;
- 329 c. Addition or modification of less than ten percent (10%) of existing and/or  
330 previously approved density, intensity, or height, which does not add

331 additional stories to a structure or require changes to incentive approvals  
332 granted by a board or city commission;

- 333 d. Addition of parking spaces and drives and driveways;
- 334 e. Modifications in stairs or elevations of decks, porches, and terraces that  
335 occupy twenty five (25) percent or more of the property's linear frontage;
- 336 f. Addition or modification of fencing that affects site circulation or ingress/egress;
- 337 g. An increase of up to twenty-five (25) percent of existing or approved parking  
338 spaces, or no more than ten (10) parking spaces; or reconfiguration of drive  
339 aisles, driveways, and on-site circulation;
- 340 h. All development including new structure(s) or use area less than seven  
341 thousand five hundred (7,500) square feet in total, which are not determined  
342 to be major development by the development review official because it does  
343 not have the potential to negatively impact the surrounding neighborhood.

- 344
- 345 3. Modification review: Planning, zoning, and historic preservation staff shall consider  
346 and act on site plan modification applications concurrently with the associated  
347 building permit review. Staff may either approve; approve with any reasonable  
348 conditions, limitations or requirements; deny; or postpone consideration of any  
349 application pending submittal of additional information which may be required to  
350 make a determination. Staff shall issue a written decision which shall be attached  
351 to the application for site plan modification. Each consideration substantiating the  
352 action of staff shall be included in the decision. The decision shall also include a  
353 citation to the legal authority on which a denial is based.

354  
355 Site plan modifications shall include all development that is not determined to be major  
356 or minor development, which may include but is not limited to the following:

- 357 a. Addition of awnings, canopies or ornamental structures;
- 358 b. Modification of up to ten (10) percent of existing landscape areas or  
359 impervious areas;
- 360 c. Addition or modification of stairs, decks, porches, and terraces that occupy  
361 less than twenty five (25) percent of the property's linear frontage;
- 362 d. Addition or modification of fencing that does not affect site circulation or  
363 ingress/egress.

- 364
- 365 e) Expiration of site plan approval. Any site plan approval shall be subject to the time limits  
366 set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the  
367 expiration of development orders.

- 368
- 369 f) Compliance with LDRs required. In all cases requiring site plan review, no structure, or  
370 part thereof, shall be erected or used, or land or water used, or any change of use  
371 consummated, nor shall any building permit be issued, unless a site plan has been  
372 reviewed and approved, and in no instance shall the decision-making body modify the  
373 written standards of these LDRs in approving a site plan; except as provided for in this  
374 section.

- 375
- 376 g) Violations. Failure to complete and continually maintain all approved elements of an  
377 approved site plan including landscape, appearance and other site development  
378 features, shall be a violation of these LDRs subject to enforcement and penalty  
379 procedure of the City Code of Ordinances.

380 \*\*\*

**EXHIBIT G**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Article 2, "Administration," Division 3, "Permits"*

**Sec. 23.2-32 – Site Plans and Specifications.**

a) *Preliminary review plans and specifications required.* Applicants shall schedule a pre-application meeting with planning, zoning, and historic preservation staff for preliminary review to determine if a particular project shall require site plan review. If it is determined that site plan review is required, then review in accordance with design criteria of section 23.2-31 shall also be required. The applicant shall submit complete plans and specifications in accordance with this section before the site plan review process may begin.

b) *Application requirements.* Plans shall depict exterior elevations, designate construction materials, façade and roof treatments and the colors of each. Walls, lighting and other permanent structures and fixtures shall be designated. Landscaping materials shall be specified by name, together with information specifying height and spacing at time of planting. In addition to the above requirements, the applicant shall submit color renderings of the site plan and building elevations, complete with actual samples of the color treatments to be applied. Applicant shall submit photographs depicting the subject site as well as adjacent and surrounding properties, sufficient to enable the planning and zoning board, ~~or~~ the historic resources preservation board, or the development review official, as applicable, to determine that the proposed development ~~structure~~ would be appropriate to surrounding buildings and open areas, and in conformity with the existing as well as evolving atmosphere of the area.

If, in the opinion of the development review official, the plans submitted do not furnish sufficient information to show the scope of the proposed development, the application shall be deemed incomplete and shall be placed on hold pending the submittal of sufficient information.

