



**AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
BY TELECONFERENCE
WEDNESDAY, JULY 08, 2020 -- 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 10, 2020 Minutes](#)

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

1) [Palm Beach Post Proof of Publication](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [Consideration of a Certificate of Appropriateness \(COA\) for window and door replacement for the property located at **534 South Palmway**; PCN#38-43-44-27-02-000-0010. The subject property is a contributing resource to the South Palm Park Local Historic District and is located in the Single-Family \(SF-R\) Zoning District.](#)
- B. [PZB / HRPB Project Number 20-03100003: Consideration of an ordinance to amend Chapter 2 regarding application fees and Chapter 23 "Land Development Regulations" regarding changes to adopt a digital zoning and future land use map, site plan review, pervious and impervious surfaces, outdoor storage, and modifications to development standards and requirements for fence, walls and gates.](#)
- C. [PZB / HRPB Project Number 20-00400003: Consideration of an ordinance to amend Chapter 23 "Land Development Regulations" that includes changes to add new uses and to](#)

consolidate and clarify existing uses, including modifications to definitions, use tables, and development standards.

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.



**AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD
VIRTUAL MEETING
WEDNESDAY, JUNE 10, 2020 -- 6:09 PM**

ROLL CALL and RECORDING OF ABSENCES

Present were: William Feldkamp, Chairman; Judith Just, Vice-Chair; Robert D'Arinzo, Bernard Guthrie, Judith Fox; Ozzie Ona. Absent: David Cavorsi.

Also present: Abraham Fogel, Preservation Planner; Jordan Hodges, Senior Preservation Coordinator; Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE Dispensed with until meetings resume in person.

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

A. May 13, 2020 Regular Meeting Minutes

Motion: J. Just moves to approve the meeting minutes as presented; J. Fox 2nd.

Vote: Ayes all, unanimous.

CASES

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

PROOF OF PUBLICATION Provided in the meeting packet.

- 1) Lake Worth Herald-Proof of Publication
- 2) Water Supply Plan Proof of Publication

WITHDRAWALS / POSTPONEMENTS : None

CONSENT : None

PUBLIC HEARINGS:

BOARD DISCLOSURE: J. Just spoke with Juan Contin; R. D'Arinzo had nothing to disclose; B. Guthrie knows Juan Contin, is a friend to Anthony Marotta but has no conflicts; J. Fox is a friend of Anthony Marotta and had contact with Juan Contin; O. Ona had nothing to disclose; W. Feldkamp toured Bhavin Shah's building nearly 2 years ago.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Consideration of a Completed Work Application and a recommendation to Lake Worth Beach City Commission for a Historic Preservation Ad Valorem Tax Exemption for the subject property located at **407 South Lakeside Drive**; PCN# 38-43-44-21-15-165-0080. The subject property is a contributing resource to the South Palm Park Local Historic District and is located within the Low-Density Multi-Family Residential 20 (MF-20) Zoning District.

Staff: J. Hodges presents case findings and analysis. Photos of before and after photos of restoration. The pre-construction approval was granted October 10, 2018. Explains the balance of the approval process up to and including County Commission decision.

Board: B. Guthrie found it to be a beautiful restoration. Clarifies the tax exemption is based upon the difference in assessed value pre-improvement and post-improvement. The difference is the amount held in abeyance for 10 years. O. Ona has nearby properties and believes the improvement is a pleasure to see. W. Feldkamp hopes this property will be a nominee for the awards program and thanks the owner. J. Just states it is a great improvement.

Motion: B. Guthrie moves to approve HRPB 18-00100211 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; further to recommend approval of the application to the City Commission. O. Ona 2nd.

Votes: Ayes all, unanimous.

- B. A Distance Proximity Waiver for the proposed beer and wine sales for on-site consumption as an accessory use to the existing business, pursuant to but not limited to Sections 23.2-7, 23.3-14, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Downtown (DT) Zoning District and is a contributing resource to the Old Town Local Historic District.

Staff: A. Fogel presents case findings and analysis.

Applicant: Maria Paz- Art Gallery predominately selling art and having art shows. Art and wine go together. Has been asked if the sip and paint events will provide wine. A nice alternative to going to a store; instead of buying an entire bottle one can purchase a glass or two. M. Paz states this is for people who don't want to go to a bar.

Board: J. Just asks if there are any concerns with the conditions of approval. **Applicant response:** In agreement with conditions.

Motion: O. Ona moves to approve 20-02100003, waiver of the prohibition of alcoholic beverage sales within 500 feet of other alcoholic beverage establishments, residential land uses and protected land uses, with staff recommended conditions of approval and based upon competent substantial evidence as found in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations. J. Just 2nd.

Vote: Ayes all, unanimous.

- C. A Certificate of Appropriateness for exterior alterations and a Major Site Plan Approval for the existing commercial structure located at **1000 Lake Avenue**, pursuant to but not limited to Sections 23.2-7, 23.3-19, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Transit Oriented Development-East (TOD-E) Zoning District and is a contributing resource to the Old Town Local Historic District.

Staff: Abraham Fogel presents case findings and analysis. File documentation, of the Masonic Scottish Rite Temple, indicates May 1921 as original construction date with construction costs of

nearly \$200,000 a substantial amount at the time. The structure suffered severe damage in the 1928 Okeechobee hurricane. It is recognized in the National Historic Registry and the only example of Mediterranean Revival in the district. Currently the building has undergone window changes and lower level windows closed in, reduced height. The footprint would remain with 24 parking spaces. New landscaping, lighting and signage, awnings, windows, doors and re-stuccoing of exterior and interior renovations would also occur. Historic postcards provided guidance for the appearance of awnings.

Applicant: Juan Contin-wanted to keep it intact as much as possible and make the parking lot as usable as possible. The desire was to animate the buildings with murals. The archways were stucco, on the interior the archways never existed.

Public Comment: None

Board: J. Fox inquires as to what types of businesses will occupy the spaces? **Applicant Response:** The first floor will be retail, the second floor will be office space. There will be a grease trap installed in the event that there are food establishments on the horizon. B. Guthrie recollects when the CRA purchased the property, it was meant to jumpstart the area. He is surprised to see so much parking as it is near the Transit Oriented District. Since it will be within a block of a train station, it will be a good project. Improvement to the area has to start somewhere. **Owner response:** Is currently in lease discussions with a food court tenant. The structure has a full basement for possible food stalls. The Bohemian will also have a coffee shop/food establishment. O. Ona asks about the construction schedule to not extend beyond 5 years? **Applicant response:** This would be part of the Major Site Plan. With the utilization of the parking lot as a construction staging area, the project will not lock up the public streets. J. Just asks for clarification of the arched windows with square awnings and whether that is a faux arch. **Owner response:** While the parking lot and building improvements are separate, neither can happen without the other. Without approval, nothing will happen. The CRA has a tight timeline and retains the ability to take back the building. It has been uninhabited for nine (9) years. Hopefully it will be staffed with 15 persons.

Board: B. Guthrie would like to combine both projects into one motion. W. Feldkamp has remaining concerns. The building was purchased by the CRA for approximately two million, a substantial amount of money and has since been sold to the applicant for a fraction of that amount. The tax dollars should reflect that, it is a bare minimum. The building once was a prominent building in the city. What is being shown is not meeting the goals of CRA which is to prevent and eliminate blighted areas. There isn't yet a tenant, the owner has had two (2) years to put a project together. The height, bulk and massing is not the same. It is not helping the area. To allow it to remain at two (2) stories is an abdication of the Board's responsibility to make sure it works with the neighborhood. It will fail to hold it's own against other higher buildings nearby including City Hall, Bohemian, and the Eco Building.

Owner: Bhavin Shah states just because the CRA purchased the property for two million does not mean that is what it is worth. The cost of development is not cheap. For the last 10 years the building has been empty. He is offended by the comment that this is a short cut. Any restoration to four floors would encounter structural issues. J. Just asks when the building was purchased? **CRA Director: Joan Oliva-** The building was purchased in 2018 for \$850,000.00.

Board: J. Just states future owners cannot be held responsible for what the CRA paid. W. Feldkamp would like to bring it back, there is good documentation of what it was, is a landmark within the City. The company building the Bohemian believes in the City. **Applicant:** The firm with historic restoration experience as evidenced by 17 buildings in Florida and New York on the

Historic Register, has a choice to make. Either bring it back to what it once was or take recognize what historic components and features remain to be displayed. W. Feldkamp mentions a plan before the CRA shown at 4 stories. **Applicant:** Does not believe it is economically feasible. J. Olivia concurs that the cost for the minimum is somewhere between 2 and 4 million dollars. The interior was completely ruined by previous consortium of attorney's who left it open to the elements for years. To have someone interested in the investment is welcome and will compliment the nearby buildings.

Board: B. Guthrie while on the CRA Board, flooding problems in the basement, understood the interior and roof conditions were in poor disrepair. Once the roof repair was complete there was much interest in purchasing. Viable step toward the development of the area. O. Ona we need to be more selective. As a previous member of the CRA Board. We are representatives of the entire City, we are volunteers with good intentions. We need to listen to concerns of Board members. This is the only possibility at the moment, move forward and be flexible since the building has been sitting empty. It is parking lot with a shell. If we reject this possibility, how long will it take for another to present itself? J. Fox understands that it is a compromise, it is historically correct aesthetically.

Motion: B. Guthrie moves to approve HRPB 20-00100082 with staff recommended Conditions for the Certificate of Appropriateness and 20-01400024 for the redevelopment of the surface parking lot, 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. J. Fox 2nd.

Vote: 5/1 W. Feldkamp dissenting.

- D. Consideration of a Certificate of Appropriateness for the construction of a ± 109 square foot addition, a Variance from base flood elevation requirements of the Florida Building Code, and three Historic Waivers for the minimum required side setback, maximum building lot coverage, and floor area ratio limitations for the single-family residence at **327 N Lakeside Drive**; PCN 38-43-44-21-15-100-0100. The subject property is located in the Single-Family Residential Zoning District (SF-R) and is a contributing resource within the Old Lucerne Local Historic District.

Staff: J. Hodges presents case findings and analysis. The proposed addition does not meet the current building code relating to the flood elevation. The proposed addition is eligible for a one time application for exemption from this requirement. Additionally the City requires the applicant to apply for a variance from this requirement to avail themselves of the Flood Elevation exemption. LDR Section 23.7-7. The proposed addition would match the elevation of the existing finished floor. The required addition would be 9 feet. Lot coverage and FAR would increase above the Single Family zoning district allowances as well as a small encroachment into the setback. The door replacement is not compatible.