Unless otherwise determined by the development review official, both the plans and specifications shall be prepared by a registered architect or registered engineer, qualified under the laws of the state to prepare such plans and specifications and no permit for the project shall be issued until such plans (and specifications when required) have been approved.

c) *Major development site plan requirements.* The major development site plan shall be drawn to a scale of not more than fifty (50) feet to the inch. One (1) copy of the site plan as well as an electronic copy shall be submitted by the applicant for the use of the appropriate city departments and boards. The plan, for the purpose of this section, shall include, but not necessarily be limited to, the following plans, designs, specifications and information:

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1. The exact property lines of the property for which site plan approval is requested, including existing street and right-of-way lines and survey and legal description of site prepared by a Florida-registered land surveyor, with impression seal;
2. Adjacent properties on the same frontage, indicating the locations of buildings and structures on such adjacent properties, means of ingress and egress to such properties, off-street parking, loading and service areas, if any, for or on such properties, and any screening or buffers on such properties and the nature and type thereof;
3. Location of present and proposed structures on the site;
4. Location and dimensions of all required yards;
5. Location of facilities for ingress and egress to the site, including existing and proposed curb cuts, if any, and proposed directions of traffic flow on the site and into and from public rights-of-way;
6. Location and dimensions of off-street parking, loading and service areas;
7. A drainage plan for the entire site;
8. Location and dimensions of areas for service to the property and for refuse disposal and recyclable material collection and storage;
9. Location of all utilities and easements;
10. Landscape plans;
11. Location and dimensions of all signs and exterior lighting facilities to be placed on the site, including photometric plans;
12. Samples of all paint colors and photographs of the subject site as well as adjacent and surrounding properties;
13. Any other information necessary to review the proposed development, as determined by the development review official or designee.

d) *Minor development site plan requirements.* Minor development site plans shall meet all the requirements and specifications of a major site plan except where such information is determined not to be required by the development review official.

e) *Site plan modification requirements.* Site plan modification applications shall be submitted as part of a permit application and shall include, but not necessarily be limited to, the following:

1. A survey that accurately reflects the current property and all existing easements;
2. Annotated copy of the survey that clearly shows the proposed alterations, including dimensions and setbacks;
3. All other information as required for the concurrent permit as determined by the development review official or designee.

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## HISTORIC RESOURCES PRESERVATION BOARD REPORT

**HRPB Project Number 25-00100152:** Consideration of a Certificate of Appropriateness (COA) for Ad Valorem Preconstruction Tax Exemption, one variance from base flood elevation requirements of the Florida Building Code, and one waiver for lot coverage associated with the construction of a new ±2,621 square foot addition to the existing single-family residence at 230 N Lakeside Drive. The subject property is located in the Single Family Residential (SFR) zoning district and has a future land use designation of Single Family Residential (SFR). The property is a contributing resource in the Old Lucerne Historic District. PCN #38-43-44-21-15-036-0080.

**Meeting Date:** July 9, 2025

**Property Owner:** Ventura Palms LLC

**Applicant:** FGS Design LLC

**Address:** 230 N Lakeside Drive

**PCN:** 38-43-44-21-15-036-0080

**Lot Size:** ± 0.22 acres / 9,450 sf

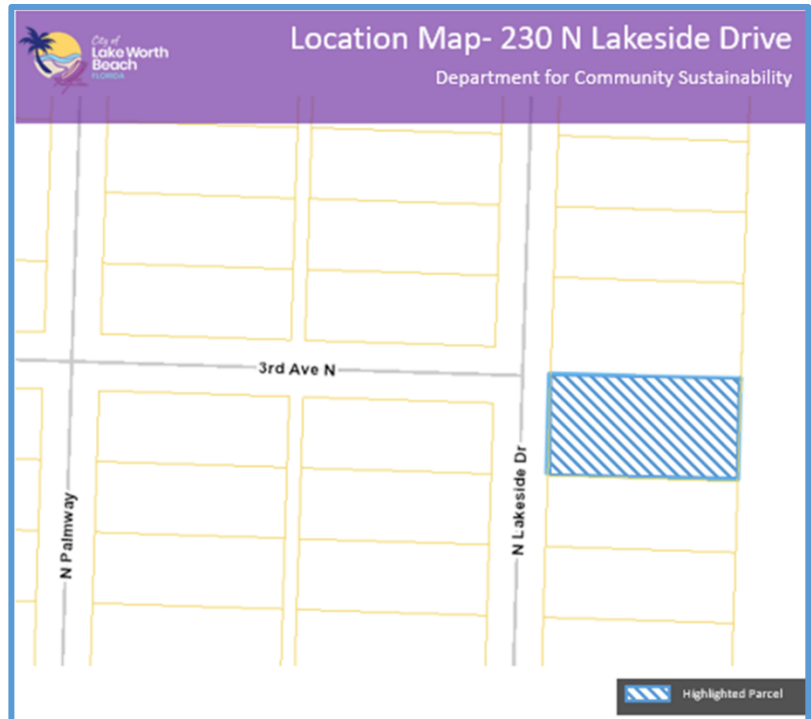
**General Location:** East side of North Lakeside Drive between 2<sup>nd</sup> Avenue North and 3<sup>rd</sup> Avenue North

**Existing Land Use:** Single Family Residential

**Current Future Land Use Designation:** Single Family Residential (SFR)

**Zoning District:** Single Family Residential (SFR)

### Location Map



## RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan. Staff recommends approval with conditions, listed on pages 10-11, for the Certificate of Appropriateness for Ad Valorem Preconstruction of an addition to the existing structure, historic waiver for the allowable maximum lot coverage, and a variance from the required Base Flood Elevation under the requirements of the Florida Building Code.

## PROJECT DESCRIPTION

The applicant, FGS Design LLC, on behalf of the property owner Ventura Palms LLC, is requesting approval for Ad Valorem Preconstruction, one historic waiver, and one variance for the construction of a new ±2,621 square foot addition to the existing structure at 230 N Lakeside Drive.

The addition as proposed does not comply with the current LDRs due to the provided lot coverage of the structure. According to the Land Development regulations, all “Large Lots” in the SFR zoning district are capped to a maximum of 30% structure coverage. The waiver, if approved, would allow the proposed structure to exceed this amount by 2% or 224 square feet.

The proposed addition also does not meet current Base Flood Elevation Requirements under the Florida Building Code, which requires a 10’ slab elevation (NAVD). The applicant has requested a variance from this requirement in order to avoid elevating the existing historic structure and to construct the proposed addition at the same level as the existing structure (6’8” NAVD).

## PUBLIC COMMENT

Staff has not received any letters of support or opposition for this application.

## PROPERTY DEVELOPMENT HISTORY

The single-family house at 230 N Lakeside Drive was constructed in 1918 in the Frame vernacular architectural style. According to available permit records, the existing structure has had only very minor alterations over time and currently retains a high degree of historic integrity.

Staff met with the applicant on February 10, 2025, to discuss a plan for a second story dormer addition to the existing structure. While staff was generally supportive of this proposed alteration, the applicant subsequently redesigned their proposal for a substantially larger addition. The applicant was further advised that their structure would be required to meet current Base Flood Elevation requirements and would require a historic waiver for the proposed lot coverage. After further discussions with the applicant, the project was placed on the HRPB agenda for July 9, 2025.

A survey of the property is included as **Attachment A**, current photos of the property are included as **Attachment B**, and the submitted plans for the addition are included as **Attachment C**.

## ANALYSIS

### *Consistency with the Comprehensive Plan*

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per policy 1.1.1.2, the Single-Family Residential category is “*intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household. Residential units may be site-built (conventional) dwellings, mobile homes or modular units.*”

**Analysis:** The existing structure is a single-family residence and is consistent with the intent of the Single-Family Residential designation, and the proposed addition does not add any additional density. Therefore, the proposed

development request is consistent with the goals, objectives, and polices of the City of Lake Worth Beach’s Comprehensive Plan.

**Consistency with the Land Development Regulations - Zoning**

**Single-Family Residential (SFR):** Per LDR Section 23.3-7(a), the "SF-R single-family residential district" is intended primarily to permit development of one (1) single-family structure per lot. Provision is made for a limited number of nonresidential uses for the convenience of residents. These nonresidential uses are compatible by reason of their nature and limited frequency of occurrence with an overall single-family residential character. The "SF-R single-family residential district" implements the "single-family residential" land use category of the Lake Worth Comprehensive Plan.

The proposed new addition project appears to be consistent with all site data requirements in the City’s Land Development Regulations with the exception of structure coverage; the applicant has requested a historic waiver to accommodate for this excess structure coverage. Formal and complete review for compliance with the City’s Land Development Regulations, including landscaping, will be conducted at building permit review. The proposed site plan and architectural drawings are included in this report in **Attachment C**.

Development Standard		Required	Provided
Lot Area (min)		5,000 sf	9,450 sf
Lot Width (min)		50	70'
Max. Density		7 units/acre = 1 unit	1 unit
Principal Structure Setbacks (existing)	Front	20'	26'2"
	Rear	13.5'	38'7"
	Side	7'	7'
Maximum Impermeable Surface	Entire lot	50% (4,725 sf)	35.4% (3,347 sf)
	Building	30% (2,835 sf)	32.4% (3,059 sf)*
	Front Yard	25%	n/a
Max Building Height		30'	23'
Maximum Wall Height at Side Setback (new structure)		18' @ 5' setback Up to 23' @ 10' setback	±13'6" @ 7' setback
Max Floor Area Ratio (FAR)		0.45 (4,252 sf)	0.38 (3,643 sf)
Parking		2 Spaces	2 spaces (garage)

*\*Waiver requested*

**Variance Request:**

The Applicant is requesting a variance from Florida Building Code 1201.3, Flood Hazard Areas:

*In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the building shall comply with Section 1612 of the Florida Building Code, Building, or Section R322 of the Florida Building Code, Residential, as applicable.*

*Exception: If the program that designated the building as historic determines that it will continue to be an historic building after the proposed work is completed, then the proposed work is not considered to be substantial improvement. For the purposes of this exception, an historic building is:*

- 1. Individually listed in the National Register of Historic Places; or*
- 2. A contributing resource within a National Register of Historic Places listed district; or*
- 3. Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district, provided the local program making the designation is approved by the Department of the Interior (the Florida state historic preservation officer maintains a list of approved local programs); or*