Applicant: A. Marotta states that neither the craftsman or bungalow style door would be an improvement. Asks for condition #6 to be dropped. **Board:** O. Ona- have you spoken to the next door neighbors? **Applicant response:** One neighbor to the south and neighbor to the north, others going by have commented that they are looking forward to some improvement. O. Ona asks about the door that enters into the bathroom. **Applicant response:** is to be aesthetically pleasing and functionality is secondary. The current only bathroom on the first floor is through the master. **Applicant response:** the second story can be bumped out for a laundry facility and the first floor facilitates that improvement structurally and aesthetically. Takes offense to the comment regarding the door looking like a Home Depot door. Questions as to whether there is such a thing

as a two (2) story bungalow. **Staff:** There are 2- story bungalows, the leaded and/or beveled glass door is not historic. Because it is being proposed with 3 waivers, a variance and a certificate of appropriateness, the historic standards should be held to a high standard. **Board:** J. Just- as others have been denied, it is hard to go against staff recommendation. J. Fox mentions her home was purchased with one of the 'offending' doors. R. D'Arinzo likes what is being presented but agrees with staff regarding the door.

Public Comment: Brian Gleason-302 North Palmway is in support of the requested improvements.

Motion: R. D'Arinzo moves to approve HRPB projects 20-00100089 a Certificate of Appropriateness; 20-01500001 a variance from the base flood elevation requirement of the Florida Building Code; and three (3) historic waivers 20-01600001; 20-01600002; and 20-01600003 for minimum required side setback, maximum building lot coverage and floor area ratio limitations with staff recommended conditions based upon competent substantial evidence in the staff report and pursuant to the Land Development Regulations and Historic Preservation requirements.; J. Just 2nd.

Vote: 5/1, J. Fox dissenting.

- E. An Appeal of the Development Review Official's decision regarding the expansion of a legal non-conforming garage apartment at **731 North J Street**, pursuant but not limited to Sections 23.2-7, 23.3-8, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Single-Family Two-Family Residential (SF-TF 14) Zoning District, retains a Future Land Use (FLU) designation of Medium Density Residential (MDR), and is a contributing resource to the Northeast Lucerne Local Historic District.

Staff: J. Hodges discusses the history of the parcel and structure. It was designed as a duplex (2 one-bedroom apartments. The owner purchased the property in September 2019. Subsequent to that the new owner applied for a Zoning Confirmation Letter which explained the 3 units currently existing are grandfathered non-conformities and are subject to LDR Section 23.5-3. January 2020 brought the submittal of a proposal to expand the garage apartment into the garage. Staff responded with a Zoning Determination Letter stating the existing non-conformities may not be extended to any portion of the structure not previously put to such use as expressly prohibited in LDR Section 23.5-3-Nonconformities. This is the appeal of that decision. The current use of the property is nonconforming. It is a multi-family use in what is now zoned SF-TF14 residential.

Applicant: Wes Blackman for property owner Michael Coyle-Request was to change the one bedroom unit into a 2 bedroom unit by expanding into the garage. States it is not the 'garden spot' of Lake Worth Beach with a crematoria in close proximity. Feels it is commendable that someone would purchase the property and improve it. All existing code violations were resolved and Business Licenses were obtained. Discussions and displays of various parking combinations for the existing conditions versus proposed parking requirements. States 'everyone knows' that garages are rarely used for parking vehicles, that the current situation would allow for utilization of the garage for storage rather than vehicles. If the staff determination is overturned the proposed configuration shows 3 parking spaces on site and 2 on street spaces with the expansion of living space into the garage and parking apron currently outside the garage entrance as a paver terrace.

Board: Would the existing garage doors would remain? Why is there grass in front of the garage doors? Why are the garage door windows opaque and has construction begun?

Applicant response: no construction and no one living there.

Board Attorney: Remands Board to limit discussion to the use allowed, the code section regarding non-conformities.

Board: O. Ona it is a busy corner and has never seen anyone use the garage. Three apartments will have six (6) cars. Don't waste time discussing something that may or may not be. We have to respect the law. W. Feldkamp re-iterates that the law is very clear with no wiggle room. B. Guthrie states as code has changed over time the three units as built became non-conforming. Believes the historic appearances can be retained. J. Just and Board Attorney state this is a code issue, nothing to do with historic preservation, possible configurations at this point in time.

Applicant Architect-Geoffrey Harris- believes there is a grey area in the law.

Board: B. Guthrie- when did it become non-conforming 3 units to 2 units? **Staff response:** When SF-TF14 zoning district came into being.

Staff: J. Hodges- it is a non-conforming use. J. Just queries whether the garage space is considered part of the apartment (due to proximity)? W. Blackman states despite being under the same roof, any of the 3 tenants could currently claim parking use of the garage. Board Chairman states the question of who uses the garage units is immaterial.

Motion: B. Guthrie moves to deny HRPB 20-00100052 an appeal of the DRO decision interpreting the LDR's to disallow the expansion of the legal non-conforming garage apartment; O. Ona 2nd.

Vote: 5/1 J. Just dissenting.

F. **PZB/HRPB 20-00400002:** Consideration to recommend to the City Commission to transmit to the State of the Florida the City's 2020 10-Year Water Supply Facilities Work Plan for review including the adoption of related amendments to the Comprehensive Plan.

Staff: Brian Shields, City Engineer and Water Utility Director-presents case findings and analysis. The text was prepared by Mock-Roos Engineering firm. Florida statutes requires a five (5) year reporting cycle to the 10-year Water Supply Plan. It ensures that environmental concerns are addressed as well as meeting and supporting plans for future growth. It keeps the City in compliance with State law.

Motion: R. D'Arinzo moves to recommend **PZB/HRPB 20-00400002** to the City Commission for the transmittal to the State of the Florida the City's 2020 10-Year Water Supply Facilities Work Plan approval for the water plan; B. Guthrie 2nd

Board: B. Guthrie inquires about the wellfield abandonments and whether that is a result of contamination or depletion due to droughts. B. Shields- In the wells east of I-95 there is salt water intrusion, the district prefers wells west of I-95. The older wells are also failing both structurally and mechanically. B. Guthrie asks about the plan for seven (7) deep well aquifers, they are expensive. Currently there are 3 in place. Mention is made of the reverse osmosis-deep injection well. W. Feldkamp finds the section about the population increase in certain small areas to be interesting. B. Shields- Palm Beach County Zoning provided population projection information.

Vote: Ayes all, unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: June 16 City Commission will hear the appeal of a decision given by the Board. The applicant for a Single-Family residence proposal, that did not subscribe to some historic suggestions/conditions that Board voted on.

W. Waters- LDR's (Round 1) going for 2nd reading. The Bohemian was approved on June 16, June 30 is second reading. There will be additional LDR changes in July with round 3 in September. Negotiations with Gulfstream MU Urban Planned Development.

BOARD MEMBER COMMENTS: R. D'Arinzo, in reference to doors, (generally) finds they are important with the message they present. W. Feldkamp concurs. Staff concedes everyone has different taste but doors are easy to change, as are roofs. A substantial amount of time and money was spent developing The Design Guidelines and it would be foolhardy to not pay homage to them. W. Feldkamp acknowledges the opinions of Board members who previously sat on the CRA Board, however he is never ceases to be disappointed by what is presented by the CRA. R. D' Arinzo concurs. B. Guthrie is responded he was always amazed at where the money is leveraged in the City. Consequently, if the CRA didn't acquire the property it would decay. The CRA budget/ funds in comparison to other local municipalities is small. The signage- what you see is the culmination of months of work. Encourages people to attend the meetings as it is tax dollars being spent. W. Feldkamp states it all seems to be happening in the dark despite a mandate to be publicize their efforts. O. Ona- amazed at the voluminous amount of material put forth to the Board.

ADJOURNMENT 9:53 PM

Planning, Zoning & Historic Preservation Legal Notice

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) and Federal, State and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct the July 2020 Planning & Zoning Board and Historic Resources Preservation Board meetings via Communication Media Technology ("CMT").

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meetings/> to consider the following:

Public comment will be accommodated prior to and during the meetings through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the PZB/HRPB at 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

PLEASE TAKE NOTICE that the City of Lake Worth Beach Historic Resources Preservation Board ("HRPB"), acting as the local planning agency, will hold a public hearing via CMT on **Wednesday, July 8, 2020 at 6pm** or soon thereafter to consider the recommendation to the City Commission of two (2) ordinances regarding amendments to the City's Code of Ordinances.

PLEASE TAKE NOTICE that the City of Lake Worth Beach Planning & Zoning Board ("PZB"), acting as the local planning agency, will hold a public hearing via CMT on **Wednesday, July 15, 2020 at 6pm** or soon thereafter to consider the recommendation to the City Commission of two (2) ordinances regarding amendments to the City's Code of Ordinances.

- **PZHP 20-03100003:** Consideration of an ordinance addressing the creation of a digital Future Land Use Map and Zoning District Map, pervious/impervious surfaces and lot coverage, parking and drainage, clarifying major and minor development review thresholds, fences walls and gates, dumpster and mechanical equipment screening, and minor changes for clarity and consistency that include outdoor storage as follows: AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION," DIVISION 1 "IN GENERAL," SECTIONS 2-4, 2-7, 2-10.2 AND 2-11.3 RELATED TO APPLICATION FEES; AND AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 1, "GENERALLY," SECTIONS 23.1-5 AND 13.1-6 RELATED TO OFFICIAL MAPS; ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2, "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 2 "ADMINISTRATION" DIVISION 3, "PERMITS," SEC. 23.2-30. - SITE PLAN REVIEW; ARTICLE 3, "ZONING DISTRICTS" SECTION 23.3-2. -OFFICIAL ZONING MAP; ARTICLE 4, "DEVELOPMENT STANDARDS" - SECTION 23.4-4. - FENCES, WALLS AND GATES; ARTICLE 4, "DEVELOPMENT STANDARDS" SECTION 23.4-10 - OFF-STREET PARKING; ARTICLE 4, "DEVELOPMENT STANDARDS" SECTION 23.4-19 - OUTDOOR STORAGE; ARTICLE 4 "DEVELOPMENT STANDARDS" SECTION 23.6-1(1)(3) LANDSCAPE REGULATIONS OF THE CITY'S CODE OF ORDINANCES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

- **PZHP 20-00400003** Consideration of an ordinance addressing modifications to the use table and related modifications to definitions and supplementary development standards, and providing supplementary standards related to breweries and distilleries and specialty storage as follows: AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2, "DEFINITIONS," SECTION 23.1-12 -DEFINITIONS; ARTICLE 3 "ZONING DISTRICTS," DIVISION 1, "GENERALLY," SECTION 23.3-6 - USE TABLES; AND ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-12 - ADMINISTRATIVE USES AND CONDITIONAL USES OF THE CITY'S CODE OF ORDINANCES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if assistance is required

Sherie Coale
Planning Zoning and Historic Preservation
Ph: 561.586.1687.