4. *Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.*

The applicant is proposing a residential addition that will match the finished floor elevation of the existing historic structure (6'8" NAVD). The existing Federal Emergency Management Agency (FEMA) Flood Map indicates the property is located in Zone AE, which requires a 9'-0" base flood elevation (included as **Attachment E**). The Florida Building Code additionally requires finished floors to be constructed at 12" above the base flood elevation. Therefore, the required slab elevation for the addition is 10' NAVD. Since the subject property is a contributing resource to the Old Lucerne Historic District, it is eligible for an exception from the Florida Building Code to allow substantial improvements and alterations that do not meet the current flood resistant construction requirements. Although this proposal meets the qualifications for an exemption in the Florida Building Code, the City of Lake Worth Beach Land Development Regulations require that applicants seeking to utilize this exemption apply for a formal variance from the Historic Resources Preservation Board.

Pursuant to City of Lake Worth Beach LDR Section 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 11 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.*

**Analysis:** As a contributing resource to the Old Lucerne Historic District, the property located at 230 North Lakeside Drive is eligible for the exception to the flood resistant construction requirements of the Florida Building Code. The proposed improvements will not preclude the continuation of the structure's contributing designation, rather, the proposed variance will allow for the proposed addition while preserving the historic character of the structure.

Base flood elevation variances have their own specific variance criteria as described in LDR 23.7-7(g)(2). Provided below are Staff's responses to the variance criteria. The Applicants have also provided answers to these criterions, provided in **Attachment D**. Staff have added 2 conditions of approval requiring that the variance, if approved, be recorded with the Palm Beach County Clerk of Court and that the applicants must provide a written statement from the City's floodplain administrator at permit in compliance with LDR 23.7-7(g)(4).

- A. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

**Analysis:** Strict compliance with the Florida Building Code as it relates to the required flood elevation of the structure would result in a substantial disruption to the structure's historic appearance. Raising the structure or elevating the addition would have significant adverse effects on the historic structure, which is a small one-story structure. As the required flood elevation is 10' NAVD, the existing structure would need to be raised an additional 3+ feet to meet this requirement. Similarly, were the new addition to be required to meet current flood elevation it would be substantially taller than the existing one-story historic structure, significantly altering the historic character of the contributing structure. **Meets Criterion.**

- B. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

**Analysis:** An addition built below the required base flood elevation will not increase flood heights, cause additional threats to public safety, public expense, or create a nuisance. The addition is designed to be compatible with the existing historic structure and the Old Lucerne Historic District. **Meets Criterion.**

C. The variance is the minimum necessary, considering the flood hazard, to afford relief;

**Analysis:** The variance is the minimum necessary to allow the addition to maintain the same slab elevation and exterior appearance of the existing historic structure. The proposed design allows the property to retain its contributing designation by complying with the City’s Historic Preservation Ordinance, Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation. **Meets Criterion.**

**Section 23.5-4(r)2. Waiver or Modification of Certain Land Development Regulations**

Pursuant to City of Lake Worth Beach LDR Sec. 23.5-4(r) *Incentives for improvements to designated landmark and contributing properties:*

*2. In addition, the HRPB may waive or modify certain land development regulation requirements. Waiver or modification may occur concurrently with issuance of a certificate of appropriateness or upon initial designation of a landmark or of a historic district. Waivers may include setbacks, lot width, **area requirements**, height limitations, open space requirements, vehicular parking and circulation requirements, design compatibility requirements and similar development regulations. No waiver shall be permitted for permitted land uses, density or environmental and health standards.*

Waiver Requests		
LDR Citation	Required	Proposed
Maximum impermeable surface for all structures in an SF-R district (Section 23.3-7(c)(6)(C))	Thirty (30) percent for lots seven thousand five hundred (7,500) square feet and greater (2,835 SF)	<b>32.4% (3,059 SF)</b>

Pursuant to City of Lake Worth Beach LDR Sec. 23.5-4(r)(2), the HRPB may grant historic waivers if the requests meet the criterion listed in the section below. Staff has listed each criterion and provided responses for the historic waiver request. Due to the existing building’s contributing status to the Old Lucerne Local Historic District, the application is eligible for relief from the land development requirements of Section 23.3-7(c)(6)(C), should the Board determine that the criteria are sufficiently met. The applicant has provided a Justification Statement for the requests and has provided responses for each request. The applicant’s justification statement is included in **Attachment D**.

(A) The waiver or modification is in harmony with the general appearance and character of the neighborhood or district.

**Analysis:** The proposed addition is designed in a compatible architectural style to the existing frame vernacular historic structure and the Old Lucerne Historic District as a whole. The location of the proposed addition is consistent with the predominant development pattern of structures within the surrounding area, and meets all current required setbacks. The proposed waiver will allow the applicant to construct a larger footprint on the ground floor while avoiding constructing a substantial second story addition to the existing structure. **Meets Criterion.**

(B) The project is designed and arranged in a manner that minimizes aural and visual impact on adjacent properties while affording the owner reasonable use of the land.