WP000580144-01

PROOF O.K. BY: _____ **O.K. WITH CORRECTIONS BY:** _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

WP-000580144-01 (100%)

ADVERTISER: CITY OF LAKE WORTH BEACH

PROOF CREATED AT: 6/24/2020 6:34:41 PM

SALES PERSON: WPDONNA.TAYLO

NEXT RUN DATE: 06/26/20

SIZE: 2X10

PROOF DUE: 06/25/20 10:59:55

PUBLICATION: WP-PALM BEACH POST



MEMORANDUM DATE: July 1, 2020

AGENDA DATE: July 8, 2020

TO: Chair and Members of the Historic Resources Preservation Board

RE: **534 South Palmway**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 20-00100126:** Consideration of a Certificate of Appropriateness (COA) for window and door replacement for the property located at **534 South Palmway**; PCN#38-43-44-27-02-000-0010. The subject property is a contributing resource to the South Palm Park Local Historic District and is located in the Single-Family (SF-R) Zoning District.

OWNER: Inke Sunila
534 South Palmway
Lake Worth Beach, FL 33460

PROJECT DESCRIPTION:

The property owner, Inke Sunila, is requesting a Certificate of Appropriateness for exterior alterations to replace the structure's existing windows and doors. The subject property is located at the northeast corner of South Palmway and 6th Avenue South. The property is located in the Single-Family Residential (SF-R) Zoning District and retains a Future Land Use (FLU) designation of Single-Family Residential (SFR).

If approved, the subject application would allow replacement of the existing windows and doors with new Eastern vinyl impact single-hung windows, Eastern aluminum impact sliding glass doors, and Eastern aluminum impact French doors for the single-family residence. The structure was constructed c. 1925 in a Mission Revival architectural style. Although no architectural drawings of the building are available in the City's property files, property cards from 1944 and 1956 are included as **Attachment A**. The structure's character-defining features include a flat roof with decorative curved parapet walls, a second-story sleeping porch, and a first-floor open porch with arched openings. Historic photographs, also included as **Attachment A**, illustrate the original windows for the property, including wood casement windows (8-light) and wood double-hung windows (3/1). These window types were the predominant window for this style of architecture during the time of the building's construction. Multiple examples of Mission Revival structures that retain their original windows in similar configurations exist throughout the City. City permit records indicate the structure has had alterations over time, including permits for a new pool, interior alterations, electrical and air-conditioning upgrades, carport alterations, roof replacement, and window replacement.

The application will require the following approval:

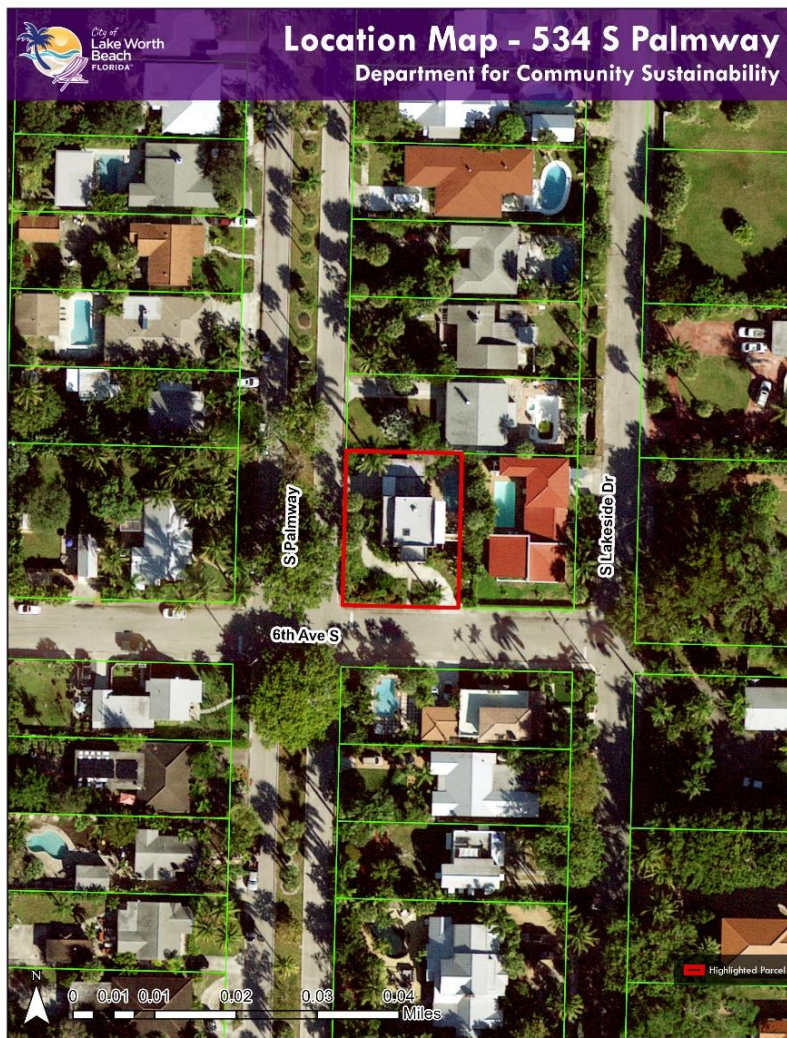
1. **Certificate of Appropriateness (COA)** for Exterior Alterations for window and door replacement.

STAFF RECOMMENDATION:

Staff recommends approval with conditions as provided on page 12.

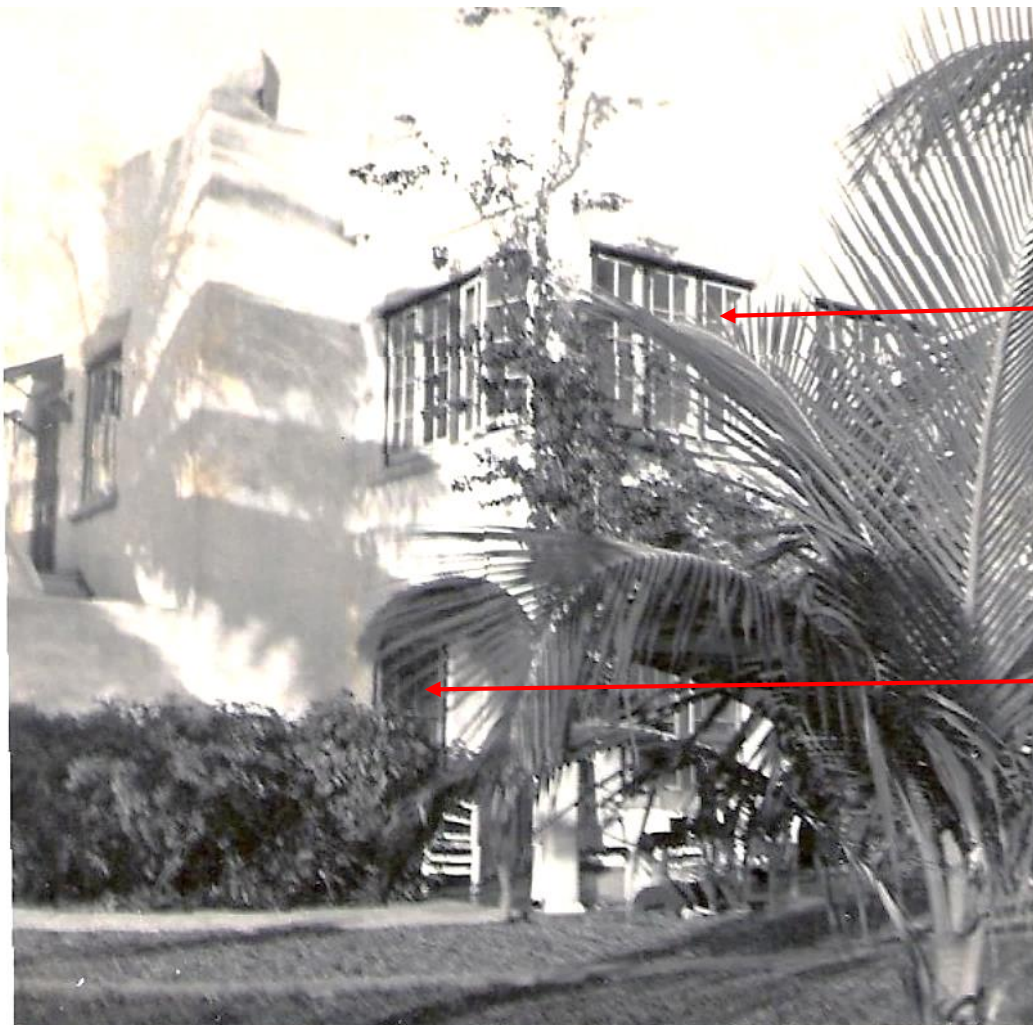
PROPERTY DESCRIPTION

Owner	Inke Sunila
General Location	Northeast corner of South Palmway and 6th Avenue South
PCN	38-43-44-27-02-000-0010
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single-Family
Future Land Use Designation	Single-Family Residential (SFR)



Consistency with the Comprehensive Plan

The proposed project, subject to the conditions of approval, is consistent with Goal 1.4 of the Comprehensive Plan, which encourages preservation and rehabilitation of historic resources. Policy 3.4.2.1 insists that properties of special value for historic, architectural, cultural, or aesthetic reasons be restored and preserved through the enforcement of the City’s Historic Preservation Ordinance to the extent feasible. Per the City’s Historic Preservation Ordinance (LDR Sec. 23.5-4), the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation, the replacement of missing features should be substantiated by documentary, physical, or pictorial evidence. The photo below provides evidence of the structure’s original window configuration.



**8 Light Wood
Casement Windows**

**3/1 Wood
Double-Hung Windows**

534 South Palmway
Historic Photograph

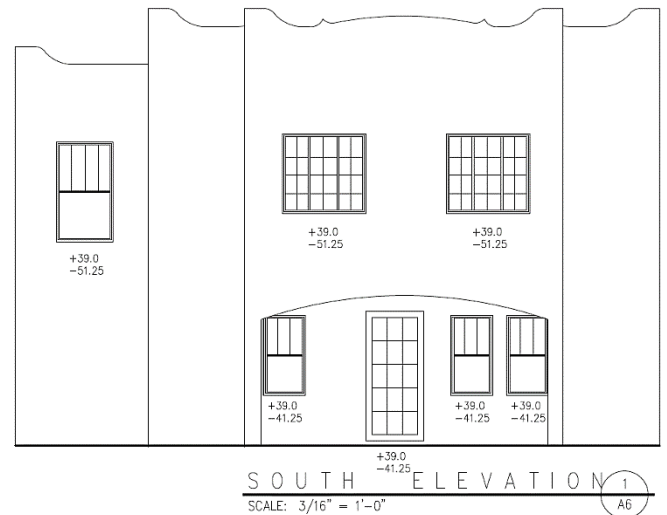
HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines

The City’s Historic Preservation Design Guidelines provide a guide for compatible window and door replacement for historic structures within the historic districts. Windows and doors are amongst the most important character-defining architectural features, but they are also one of the most commonly replaced features of a building. Replacement products for historic structures should match the original features in design, color, texture, and other visual qualities and, where possible, materials.

Pages 200 and 201 of the City’s Historic Preservation Design Guidelines, included as **Attachment E**, provide a guide for replacement of original windows. Examples are provided of *most successful*, *successful*, and *unsuccessful* replacement. The description below will detail the Applicant’s proposed windows and doors for each elevation and Staff’s recommendation for *most successful* replacement in compliance with the Historic Preservation Design Guidelines.

South Elevation (Fronting 6th Avenue South)



Proposed

Install new vinyl impact single-hung windows with a 4/1 and 6/1 divided-light pattern.

Install new aluminum impact French door (15-light).

- Window Frame: Vinyl
- Door Frame: Aluminum
- Window and Door Frame Color: White
- Muntin Type: Exterior Raised
- Glass Type: Clear or Clear Low-E

Staff Recommendation (Most Successful Replacement)

Install new wood, wood-clad, or aluminum impact single-hung windows with 3/1 and 4/1 divided-light patterns, and three-part (1/3 - 1/3 - 1/3) horizontal rollers **or** triplets of casement windows with 8-lights per leaf to replicate the appearance of the original windows types. Install new wood, wood-clad, or aluminum impact French door (15-light).

- Window Frame: Wood, Wood-Clad, or Aluminum
- Door Frame: Wood, Wood-Clad, or Aluminum
- Window and Door Frame Color: White or Bronze
- Muntin Type: Exterior Raised Triangular
- Glass Type: Clear or Clear Low-E

West Elevation (Fronting South Palmway)



Proposed

Install new vinyl impact single-hung windows with a 4/1 divided-light patterns.
Install new aluminum impact French doors (10-light).

- Window Frame: Vinyl
- Door Frame: Aluminum
- Window and Door Frame Color: White
- Muntin Type: Exterior Raised
- Glass Type: Clear or Clear Low-E

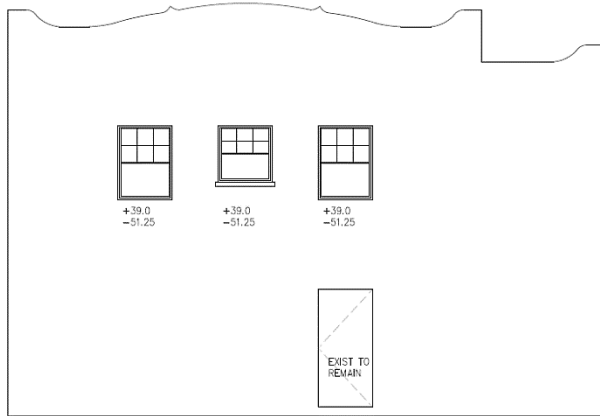


Staff Recommendation (Most Successful Replacement)

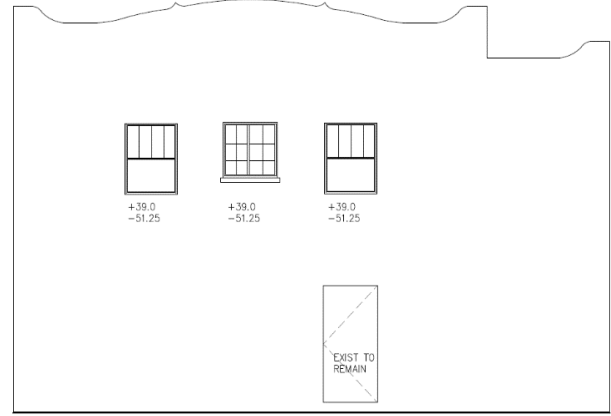
Install new wood, wood-clad, or aluminum impact single-hung windows with a 3/1 divided-light patterns and two-part (50-50) horizontal rollers or casement windows with 8-lights per leaf to replicate the appearance of the original windows types. Install new wood, wood-clad, or aluminum impact French doors (10-light).

- Window Frame: Wood, Wood-clad, or Aluminum
- Door Frame: Wood, Wood-clad, or Aluminum
- Window and Door Frame Color: White or Bronze
- Muntin Type: Exterior Raised Triangular
- Glass Type: Clear or Clear Low-E

North Elevation (Fronting interior property line)



NORTH ELEVATION 3
 SCALE: 3/16" = 1'-0" A6



NORTH ELEVATION 3
 SCALE: 3/16" = 1'-0" A6

Proposed

Install new vinyl impact single-hung windows with a 6/1 divided-light pattern.

- Window Frame: Vinyl
- Window and Door Frame Color: White
- Muntin Type: Exterior Raised
- Glass Type: Clear or Clear Low-E

Staff Recommendation (Most Successful Replacement)

Install new wood, wood-clad, or aluminum impact single-hung windows with and 4/1 divided-light pattern and two-part (50-50) horizontal rollers or a pair of casement windows with 6-lights per leaf to replicate the appearance of the original windows types.

- Window Frame: Wood, Wood-clad, or Aluminum
- Door Frame: Wood, Wood-clad, or Aluminum
- Window and Door Frame Color: White or Bronze
- Muntin Type: Exterior Raised Triangular
- Glass Type: Clear or Clear Low-E

East Elevation (Fronting interior property line)



EAST ELEVATION 2
 SCALE: 3/16" = 1'-0" A2

Proposed

Install new vinyl impact single-hung windows with a 4/1 divided-light pattern and full view windows. The Install new aluminum impact sliding glass doors (full view).

- Window Frame: Vinyl
- Door Frame: Aluminum
- Window and Door Frame Color: White
- Muntin Type: Exterior Raised
- Glass Type: Clear or Clear Low-E



Staff Recommendation (Most Successful Replacement)

Install new wood, wood-clad, or aluminum impact two-part (50-50) horizontal rollers or paired casement windows with 8-lights per leaf and a full-view single-hung window to replicate the appearance of the original windows types. Install new aluminum impact sliding glass doors (full view).

- Window Frame: Wood, wood-clad, or aluminum
- Door Frame: Aluminum
- Window and Door Frame Color: White or Bronze
- Muntin Type: Exterior Raised Triangular
- Glass Type: Clear or Clear Low-E

Review

The Staff recommended window and door replacement could be approved administratively at permitting. The window and door replacement, as proposed, could not be approved administratively as the window types, frame material, and divided light patterns are a substantial change in design from the original window configuration. The original second-story sleeping porch casement configuration (pairs and triplets of 8-light casements) illustrated on the historic photographs are being replaced by larger pairs of 4/1 single-hung windows. The original double-hung windows (3/1) illustrated on the historic photographs are being replaced by 4/1 and 6/1 single-hung windows.

Although 4/1 and 6/1 hung windows were occasionally utilized in residential Mission Revival architecture, vertical divided lights in the top sash were more prevalent. One of the most common character-defining features of Mission Revival residential architecture in South Florida are sleeping porches. These porches are featured on single and two-story Mission Revival residences and they typically face east or south to catch the prevailing winds. These porches are generally a single room that project out from the primary mass of a building. These porches were either screened-in or utilized large divided light casement windows that opened outward, so that the entire window opening could be used for ventilation. Staff recommends that the replacement window types used on sleeping porches be either casement windows or horizontal roller windows that replicate pairs and triplets of casement windows.

The Applicant is also proposing to install windows with vinyl frames. When replicating original wood windows, Staff always recommends that the replacement windows utilize wood, wood-clad, aluminum, or fiberglass window frames as they are the most historically compatible frame options for material, design, and overall proportion. Aluminum-framed windows are most commonly utilized due to their wide availability, versatility, and affordability. Vinyl-framed windows are rarely permitted as vinyl is not a historically compatible material, and due to the thick frame proportions and limited range of muntin options. The images below illustrate a window comparison of a property that retains its original wood hung and casement windows and a property with the *most successful* replacement windows utilizing aluminum impact hung windows and horizontal rollers on what was a casement porch.

Example: 162 Auburn Drive
Original Wood Double-Hung and Casement Windows



Example: 331 South Federal Highway
Aluminum Single-Hung and Horizontal Rollers
Replacement Windows (Administrative Approval)



The window replacement, as proposed, utilizes single-hung windows in every opening. Based on the Design Guidelines, an Applicant may propose an architecturally compatible alternative for window and door replacement. The Mission Revival architectural style section of the Design Guidelines, included as **Attachment D**, provides examples of common window types. Staff contends that the proposal is not *most successful* in replicating the original windows. Architecturally compatible alternatives are appropriate when none of the original windows remain and there is no architectural or photographic evidence of their design. As example, the property located at 331 South Federal Highway no longer had any of its original casement windows in the enclosed front porch. There was also no architectural or photographic evidence of the original windows in that area of the structure. But due to the size and location of the openings and the functionality of the room, Staff was able to utilize the Design guidelines to create a compatible window replacement program appropriate for the building's architectural style.

Example: 331 South Federal Highway
Before: Mixture of original wood double-hung
windows and replacement awning windows



Example: 331 South Federal Highway
After: Aluminum Single-Hung and Horizontal
Rollers Replacement Windows



Certificate of Appropriateness

All exterior alterations to 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.

Section 23.5-4(K)(1) *General guidelines for granting certificates of appropriateness*

1. *In general.* In approving or denying applications for certificates of appropriateness, the city shall, at a minimum, consider the following general guidelines:

- A. What is the effect of the proposed work on the landmark or the property upon which such work is to be done?

Staff Analysis: The proposed window and door replacement with Eastern vinyl impact single-hung windows, aluminum impact sliding glass doors, and aluminum impact French doors will result in a substantial change to the structure's appearance. Although an improvement from the existing replacement windows, the proposed window replacement does not *successfully* replicate the original windows in a manner that compliments the architectural significance of the structure.

- B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

Staff Analysis: The window and door replacement will have no direct physical effect on any surrounding properties within the surrounding South Palm Park Local Historic District.

- C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

Staff Analysis: The proposed vinyl replacement windows do not *successfully* replicate the appearance of the original double-hung and casement windows. In addition, the lights (panes), the depth of the muntins, and frame dimensions are not *successfully* replicated.

- D. Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?

Staff Analysis: No, denial of the COA would not deprive the applicant of reasonable use of his property.

- E. Are the applicant's plans technically feasible and capable of being carried out within a reasonable time?

Staff Analysis: Yes, the window and door replacement plan is feasible and could be carried out in a reasonable timeframe.

- F. Are the plans (i) consistent with the city's design guidelines, once adopted, or (ii) in the event the design guidelines are not adopted or do not address the relevant issue, consistent as reasonably possible with the applicable portions of the United States Secretary of the Interior's Standards for Rehabilitation then in effect?

Staff Analysis: The City's Historic Preservation Design Guidelines places significant importance on *successful* window and door replacement. The proposal is not in compliance with the Design Guidelines as the replacement products do not seek to replicate the original design. The proposed windows do not comply with the Secretary of the Interior's Standards for Rehabilitation or the City's Land Development Regulations, Historic Preservation Ordinance, §23.5-4(k).