**Analysis:** The project proposes to construct a new addition to the existing historic structure while minimizing the impact of the addition on the existing historic material of the structure. The proposed addition will have a minimal aural and visual impact on adjacent properties while affording the owner reasonable use of the land, as the property

would by right be permitted to construct significantly more square footage on the second story of the structure. This would have a more detrimental impact to neighboring properties in comparison to the proposed addition and would be significantly less in keeping with the required Design Guidelines for additions to contributing structures in historic districts. As the property meets all required setbacks and is not utilizing the maximum allowable square footage (FAR), the proposed new addition is therefore less impactful on neighboring properties than an alternative design without utilizing the proposed waiver. **Meets Criterion.**

(C) The waiver or modification will not injure the area or otherwise be detrimental to the public health, safety or welfare.

**Analysis:** Constructing the addition in the proposed location and at the proposed size will not be detrimental to public health, safety, or welfare. **Meets Criterion.**

(D) The waiver or modification is the minimum necessary to allow reasonable use of the property while preserving its historical attributes.

**Analysis:** The historic waivers requested are the minimum adjustment necessary to allow the proposed reasonable use of the existing contributing structure while maintaining its historic attributes and allowing for the construction of an addition to provide added living space. While the applicant could add an additional  $\pm 600$  SF of FAR to the structure by-right, they would need to add the entirety of this available square footage to the second story of the structure to meet the strict requirements of the Land Development Code. From a historic perspective, this is not appropriate, as any additional 2 story addition would overwhelm the existing one story structure or would necessitate building over top of the existing structure. Therefore, the waiver is the minimum necessary to allow the applicant to add additional usable square footage while still maintaining the character and massing of the existing contributing historic structure. **Meets Criterion.**

#### Historic Preservation Ad Valorem Tax Exemption

As part of the Tax Exemption requirements, the HRPB must approve the scope of work prior to the commencement of construction and all work must comply with the Secretary of the Interior's Standards for Rehabilitation. Pursuant to Section 23.5-5 of the historic preservation ordinance, in the review of preconstruction applications for the Historic Ad Valorem Tax Exemption program, the HRPB is required to make findings pursuant to three criteria and determine the following:

- 1) Whether the property for which the proposed exemption is requested satisfies section 196.1997(11)(a), Florida Statutes.

**Analysis:** The subject property is designated as a contributing historic resource in the Old Lucerne Historic District. **Meets Criterion.**

- 2) Whether the proposed improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (revised 1990), U.S. Department of the Interior, National Park Service, which are hereby incorporated by reference in this section, and the criteria specified in Chapter 1A-38, F.A.C.

**Analysis:** As outlined and discussed during the review of the Certificate of Appropriateness (COA) for the exterior alterations and the residential addition, the proposal is compatible with the historic character of the existing building and will not have an adverse effect on the historic integrity of the property. Of particular note are the Secretary of the Interior's Standards 9 and 10 *"New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features,*

*size, scale and proportion, and massing to protect the integrity of the property and its environment; New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”* The proposed new addition retains the form of the existing structure and all of the existing historic character defining features and is entirely removable in the event of future alterations. The proposed alterations are therefore in keeping with the intent of both the Secretary of the Interior’s Standards and the Guidelines for Rehabilitating Historic Buildings. **Meets Criterion.**

- 3) For applications submitted under the provisions of section 196.1998, Florida Statutes, whether the improvements meeting the criteria Rule 1A-38.001(3) and (4), F.A.C.

**Analysis:** The building is not intended to be used for non-profit or governmental purposes. **Not applicable.**

#### **Consistency with the Land Development Regulations – Historic Preservation**

All new structures within a designated historic district are subject to visual compatibility criteria. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City’s Historic Preservation Ordinance, detailed in the section below. The applicant has also submitted a Justification Statement, provided in this report in **Attachment D**.

**Section 23.5-4(k)3.A – Additional guidelines for new construction and for additions; visual compatibility:** *In approving or denying applications for certificates of appropriateness for new construction and additions, the City shall also, at a minimum, consider the following additional guidelines which help to define visual compatibility in the applicable property’s historic district:*

- (1) The height of proposed buildings shall be visually compatible and in harmony with the height of existing buildings located within the historic district.

**Analysis:** The proposed addition is in keeping with the height of the existing structure—while the addition is designed as a two-story addition, the overall height of the addition does not exceed the height of the existing one-story structure and therefore reads as a one-story addition. The proposed addition is overall very visually compatible with the existing structure’s height.

- (2) The relationship of the width of the building to the height of the front elevation shall be visually compatible and in harmony with the width and height of the front elevation of existing buildings located within the district.

**Analysis:** The relationship of the width and height of the proposed addition is visually compatible and in harmony with the existing structure on the property. While the proposed addition is substantially wider than the existing structure, the proposed addition is set back far enough and low enough in scale to read as visually appropriate in keeping with the existing contributing structure.