- G. What are the effects of the requested change on those elements or features of the structure which served as the basis for its designation and will the requested changes cause the least possible adverse effect on those elements or features?

Staff Analysis: The structure's existing replacement single-hung and horizontal roller windows, and sliding glass and French doors will be replaced. The proposed window replacement utilizes products that have incompatible window types, including the number of lights (panes), the depth of the muntins, and frame dimensions. The least possible adverse effect would be to replace with products that replicate the original windows.

Section 23.5-4(K)(2) *Additional guidelines for alterations and additions.*

2. In approving or denying applications for certificates of appropriateness for alterations and additions, the city shall also consider the following additional guidelines: *Landmark and contributing structures*:

- A. Is every reasonable effort being made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use the property for its originally intended purpose?

Staff Analysis: Not applicable; no change to the use of the property is proposed.

- B. Are the distinguishing original qualities or character of a building, structure or site and its environment being destroyed? The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible.

Staff Analysis: The proposed replacement requires removal of the existing windows and doors. The existing windows and doors are replacements and do not represent the original qualities or character of the building.

- C. Is the change visually compatible with the neighboring properties as viewed from a primary or secondary public street?

Staff Analysis: No, the proposed window and door replacement is not compatible with neighboring properties. The structure at 601 South Lakeside Drive, retains its original

casement and double-hung wood windows. The subject property and 601 South Lakeside Drive were likely constructed during the same time period and replacement windows and doors in the subject property should closely match in appearance.

- D. When a certificate of appropriateness is requested to replace windows or doors the HRPB or development review officer, as appropriate, may permit the property owner's original design when the city's alternative design would result in an increase in cost of twenty-five (25) percent above the owner's original cost. The owner shall be required to demonstrate to the city that:

- (1) The work to be performed will conform to the original door and window openings of the structure; and

Staff Analysis: No, the proposed window and door replacement would not conform to original openings showed in historic photographs.

- (2) That the replacement windows or doors with less expensive materials will achieve a savings in excess of twenty-five (25) percent over historically compatible materials otherwise required by these LDRs. This factor may be demonstrated by submission of a written cost estimate by the proposed provider of materials which must be verified by city staff; and

Staff Analysis: According to the Applicant, utilizing aluminum frame windows by the same manufacturer would increase the cost of the window replacement by approximately nine percent (9%).

- (3) That the replacement windows and doors match the old in design, color, texture and, where possible, materials where the property is significant for its architectural design or construction.

Staff Analysis: The replacement windows do not match the old in design. The proposed French doors likely match the old in design, while the sliding glass doors match the existing sliding glass doors.

- (4) If the applicant avails himself of this paragraph the materials used must appear to be as historically accurate as possible and in keeping with the architectural style of the structure.

Staff Analysis: The Applicant contends that the proposed vinyl frame windows replicate wood windows better than aluminum frame windows. The Applicant's justification statement is included as **Attachment C**.

PUBLIC COMMENT:

At the time of publication of the agenda, Staff has received no public comment.

CONCLUSION:

The proposed window and door replacement with Eastern vinyl impact single-hung windows, aluminum impact sliding glass doors, and aluminum impact French doors will result in a substantial change to the structure's appearance. Although an improvement from the existing replacement windows, the proposed window replacement does not *successfully* replicate the original windows in a manner that compliments the architectural significance of the structure. **The window and door replacement, subject to the conditions of approval, is consistent with the Comprehensive Plan, Historic Preservation Ordinance, Historic Preservation Design Guidelines, and Secretary of Interior Standards for Rehabilitation.**

Conditions of Approval:

- 1) The replacement windows shall utilize wood, wood-clad, aluminum, or fiberglass frames with proportions that *successfully* replicates original wood windows, subject to Staff review at permitting.
- 2) The replacement single-hung windows shall utilize vertical muntin patterns to match the original windows, subject to Staff review at permitting.
- 3) The replacement windows for openings that originally utilized casement windows shall be replaced with horizontal rollers, casement, or fixed windows. Divided-light patterns shall match the original configurations, subject to Staff review at permitting.
- 4) All divided light patterns shall be created utilizing exterior raised applied muntins. External flat muntins or "grills between the glass" shall not be permitted.
- 5) The windows shall be replaced in their original openings, and the openings shall not be made smaller by building in the framing or made larger by expanding the opening, unless otherwise recommended by the Board.
- 6) The windows shall be installed recessed in the jambs and shall not be installed flush with the exterior wall.
- 7) The windows and doors shall utilize clear glass or glass with a clear Low-E coating. Tinted or highly reflective glass shall not be used.
- 8) All existing window sills and mullions shall remain. If too deteriorated for continued use, these elements shall be replaced in-kind matching in material, profile, size, shape, and location.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 20-00100126 with staff recommended conditions for a Certificate of Appropriateness (COA) for window and door replacement property located at **534 South Palmway**, 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 **DENY** HRPB Project Number 20-00100126 for a Certificate of Appropriateness (COA) for window and door replacement for the property located at **534 South Palmway**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- A. Property File Documentation
- B. Current Photos
- C. Applicant Justification Statement
- D. Historic Preservation Design Guidelines – Mission Revival (Excerpt)
- E. Historic Preservation Design Guidelines – Window Replacement (Excerpt)



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 1, 2020

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

FROM: William Waters, Director Community Sustainability

MEETING: July 8, 2020 and July 15, 2020

SUBJECT: **PZB / HRPB Project Number 20-03100003**: Consideration of an ordinance to amend Chapter 2 regarding application fees and Chapter 23 “Land Development Regulations” regarding changes to adopt a digital zoning and future land use map, site plan review, pervious and impervious surfaces, outdoor storage, and modifications to development standards and requirements for fence, walls and gates.

BACKGROUND/ PROPOSAL:

On March 5, 2020, the City Commission held a workshop on the prioritization of amendments to the City’s Land Development Regulations (LDR) that were previously identified by staff and the Commission. The subject LDR amendments address a second series of prioritized items identified at the March meeting. These include changes to additional definitions, electronic zoning maps and future land use maps, fees, site plan review, fences, walls and gates, parking lot materials and dumpsters. The proposed amendments to the Land Development Regulations have been reviewed by staff for consistency with the City’s Comprehensive Plan. A summary of each component in the draft ordinance is also provided.

The proposed LDR amendments for Chapter 23 will modify the following sections of the City’s Code of Ordinances:

- Article 1- Section 23.1-5 and 6 - General Provisions
- Article 1- Section 23.1-12 – Definitions
- Article 2 - Section 23.2-20 – Site Plan Review
- Article 3 - Section 23.3-2 – Official Zoning Map
- Article 4 - Section 23.4-4 – Fences, Walls and Gates
- Article 4 - Section 23.4-10 – Off Street Parking
- Article 4 - Section 23.4-19 – Outdoor Storage
- Article 6 - Section 23.6-1 – Landscape Regulations

There also are a few changes to Chapter 2 of the Code of Ordinances related to development fees.

Changes and amendments to Chapter 2: These amendments are proposed to reference the City's official schedule of fees and charges for privately initiated changes to either the City's Comprehensive Plan or Future Land Use Map (FLUM) as well as voluntary annexations and other zoning requests.

Official Future Land Use Map and Official Zoning Map: The proposed amendments provide for the City to have both its official zoning map and official future land use map managed digitally.

Definitions: The proposed amendments provide clarity and with regard to building lot coverage, overall lot coverage, and permeable and impermeable surfaces.

Site Plan Review: The proposed amendments clarify the distinction between major site plans and minor site plans as well as the process to amend same.

Fences, Walls & Gates: The proposed amendments provide additional regulations regarding types of perimeter fences, materials and locations for all zoning districts as well as clarity with regard to visibility triangles.

Off Street Parking: The proposed amendments provide for clarity with regard of acceptable materials allowed for off street parking.

Outdoor Storage: The proposed amendments provide for clarity on the where outdoor storage may occur and storm water requirements for outdoor storage.

Landscape Regulations: The proposed amendments provide for dealing with dumpster landscaping and non-conforming dumpster conditions.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2020-XX: PZB / HRPB Project Number 20-03100003

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB / HRPB Project Number 20-03100003.

Attachments

- A. Draft Ordinance

1
2
3 **ORDINANCE 2020-XX - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 2**
5 **“ADMINISTRATION,” DIVISION 1 “IN GENERAL,” SECTIONS 2-4, 2-7,**
6 **2-10.2 AND 2-11.3 RELATED TO APPLICATION FEES; AND AMENDING**
7 **CHAPTER 23 “LAND DEVELOPMENT REGULATIONS, BY AMENDING**
8 **ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 1, “GENERALLY,”**
9 **SECTIONS 23.1-5 AND 23.1-6 RELATED TO OFFICIAL MAPS; ARTICLE**
10 **1 “GENERAL PROVISIONS,” DIVISION 2, “DEFINITIONS,” SECTION**
11 **23.1-12 - DEFINITIONS; ARTICLE 2 “ADMINISTRATION” DIVISION 3,**
12 **“PERMITS,” SEC. 23.2-30. – SITE PLAN REVIEW; ARTICLE 3, “ZONING**
13 **DISTRICTS” SEC. 23.3-2. –OFFICIAL ZONING MAP; ARTICLE 4,**
14 **“DEVELOPMENT STANDARDS” - SECTION 23.4-4. – FENCES, WALLS**
15 **AND GATES; ARTICLE 4, “DEVELOPMENT STANDARDS” SECTION**
16 **23.4-10 – OFF-STREET PARKING; ARTICLE 4, “DEVELOPMENT**
17 **STANDARDS” SECTION 23.4-19 – OUTDOOR STORAGE; ARTICLE 4**
18 **“DEVELOPMENT ARTICLE 6 “ENVIRONMENTAL REGULATIONS”,**
19 **SECTION 23.6-1(C)(3) LANDSCAPE REGULATIONS OF THE CITY’S**
20 **CODE OF ORDINANCES; AND PROVIDING FOR SEVERABILITY, THE**
21 **REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE**
22 **DATE.**

23
24
25 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
26 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
27 “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary
28 powers necessary to conduct municipal government, perform municipal functions, and
29 render municipal services, and may exercise any power for municipal purposes, except
30 as expressly prohibited by law; and

31
32 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
33 body of each municipality in the state has the power to enact legislation concerning any
34 subject matter upon which the state legislature may act, except when expressly prohibited
35 by law; and

36
37 **WHEREAS**, the City wishes to amend Chapter 2, Division 1 “In General,” Sections
38 2-4, 2-7, 2-10.2 and 2-11.3 addressing application fees to provide clarity and address a
39 conflict; and

40
41 **WHEREAS**, the City wishes to amend Chapter 23, Division 1 “Generally,” Sections
42 23.1-5 and 23.1-6, and Article 3, “Zoning Districts” SEC. 23.3-2. –Official Zoning Map to
43 adopt a digital Future Land Use Map and Zoning District Map; and

44
45 **WHEREAS**, the City wishes to amend the definitions and landscape sections of
46 Chapter 23 of its land development regulations to address inconsistencies and conflicts
47 related lot coverage type and pervious and impervious surfaces; and
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WHEREAS, the City wishes to amend Chapter 23, Article 2 “General Provisions,” Division 3, “Permits,” Section 23.2-30. Site Plan Review to provide clarity and consistency regarding major development and minor development site plan processing; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Sections 23.4-4 regarding fences, walls and gates section to provide clarity and consistency; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards, Section 23.4-19 regarding outdoor storage to provide clarity and consistency on where outdoor storage may occur and storm water pollution requirements; 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 2 “Administration,” Division 1, “In-General,” Sections 2-4, 2-7, 2-10.2 AND 2-11.3 related to application fees of the City’s Code of Ordinances, is hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit A**.