- (3) For landmarks and contributing buildings and structures, the openings of any building within a historic district should be visually compatible and in harmony with the openings in buildings of a similar architectural style located within the historic district. The relationship of the width of the windows and doors to the height of the windows and doors in a building shall be visually compatible with buildings within the district.

**Analysis:** The proposed windows and doors on the new addition are compatible in proportion and design to the existing windows on the historic structure. The structure features single hung windows in a mixture of grid patterns (3/1, 4/1 and 5/1) depending on the width of the window, which echoes the design of the existing 3/1 single hung windows on the primary structure in design and proportion.

- (4) The relationship of solids to voids in the front facade of a building or structure shall be visually compatible and in harmony with the front facades of historic buildings or structures located within the historic district. A long, unbroken facade in a setting of existing narrow structures can be divided into smaller bays which will complement the visual setting and the streetscape.

**Analysis:** The addition to the structure maintains a harmonious relationship of solids to voids in conjunction with the existing historic structure. The structure features no expanses of blank façade, and is articulated in massing in order to reduce the impact of the two large garage openings on the front entryway which are set behind the existing plane of the front façade.

- (5) The relationship of a building to open space between it and adjoining buildings shall be visually compatible and in harmony with the relationship between buildings elsewhere within the district.

**Analysis:** The proposed addition adheres to setback requirements within the current zoning code and is spaced appropriately in relation to neighboring buildings.

- (6) The relationship of entrance and porch projections to sidewalks of a building shall be visually compatible and in harmony with the prevalent architectural styles of entrances and porch projections on buildings and structures within the district.

**Analysis:** As proposed, the entrance to the new addition located in the one-story connector is more visually impactful than is appropriate. The column detailing and transom with sidelites provides more visual impact than the plain, un-ornamented front door on the existing historic structure, and therefore a condition of approval has been recommended to reduce the visual impact of this entryway. At minimum, staff recommends removing the decorative surround, transom and sidelites on this entry feature in order to restore more visual prominence to the historic entryway.

- (7) The relationship of the materials, texture and color of the façade of a building shall be visually compatible and in harmony with the predominant materials used in the buildings and structures of a similar style located within the historic district.

**Analysis:** The submitted plans for the addition propose to use a siding in matching width and profile to the existing siding. This is a visually compatible material for a frame vernacular residence and is similarly visually compatible with other exterior finish materials within the Old Lucerne district and the City at-large.

- (8) The roof shape of a building or structure shall be visually compatible and in harmony with the roof shape of buildings or structures of a similar architectural style located within the historic district.

**Analysis:** The plans for the addition propose a front gabled roof in a similar pitch and orientation to the roofline of the existing roofline, which provides a pleasing visual symmetry and avoids an overabundance of intersecting rooflines. While standing seam metal is not usually an appropriate roofing material on historic structures, available permit records suggest that the structure has featured this roof material for well over 50 years and therefore is an appropriate roofing material in this instance.

- (9) Appurtenances of a building, such as walls, wrought iron, fences, evergreen, landscape masses and building facades, shall, if necessary, form cohesive walls of enclosures along a street to ensure visual compatibility of the building to the buildings and places to which it is visually related.

**Analysis:** The site features are largely appropriate for the structure and its context in the neighborhood.

- (10) The size and mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible and in harmony with the buildings and places to which it is visually related.

**Analysis:** The size and mass of the new addition is in harmony with the existing principal structure and other nearby residential properties. While the massing and height of the proposed new addition is two stories rather than one, the applicant has designed the proposed addition so as to appear to be a one or one and a half story structure. The windows, doors, porches and balconies are all visually compatible with the massing of the structure and do not create an overabundance of fenestration of blank facades.

- (11) A building shall be visually compatible and in harmony with the buildings and places to which it is visually related in its directional character: vertical, horizontal or non-directional.

**Analysis:** The new addition maintains the low scale massing of the existing historic structure. While a second story is being added, it visually reads as a one-story addition. There are a mixture of one and two story structures in the surrounding vicinity and the proposed structure is visually related in directional character.

- (12) The architectural style of a building shall be visually compatible with other buildings to which it is related in the historic district, but does not necessarily have to be in the same style of buildings in the district. New construction or additions to a building are encouraged to be appropriate to the style of the period in which it is created and not attempt to create a false sense of history.

**Analysis:** The design successfully incorporates the Frame Vernacular style of the existing structure while differentiating the massing of the 2-story portion of the addition from the existing structure through the use of a one-story connector. The proposed materials, massing and architectural detailing of the proposed addition are drawn from the existing structure but do not create a false sense of history.

- (13) In considering applications for certificates of appropriateness to install mechanical systems which affect the exterior of a building or structure visible from a public right-of-way, the following criteria shall be considered:

- (a) Retain and repair, where possible, historic mechanical systems in their original location, where possible.

**Analysis:** This requirement is not applicable to the construction of the new addition; the mechanical systems for the existing historic structure will not be affected.

- (b) New mechanical systems shall be placed on secondary facades only and shall not be placed on, nor be visible from, primary facades.

**Analysis:** Full review of all mechanical equipment shall be undertaken at time of permitting. A condition of approval has been added to address this criterion.

- (c) New mechanical systems shall not damage, destroy or compromise the physical integrity of the structure and shall be installed so as to cause the least damage, invasion or visual obstruction to the structure's building materials, or to its significant historic, cultural or architectural features.

**Analysis:** This requirement is not applicable to this project.

- (14) The site should consider the compatibility of parking facilities, utility and service areas, walkways and appurtenances. These should be designated with the overall environment in mind and should be in keeping visually with related buildings and structures.

**Analysis:** The applicant has proposed a two-car garage in the addition to the primary structure as well as a parking court in front of the proposed garage. The proposed parking location is in keeping with the existing structure and provides the required parking under the City's Land Development Regulations.

#### Consistency with the Historic Preservation Design Guidelines

The City's Historic Preservation Design Guidelines provide standards and recommendations for new additions and new construction within historic districts. New structures on properties with existing historic structures should be differentiated from, yet compatible with, the historic structure. The Frame Vernacular style is covered as a primary style in the Lake Worth Beach Historic Preservation Design Guidelines, and that chapter is included in this report as **Attachment F**.

**Analysis:** The proposed new addition is designed with materials and detailing that are consistent with the Frame Vernacular architectural style and the existing historic structure, such as horizontal siding and single hung windows with a vertical muntins. The applicant has proposed architectural detailing for the new addition such as outlookers, trim, and copper gutters that are similarly in keeping with the existing architectural style. The plans propose to roof the addition with a matching front gable roof to the existing structure in height and pitch, roofed with standing seam metal to correspond to the existing roofing material.

The fenestration design includes single hung windows with vertical muntin patterns and full multi-lite French doors. The fenestration patterns are generally appropriate and in keeping with the existing window detailing, and the applicant has proposed to maintain and restore windows on the existing historic structure. Staff does have concern regarding the head heights of the fenestration on the second story north elevation, which are proposed to extend to the top of the second floor wall height. Staff recommends that the applicant lower the head height of these windows by a minimum of 6 inches; a condition of approval has been added to address this recommendation.

### CONCLUSION AND CONDITIONS

The proposed new addition at 230 N Lakeside Drive is in keeping with the recommendations provided within the City's Historic Preservation Design Guidelines and is in keeping with the Frame Vernacular architectural style of the existing structure. Staff recommends approval with conditions for the request for a Certificate of Appropriateness for Ad Valorem Preconstruction Tax Exemption, one variance from Base Flood Elevation requirements of the Florida Building Code, and one waiver for lot coverage. The proposed new addition and requested variance and waiver would not preclude the continuation of the structure's contributing designation, and in fact allows the property owner to add usable square footage to the property while avoiding inappropriate alterations to the massing of the existing structure that would preclude its continued designation as a contributing structure.

#### Conditions of Approval:

1. The historic waiver to allow the new addition to exceed the allowable 30% lot coverage requirement shall be project specific, and shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, moved, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.
2. The base flood elevation variance shall be recorded in the office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land, per LDR Section 23.7-7(g).
3. At permit, the applicants shall provide a copy of a written notice from the floodplain administrator (City Building Official) specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the base flood elevation increases risks to life and property, per LDR Section 23.7-7(g).
4. The applicant shall work with staff to revise the proposed entryway between the existing structure and the proposed garage in order to lessen the visual impact of this entrance. At minimum, the surround and transom on this entryway shall be eliminated.

5. The proposed windows on the second story of the north elevation of the addition shall be lowered a minimum of 6 inches so the head heights of the windows do not align with the top of the wall.
6. The existing unpainted brick chimney shall not be painted.
7. All existing windows shall remain where indicated on the provided window schedule and shall be refinished rather than replaced.
8. All new windows shall be clear single hung windows with either 3/1, 4/1, or 5/1 lite patterns, as shown on the provided plans.
9. The side and rear doors shall be multi-lite French doors, the rear doors shall be 3 sets of paired multi-lite French doors with paired two lite transom windows above, as shown on the provided plans.
10. The doors on the front elevation shall be ¼ lite Craftsman style doors, as shown on the provided plans.
11. All glazing shall be clear, non-reflective and without tint. Low-E (low emissivity) is allowed but the glass shall have a minimum 60% visible light transmittance (VLT) measured from the center of glazing. Glass tints or any other glass treatments shall not be combined with the Low-E coating to further diminish the VLT of the glass.
12. All windows and/or doors shall be installed recessed in the jambs and shall not be installed flush with the exterior wall.
13. The proposed gravel parking material shall meet all requirements in the City's Land Development regulations. Appropriate stabilization shall be established to keep small stone like materials out of the ROW, alley, and storm water systems, and all semi-permeable driveway and parking surfaces shall be maintained to ensure permeable qualities and to prevent ponding of water.
14. Full review of all mechanical equipment shall be undertaken at time of permitting. All new mechanical equipment shall be set behind the primary façade of the structure.