Section 3: Chapter 23 Land Development Regulations,” Article 1, “General Provisions,” Division 1 “Generally,” Sections 23.1-5 AND 13.1-6 related to official maps is hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit B**.

Section 3: 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 underlined type and deleting the words struck through as indicated in **Exhibit C**.

Section 3: Chapter 23 Land Development Regulations,” Article 2, “Administration,” Division 3 “Permits,” Sec. 23.2-30. – Site Plan Review is hereby

96 amended by adding the words shown in underlined type and deleting the words struck
97 through as indicated in **Exhibit D**.

98
99 **Section 5:** Chapter 23 “Land Development Regulations,” Article 3, “Zoning Districts”
100 Sec. 23.3-2. –Official Zoning Map; are hereby amended by adding the words shown in
101 underlined type and deleting the words struck through as indicated in **Exhibit E**.

102
103
104 **Section 5:** Chapter 23 “Land Development Regulations,” Article 4,
105 “Development Standards” Sec. 23.4-4. –Fences, Wall, and Gates; are hereby amended
106 by adding the words shown in underlined type and deleting the words struck through as
107 indicated in **Exhibit F**.

108
109 **Section 5:** Chapter 23 “Land Development Regulations,” Article 4,
110 “Development Standards” *Section 23.4-10 – Off-street parking*; are hereby amended by
111 adding the words shown in underlined type and deleting the words struck through as
112 indicated in **Exhibit G**.

113
114 **Section 5:** Chapter 23 “Land Development Regulations,” Article 4,
115 “Development Standards” *Section 23.4-19 – Outdoor Storage*; are hereby amended by
116 adding the words shown in underlined type and deleting the words struck through as
117 indicated in **Exhibit H**.

118
119 **Section 5:** Chapter 23 “Land Development Regulations,” Article 6,
120 “Environmental Regulations” Sec. 23.6-1. – Landscape Regulations; are hereby
121 amended by adding the words shown in underlined type and deleting the words struck
122 through as indicated in **Exhibit I**.

123
124 **Section 5. Severability.** If any section, subsection, sentence, clause, phrase or
125 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
126 competent jurisdiction, such portion shall be deemed a separate, distinct, and
127 independent provision, and such holding shall not affect the validity of the remaining
128 portions thereof.

129
130 **Section 6. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in
131 conflict herewith are hereby repealed to the extent of such conflict.

132
133 **Section 7. Codification.** The sections of the ordinance may be made a part of
134 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
135 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
136 any other appropriate word.

137
138 **Section 8. Effective Date.** This ordinance shall become effective 10 days after
139 passage.

140
141 The passage of this ordinance on first reading was moved by
142 _____, seconded by _____, and upon
143 being put to a vote, the vote was as follows:

145 Mayor Pam Triolo
146 Vice Mayor Andy Amoroso
147 Commissioner Scott Maxwell
148 Commissioner Omari Hardy
149 Commissioner Herman Robinson

150

151 The Mayor thereupon declared this ordinance duly passed on first reading on the
152 _____ day of _____, 2020.

153

154

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

158

159 Mayor Pam Triolo
160 Vice Mayor Andy Amoroso
161 Commissioner Scott Maxwell
162 Commissioner Omari Hardy
163 Commissioner Herman Robinson

164

165

166 The Mayor thereupon declared this ordinance duly passed on the _____ day of
167 _____, 2020.

168

169

LAKE WORTH BEACH CITY COMMISSION

170

171

172

By: _____
Pam Triolo, Mayor

173

174

175 ATTEST:

176

177

178

179 _____
Deborah Andrea, CMC, City Clerk

180

EXHIBIT A

Chapter 2

CODE OF ORDINANCES ARTICLE 2 "ADMINISTRATION"

DIVISION 1. – IN GENERAL

Sec. 2-4. - Changes and amendments to comprehensive plan.

(a) ~~There is hereby fixed a service charge of fifteen dollars (\$15.00) for copying the comprehensive plan, excluding the land use map. There is hereby fixed a fee of five dollars (\$5.00) for copying the land use map.~~ (b) ~~There is hereby fixed a service charge. A fee of not less than of one thousand five hundred dollars (\$1,500.00) two thousand dollars (\$2,000) shall be established by resolution in the City's adopted fee schedule for any request to amend the City's comprehensive plan pursuant to section 163.3187(1)(c), Florida Statutes, and a service charge of five hundred dollars (\$500.00) for any other request to amend the comprehensive plan, which amount shall be paid at the time of the filing of such petition regardless of whether such petition has ever previously been filed. The sum shall be a flat application fee plus the cost of advertising and the same, or any part thereof, shall not be refundable.~~

Sec. 2-7. - Voluntary annexation; service charge.

~~There is hereby A fixed a service charge of five hundred dollars (\$500.00) plus the costs of advertising for each petition for voluntary annexation shall be established by resolution in the City's adopted fee schedule. The service charge and advertising fees may be waived by the City Manager or designee on a case-by-case basis to incentivize annexation within the City's future annexation area.~~

Sec. 2-10.2. - Zoning confirmation fees.

Whenever the city receives a request for zoning confirmation or information, a service fee ~~of thirty five dollars (\$35.00)~~ as established by resolution in the City's adopted fee schedule shall be charged for each request. Each request must be submitted in writing, with the required fee, at least seven (7) business days before the city's response.

Sec. 2-10.3. - Historic status confirmation fees.

Whenever the city receives a request for historic status confirmation or information about the historic status of a particular property, a service fee ~~of thirty five dollars (\$35.00)~~ as established by resolution in the City's adopted fee schedule shall be charged for each request. Each request must be submitted in writing, with the required fee, at least seven (7) business days before the city's response.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 1, "General Provisions," Division 1, "Generally"

Sec. 23.1-5. - Comprehensive plan and future land use map.

The comprehensive plan and future land use map "FLUM" of the City of Lake Worth are the official statements of policy of the city with regard to the use and development of land within the city. All use or development of land undertaken pursuant to these regulations shall be consistent with the comprehensive plan and the future land use map.

a) FLUM adoption procedure and policy. The boundaries of the future land use designations including any duly enacted amendments are set forth and administered in a digital data format within a geographic information system (GIS) under the direction of the Development Review Official (DRO) or designee that together with all explanatory matter and data therein shall constitute the City's official FLUM. The FLUM shall be available for viewing by the public upon the City's webpage. The City Clerk or designee shall certify, upon validation by the DRO or designee, a signed paper copy of official FLUM from time to time and upon request as consistent with Comprehensive Plan Policy 1.1.2.1. The digital GIS data shall supersede any paper map copies in the event of a conflict. The City's development review official (DRO) or designee shall have the authority to correct errors in the map data if they are discovered. No other changes of any nature shall be made to the official FLUM or matters shown thereon except in conformity with the procedures set forth in these LDRs and the City's Comprehensive Plan.

Sec. 23.1-6. - Official zoning map.

The official zoning map is established and incorporated into these regulations by this reference. The official zoning map designates the boundaries of all zoning districts as adopted by the city commission pursuant to the procedures of these regulations. The official zoning map, as amended from time to time, shall be maintained in accordance with the provisions of Sec. 23.3-2. - Official zoning map. ~~kept on file and made available for public reference in the office of the city clerk.~~ See also Article 3, Zoning Districts.

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EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.1-12. - Definitions.

Building lot coverage: The area of a lot covered by the impervious surface associated with the footprint(s) of all buildings on a particular lot. Exceptions: Structured parking garages are exempt from building lot coverage- calculations unless habitable space is provided above or on top of the structured parking, then that portion of the parking garage would be included in the calculation.

* * *

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 of a one (1) foot setback from the side property line and rear property lines.

* * *

Landscaping: Any of the following or combination thereof: materials such as, but not limited to, grass, living ground covers, shrubs, vines, hedges, trees or palms. A landscape area shall contain a maximum of 50% mulch or rock in planting beds.

* * *

Landscape screen (or "landscape hedge"): A line, ~~or~~ row, or group of plant material ~~planted~~ installed and maintained at a minimum height of 24" so as to form a continuous buffer acting as a visual screen that may include shrub hedging or decorative landscaping. ~~to adjacent property.~~

* * *

Lot coverage: That area of the lot area covered by the impervious surfaces associated with the footprint(s) of all buildings and improved surfaces on a particular lot, ~~inclusive of~~ including structured parking garages, driveways, walkways, patios, pool decks, screen enclosures, equipment pads, hardscapes and including or other impervious surfaces any surface covered by impervious or semi-pervious materials. Exception: Swimming pools are exempt from lot coverage calculations. For semi-pervious surfaces, two (2) square feet of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the purpose of calculating lot coverage.

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316 Maximum lot coverage: The total area of a particular lot covered with an impervious
317 or semi-pervious surface material. Includes but is not limited to building footprints,
318 structures, driveways, screen enclosures, terraces, patios and pavement. For semi-
319 pervious surfaces, two (2) square feet of semi-pervious surface shall be equivalent to one
320 (1) square foot of impervious surface for the purpose of calculating development
321 regulation requirements for permitted, administrative or conditional uses.

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324 Open space: That area of a lot which is unencumbered by buildings, other structures,
325 areas defined as impermeable/impervious surface, driveways, or automobile parking
326 areas, except for garden walls and fences and recreational equipment as provided herein.
327 Such space is to be generally maintained in a natural or cultural living landscape and shall
328 include the water surface area of swimming pools. Open space shall be considered
329 pervious in the lot coverage and maximum lot coverage calculations, and shall not be
330 included in the calculation of impervious area for the purposes of maximum lot coverage.

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334 Pervious / permeable surface: Any surface that is capable of being penetrated by
335 water, with a percolation rate that is generally equivalent to the ground percolation rate.
336 ~~For semi-pervious surface materials, two (2) square feet of semi-pervious surface shall~~
337 ~~be equivalent to one (1) square foot of impervious surface for the purpose of calculating~~
338 ~~development regulation requirements for permitted, administrative or conditional uses.~~
339 ~~Percolation (perc) rate of the semi-pervious material must be fifty (50) percent relative to~~
340 ~~the ground perc rate. Semi-pervious material may include but is not limited to pervious~~
341 ~~pavers, pervious concrete, grasscrete and substantially similar materials. [Note: Deleted~~
342 ~~text moved to definition for semi-pervious surface.]~~

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346 Permeable paving materials: Paving materials with a percolation rate of at least fifty
347 (50) percent relative to the ground percolation rate that are specifically designed to be
348 semi-pervious and also provide a stable surface. Permeable paving materials include but
349 are not limited to pervious pavers, pervious concrete, porous asphalt, grasscrete and
350 substantially similar materials.

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353 Semi-pervious surface: A surface covered by materials with a percolation rate of at
354 least fifty (50) percent relative to the ground percolation rate. Semi-pervious surface may
355 include but are not limited to permeable paving material and other semi-pervious
356 materials such as gravel, small stone, and other substantially similar materials. For semi-

357 pervious surfaces, two (2) square feet of semi-pervious surface shall be equivalent to one
358 (1) square foot of impervious surface for the purpose of calculating development
359 regulations. The semi-pervious surface credit shall not reduce the required open space
360 and landscape area requirements.

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364 *Swimming pools:* Any pool which is constructed, used or maintained to provide
365 recreational facilities for swimming, bathing or wading and which is capable of containing
366 water to a depth greater than eighteen (18) inches and ~~all buildings, equipment, and~~
367 ~~appurtenances thereto, and~~ The water surface area of a swimming pool shall not be
368 included in the calculation of impervious area for the purposes of maximum lot coverage.

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EXHIBIT D

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 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 percent (5%) 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.

c) *Determination of type of site plan review procedure application.* Applications shall be submitted to the department for community sustainability. The development review

417 official shall review development applications to determine if they require site plan
 418 review or approval as minor or major developments. If the application constitutes a
 419 major development, notice of the review by the appropriate board shall be given by
 420 publication, posting and courtesy mailing in accordance with the notice provision of
 421 this article. ~~The development review official's determination shall be based on the~~
 422 ~~following criteria:~~

423 1. Major development shall include one or more of the following:

- 424 a. All development including new structure(s) or use area having more than
 425 seven thousand five hundred (7,500) square feet of floor area.
 426 b. An increase of more than twenty-five (25%) percent of existing or approved
 427 parking spaces, or more than ten (ten) parking spaces.
 428 c. Amendments to existing development or site plans, previously approved as a
 429 minor development, where the combined total of all site development (existing
 430 and proposed) meets or exceeds the thresholds for review as a major
 431 development.
 432 d. Amendments to existing development or site plans, previously approved as a
 433 major development, that change a phasing plan or developer control that
 434 would substantially impact the approval.
 435 e. Amendments to existing development or site plans, previously approved as a
 436 major development, that significantly change the approved building design as
 437 determined by the development review official, increase the building height of
 438 a structure by one or more stories, or modify the approved site plan by more
 439 than ten percent (10%) for one or more of the following:
 440 1) density,
 441 2) intensity (FAR)
 442 3) impervious surface or parking area, or
 443 4) landscape area.

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 446 2.1. Minor development shall include all development that is not determined to be
 447 major development, which may include but is not limited to the following:

- 448 a. Addition of awnings, canopies or ornamental structures; addition or
 449 modification of pool location or size; ~~redesign and different location of pools;~~
 450 addition or modification of landscape areas or impervious areas; parking
 451 spaces and drives and driveways; modifications in stairs or elevations of
 452 decks, porches, terraces and fencing; or similar types of improvements;
 453 b. ~~Addition of up to twenty (20) parking spaces~~ An increase of up to twenty-five
 454 (25%) percent of existing or approved parking spaces, or more than ten (10)
 455 parking spaces;
 456 c. ~~Attached or detached additions to buildings which do not increase the floor~~
 457 area by more than five thousand (5,000) square feet; and
 458 ~~ed. New structures having less than seven thousand five hundred (7,500) square~~
 459 feet of floor area.
 460 c. All development including new structure(s) or use area less than seven
 461 thousand five hundred (7,500) square feet in total, which are not determined

462 to be major development by the development review official because it does
463 not have the potential to negatively impact the surrounding neighborhood.

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465 ~~2. Major development shall include all development which is not determined to be~~
466 ~~minor development or that has the potential to negatively impact the surrounding~~
467 ~~neighborhood by the development review official.~~

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EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Sec. 23.3-2. - Official zoning map.

a) *Adoption procedure and policy.* ~~The boundaries of each of the hereinafter designated zoning districts are set forth and shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these LDRs. The boundaries of the designated zoning districts are set forth and administered in a digital data format within a geographic information system (GIS) under the direction of the Development Review Official (DRO) or designee that together with all explanatory matter and data therein shall constitute the City's official zoning map. The zoning map shall be available for viewing by the public upon the City's webpage. The City Clerk or designee may certify, upon validation by the DRO or designee, a paper copy of official zoning map or portions of the map as a true and accurate copy of the official zoning map.~~

~~The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city under the following words:~~

~~"This is to certify that this is the Official Zoning Map as referred to in Chapter 23 of the City of Lake Worth Code of Ordinances."~~

~~If, in accordance with the provisions of these LDRs and applicable Florida Statutes, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made to on the official zoning map data promptly after the amendment has been approved by the city commission, together with an entry on the official zoning map as follows:~~

~~"On the date shown on the revision table, located below the following change(s) was made on the Official Zoning Map," (by official action of the City Commission)."~~

~~Such entry shall be signed by the mayor and attested by the city clerk. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the official zoning map. No amendment to these LDRs which involves matters portrayed on the official zoning map shall become effective until after such change and entry has been made on said map. The City Clerk shall keep records on file which identify the official action by which zoning map amendments are made, including the adopting ordinance. The DRO or designee shall have the authority to correct errors in the map data if they are discovered. No other changes of any nature shall be made on the official zoning map or matters shown thereon except in conformity with the procedures set forth in these LDRs. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these LDRs and punishable as provided under section 1-6 of the Lake Worth Code of Ordinances.~~

~~Regardless of the existence of purported copies of the official zoning map which may, from time to time, be made or published, the official zoning map which shall be located in a safe deposit vault in the office of the city clerk shall be final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.~~

516 b) *Replacement of official zoning map.* The data that comprises the official zoning map
517 shall be protected in a manner consistent with City policies and best practices for data
518 protection. In the unlikely event that the official zoning map data becomes damaged,
519 or destroyed and is not recoverable, lost or difficult to interpret because of the nature
520 or number of changes and additions, the city commission may by resolution adopt a
521 new official digital zoning map which shall supersede the prior official zoning map.
522 ~~The new official zoning map shall be identified by the signature of the mayor attested~~
523 ~~by the city clerk, and bearing the seal of the city under the following words:~~

524 ~~"This is to certify that this Official Zoning Map supersedes and replaces the Official~~
525 ~~Zoning Map adopted on August 20, 1990, as part of Chapter 23 of the City of Lake~~
526 ~~Worth Code of Ordinances."~~

527 Unless the prior official zoning map data has been lost, or has been totally destroyed,
528 the prior map or any significant parts thereof remaining, including official copies
529 certified by the City Clerk, shall be preserved, ~~together~~ with all available records
530 pertaining to its adoption or amendment to reconstruct the map data.

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EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

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

a) *General provisions.* For the purpose of this section, fences, walls, and gates shall be constructed to meet the requirements and standards contained in this section.

b) *Design.* All fences, gates and/or walls adjacent to a major thoroughfare shall be designed in a manner that complements, supports and harmonizes with the proposed and/or existing architecture. For sites with a mix of uses, the most restrictive requirements shall apply.

~~c)~~ *Materials.* Except as may be otherwise provided in these LDRs, walls or fences may be constructed of the following; stone; brick, coral rock; flagstone; concrete block or reinforced concrete stuccoed on both sides; precast concrete; ornamental or architectural concrete block; cedar; bamboo; cypress or redwood; treated wood (not on walls); chain link (black or dark green vinyl coated); aluminum; wrought iron; galvanized steel; glass block; porcelain or glass tile; and, vinyl, fiberglass or similar material. Use of materials that are not specifically mentioned require the approval of the zoning administrator or designee but shall not be limited to those listed above unless otherwise prohibited in these LDRs. The following uses and materials shall be expressly prohibited in all zoning districts:

1. No fence or wall shall be electrically charged.
2. Barbed wire, razor wire, chicken wire, sharp or protruding objects shall not be permitted on any fence or wall for any residential use or in any residential district or in any mixed use district.
3. No materials intended for temporary use are permitted for permanent use.
4. The following shall be prohibited from use on any wall: rubble, concrete test cylinders, scrap metal of any kind, broken glass, or any other sharp particles.
5. Chain link that is not vinyl coated (black or dark green) and/or with barbs.

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

1. *Height limitations.*

A. On the front property line and on that portion of the side property line from the front property line to the front building setback line, a fence or wall shall have a maximum height of four (4) feet from the natural grade of the lot. (See definitions.)

B. On the rear property line adjacent to an alley, a fence or wall shall have a maximum height of eight (8) feet from the natural grade of the lot.

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- C. On the rear property line (not adjacent to an alley) and on that portion of the side property line from the rear property line to the front building setback line, a fence or wall shall have a maximum height of six (6) feet from the natural grade of the lot.

- D. Along side and rear property lines adjacent to roadways (except alleys) a fence shall have a maximum height of six (6) feet and must be set back a minimum of thirty (30) inches from the property line providing a landscape screen with a minimum height of 24" (see definitions). Walls along side and rear property lines adjacent to roadways (except alleys) shall have a maximum height of six (6) feet and must be set back a minimum of five (5) feet from the property line providing a landscape screen. (See definitions.)

- E. Decorative accents, such as column caps or finials, may extend an additional six (6) inches above the allowable wall or fence height.

2. *Wall construction.* Regulations in these LDRs which apply to fences regarding height, location and appearance shall apply to wall construction unless otherwise noted in these LDRs.

3. *Fences.*

- A. All fences unless otherwise provided herein, shall be symmetrical in appearance and conforming to a definite pattern and uniform design. The same shall be kept in good repair. The finished side of all fences shall be constructed to face toward the adjacent property, street, or alley. All fences shall comply with height limitations and follow the slope of the natural grade.

- B. Chain link fences are not permitted in front of the front building setback line or on portions of a property abutting public rights-of-way except alleys. Replacement of existing chain link fences shall comply with current standards.

- C. ~~Chain link fences shall be coated in black or dark green vinyl and shall not have any exposed metal barbs.~~

- D. ~~All fencing must meet historical guidelines within the historic districts.~~

4. *Gates and gateposts.*

- A. Gates and gateposts shall not exceed a height of two (2) feet above the allowable fence height for the location.