#### BOARD POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 25-00100152 with staff recommended conditions for a Certificate of Appropriateness for Ad Valorem Preconstruction Tax Exemption, one variance from base flood elevation requirements of the Florida Building Code and one waiver for lot coverage associated with the construction of a new ±2,621 square foot addition to the existing single-family residence at 230 N Lakeside Drive, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DISAPPROVE** HRPB Project Number 25-00100152 for a Certificate of Appropriateness for Ad Valorem Preconstruction Tax Exemption, one variance from base flood elevation requirements of the Florida Building Code and one waiver for lot coverage associated with the construction of a new ±2,621 square foot addition to the existing single-family residence at 230 N Lakeside Drive, because the applicant has not established by competent substantial evidence that the application complies with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

**Consequent Action:** *The Historic Resources Preservation Board's decision will be final decision for the COA, Ad Valorem Preconstruction, variance and waiver. The Applicant may appeal the Board's decision to the City Commission.*

#### ATTACHMENTS

- A. Property Survey
- B. Photos
- C. Plan Set
- D. Applicant's Justification Statement
- E. FEMA Map
- F. Design Guidelines – Frame Vernacular



**City Of Lake Worth**  
**Department for Community Sustainability**  
**Planning, Zoning and Historic Preservation Division**  
1900 Second Avenue North · Lake Worth · Florida 33461 · Phone: 561-586-1687

DATE: July 2, 2025

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

FROM: William Waters, Director of Community Sustainability

MEETING: July 9 and August 6, 2024

SUBJECT: **Ordinance 2025-08:** Consideration of an ordinance amending Chapter 23, Article 5, Section 23.5-1(d)(8) "Signs on streets."

**PROPOSAL / BACKGROUND/ ANALYSIS:**

The proposed LDR Amendment will modify the following sections of the City's Land Development Regulations:

- Article 5 – Section 23.5-1: Signs, paragraph (d)(8) "Signs on streets"

**Signs on streets:** Providing the City Manager to authorize City signs in City rights-of-way and for the City Commission to authorize signs in unimproved City rights-of-way subject to a revocable use permit.

**STAFF RECOMMENDATION:**

Staff recommends that the Historic Resources Preservation Board Planning and Zoning Board recommend that the City Commission adopt Ordinance 2025-08.

**POTENTIAL MOTION:**

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2025-08.

**Attachments**

- A. Draft Ordinance 2025-08

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**ORDINANCE 2025-08 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS”, ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 – SIGNS, PARAGRAPH (d)(8), RELATED TO SIGNS ON STREETS; 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 5 “Supplemental Regulations,” Section 23.5-1 – “Signs,” paragraph (d)(8) to provide the City Commission opportunities to allow signs in streets under certain conditions; 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 5 “Supplemental Regulations,” Section 23.5-1 “Signs,” paragraph (d)(8) is hereby amended by adding the words shown in underline type and deleting the words struck through as follows:

- 8. *Signs on streets.* No sign shall be constructed or erected in or over any road right-of-way except those listed in the "Uniform Manual of Traffic-Control Devices-" and provided for in this paragraph.
  - A. No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location, where, by reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign,

52 signal or device, nor shall any sign be erected which makes use of the words "stop,"  
53 "look," "danger," or any other word, phrase, symbol or character in such a manner as to  
54 interfere with, mislead or confuse traffic.

55 B. The City may construct or erect signs in City road rights-of-way, including alleys, for  
56 City purposes upon approval by the City Manager. Any such signs shall serve a public  
57 purpose and comply with the provisions of this section.

58 C. Signs, other than City signs, may be constructed or erected in an unimproved City  
59 road right-of-way, including alleys, upon approval by the City Commission and subject  
60 to a revocable use permit. Any such signs shall serve a public purpose and comply  
61 with the provisions of this section.

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63 **Section 3:** Severability. If any section, subsection, sentence, clause, phrase or portion  
64 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent  
65 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and  
66 such holding shall not affect the validity of the remaining portions thereof.

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68 **Section 4:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict  
69 herewith are hereby repealed to the extent of such conflict.

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71 **Section 5:** Codification. The sections of the ordinance may be made a part of the City  
72 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and  
73 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

74  
75 **Section 6:** Effective Date. This ordinance shall become effective 10 days after  
76 passage.

77  
78 The passage of this ordinance on first reading was moved by \_\_\_\_\_,  
79 seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- 80  
81 Mayor Betty Resch  
82 Vice Mayor Sarah Malega  
83 Commissioner Christopher McVoy  
84 Commissioner Mimi May  
85 Commissioner Anthony Segrich  
86

87 The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_\_  
88 day of \_\_\_\_\_, 2025.

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

- 93  
94 Mayor Betty Resch  
95 Vice Mayor Sarah Malega  
96 Commissioner Christopher McVoy  
97 Commissioner Mimi May  
98 Commissioner Anthony Segrich  
99

100 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
101 \_\_\_\_\_, 2025.

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LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, MMC, City Clerk