- B. Gateposts not exceeding three (3) feet in any horizontal dimension may be erected or constructed in connection with the erection or construction of a wall, fence, or in connection with an existing or proposed hedge.

- C. Electronic security gates and keypad/call boxes shall be located a minimum of 25 feet from the property line/right-of-way to prevent stacking of automobiles into the public right-of-way. The minimum stacking distance may be increased in the event the city engineer determines traffic safety so requires. Such increase shall be based on a gate queuing analysis performed by a certified traffic engineer to be provided by the applicant.

619 D. Gated complexes/communities shall provide for separate resident and visitor
 620 entries, where feasible, to allow efficient movement of automobiles from the
 621 public right-of-way onto the premises.

622 5. *Waterfront setback.* No solid opaque fencing of any type shall be erected within
 623 fifteen (15) feet of the bulkhead or mean high water line of any properties adjacent
 624 to waterfronts.

625 6. *Entrance arbor, trellis, pergola, or arch.*

626 A. One (1) entrance arbor, trellis, pergola or arch shall be allowed at the front of
 627 a property or two (2) shall be allowed for dual frontage properties.

628 B. Overall height of any entrance feature shall not exceed eight (8) feet in height.

629 C. Overall width of entrance feature shall not exceed ten (10) percent of the
 630 overall width of the property frontage or ten (10) feet, whichever is less.

631 ~~ee~~ *Multi-family residential uses.*

632 1. *Height limitations.*

633 A. On the front property line and on that portion of the side property line from
 634 the front property line to the front building setback line, a fence or wall shall
 635 have a maximum height of six (6) feet from the natural grade of the lot. (See
 636 definitions.)

637 B. On the rear property line and on that portion of the side property line from the
 638 rear property line to the front building setback line, a fence or wall shall have
 639 a maximum height of six (6) feet from the natural grade of the lot.

640 C. Along side and rear property lines adjacent to roadways (except alleys) a
 641 fence shall have a maximum height of six (6) feet and must be set back a
 642 minimum of thirty (30) inches from the property line providing a landscape
 643 screen with a minimum height of 24" (see definitions). Walls along side and
 644 rear property lines adjacent to roadways (except alleys) shall have a
 645 maximum height of six (6) feet and must be set back a minimum of five (5)
 646 feet from the property line providing a landscape screen. (See definitions.)

647 D. Decorative accents, such as column caps or finials, may extend an additional
 648 six (6) inches above the allowable wall or fence height.

649 2. *Wall construction.* Regulations in these LDRs which apply to fences regarding
 650 height, location and appearance shall apply to wall construction unless otherwise
 651 noted in these LDRs.

652 3. *Fences.*

653 A. All fences unless otherwise provided herein, shall be symmetrical in
 654 appearance and conforming to a definite pattern and uniform design. The
 655 same shall be kept in good repair. The finished side of all fences shall be
 656 constructed to face toward the adjacent property, street, or alley. All fences
 657 shall comply with height limitations and follow the slope of the natural grade.

658 B. Chain link fences are not permitted in front of the front building setback line
 659 or on portions of a property abutting public rights-of-way except alleys.
 660 Replacement of existing chain link fences shall comply with current
 661 standards. Chain link fences or portion thereof visible from a right-of-way

662 including alleys shall require a landscape screen of shrub hedging or other
663 continuous decorative landscaping on the side of the fence facing the public
664 right-of-way that is a minimum height of 24" at installation and shall be
665 maintained at no less than ¾ of the total height of the fence.

666 C. ~~Chain link fences shall be coated in black or dark green vinyl and shall not~~
667 ~~have any exposed metal barbs.~~

668 D. ~~All fencing must meet historical guidelines within the historic districts.~~

669 4. *Gates and gateposts.*

670 A. Gates and gateposts shall not exceed a height of two (2) feet above the
671 allowable fence height for the location.

672 B. Gateposts not exceeding three (3) feet in any horizontal dimension may be
673 erected or constructed in connection with the erection or construction of a
674 wall, fence, or in connection with an existing or proposed hedge.

675 C. Electronic security gates and keypad/call boxes shall be located a minimum
676 of 25 feet sufficiently back from the property line/right-of-way ~~so as to not~~
677 ~~cause to prevent~~ stacking of automobiles in the public right-of-way. The
678 minimum queuing distance may be increased in the event the city engineer
679 determines traffic safety so requires. Such increase shall be based on a gate
680 queuing analysis from a certified traffic consultant to be provided by the
681 applicant.

682 D. Gated complexes/communities should provide for separate resident and
683 visitor entries, where feasible, to allow efficient movement of automobiles ~~off~~
684 ~~of from~~ the public right-of-way and onto the premises.

685 5. *Piers.*

686 A. Piers shall not exceed a height of two (2) feet above the allowable fence
687 height for the location.

688 B. The total width of all piers along a property frontage shall not exceed twenty
689 (20) percent of the overall length of the property frontage.

690 6. *Entrance arbor, trellis, pergola, or arch.*

691 A. One (1) entrance arbor, trellis, pergola or arch shall be allowed at the front of
692 a property or two (2) shall be allowed for dual frontage properties.

693 B. Overall height of any entrance feature shall not exceed eight (8) feet in height.

694 C. Overall width of entrance feature shall not exceed ten (10) percent of the
695 overall width of the property frontage or ten (10) feet, whichever is less.

696 7. *Waterfront setback.* No solid opaque fencing of any type shall be erected within
697 fifteen (15) feet of the bulkhead or mean high water line of any properties adjacent
698 to waterfronts.

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700 f) e) Commercial / Vehicular / Non-residential uses

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

706 2. Where outdoor storage areas are permitted, they shall be screened and visually
707 shielded from a street, alley, or abutting property by a masonry wall, opaque
708 ornamental fence, or dense hedge of at least six (6) feet, but no more than eight
709 (8) feet in height, except for that portion thereof located in the visibility triangle, in
710 which case the provisions of subsection mg, visibility triangle, shall apply. All
711 screening material is subject to approval by the building official and shall be
712 installed in a professional manner.

713 3. Chain link fences are not permitted in front of the front building setback line or on
714 a portion of a property abutting public rights-of-way except alleys. Replacement
715 of existing chain link fences shall comply with current standards. Chain link
716 fences or portion thereof visible from a right-of-way including alleys shall require
717 a landscape screen of shrub hedging or other continuous decorative landscaping
718 on the side of the fence facing the public right-of-way that is a minimum height of
719 24" or 1/3 of the height of the fence at installation whichever is greater and shall
720 be maintained at no less than 3/4 of the total height of the fence.

721 5. Electronic security gates and keypad/call boxes shall be located a minimum of
722 25 feet from the property line/right-of-way to prevent stacking of automobiles in
723 the public right-of-way. The minimum queuing distance may be increased in the
724 event the city engineer determines traffic safety so requires. Such increase shall
725 be based on a gate queuing analysis performed by a certified traffic consultant
726 to be provided by the applicant.

727 6. Gated complexes/communities shall provide for separate resident and visitor
728 entries, where feasible, to allow efficient movement of automobiles from the
729 public right-of-way onto the premises.

730 **g) f) Industrial uses**

731 1. Chain link fences are not permitted in front of the front building setback line or on
732 property abutting public rights-of-way except alleys. Replacement of existing chain
733 link fences shall comply with current standards. Chain link fences or portion thereof
734 visible from rights-of-way including alleys shall require a landscape screen of shrub
735 hedging on the side of the fence facing the public right-of-way that is a minimum
736 height of 24" or 1/2 of the height of the fence at installation whichever is greater
737 and shall be maintained at a height equal to the height of the fence.

738 2. Any area in the industrial district used as open storage shall be completely
739 enclosed by an opaque fence or wall so as to protect surrounding property from
740 debris damage caused by wind or storm. The above required fences or walls shall
741 be at least six (6) feet, but no more than eight (8) feet in height and shall be set
742 back to the minimum building setback line on the front of the lot for traffic vision
743 purposes. All screening material is subject to approval by the zoning administrator
744 development review official or designee and shall be installed in a professional
745 manner.

746 3. Electronic security gates and keypad/call boxes shall be located a minimum of 25
747 feet from the property line/right-of-way to prevent stacking of automobiles in the
748 public right-of-way. The minimum stacking distance may be increased at the City's
749 discretion. Such increase shall be based on a gate queuing analysis performed by
750 a certified traffic consultant to be provided by the applicant.

751 4. Specialty uses that require additional screening may utilize the industrial fence
752 provisions as approved through an administrative adjustment process based on
753 consistency with the City's design guidelines as applicable and balancing the need
754 for screening uses from public rights-of-way, creating attractive and safe
755 pedestrian corridors and site security requirements.

756
757 h) Park / Public recreation / School (Elementary/Intermediate/Secondary)

758 1. All fences, walls, and hedges shall have a maximum height of six (6) feet. All
759 fences and walls shall be set back to the minimum building setback line on the
760 front of the lot. Hedges within the front setback area shall be a maximum of thirty
761 (30) inches in height from the edge of the street or alley surface. Exception: as
762 otherwise provided herein.

763 2. Where outdoor storage areas are permitted, they shall be screened and visually
764 shielded from a street, alley, or abutting property by a masonry wall, opaque
765 ornamental fence, or dense hedge of at least six (6) feet, but no more than eight
766 (8) feet in height, except for that portion thereof located in the visibility triangle, in
767 which case the provisions of subsection g, visibility triangle, shall apply. All
768 screening material is subject to approval by the building official and shall be
769 installed in a professional manner.

770 3. Chain link fences are not permitted in front of the front building setback line or on
771 the portion of the property abutting public rights-of-way except alleys.
772 Replacement of existing chain link fences shall comply with current standards.

773 4. Maximum fence height for tennis courts, playing fields, playgrounds, or
774 substantially similar uses shall be 10 feet. The development review official may
775 approve additional height for these uses if necessary to ensure the safety of
776 participants and spectators. Chain link fencing shall be permitted next to rights-
777 of-way for fencing described in this sub-section only.

778 5. The development review official may approve an increase in height and a
779 modification to the required set-back for fencing through the site plan review
780 process provided that appropriate landscaping to maintain an attractive visual
781 corridor is provided.

782 i) g) Visibility triangle. With respect to fences, walls and hedges, and other landscaping,
783 including trees, shrubs, ornaments and decorations, a visibility triangle shall be
784 provided at all street intersections and street-alley intersections. Within said visibility
785 triangle, landscaping shall be maintained to provide clear vision without obstruction
786 from the adjoining public ways from elevation thirty (30) inches to elevation eight (8)
787 feet above the average elevation of the intersection. Trees and palms shall be
788 permitted in said triangle provided they are trimmed to allow visibility at the levels
789 indicated above, and further provided they are not located so as to create a traffic
790 hazard.

- 791 1. *Definitions.*
- 792 a. *Major / collector or arterial roads.* For the purposes of this section major roads
793 are streets or roads with a speed limit of thirty (30) mph or greater, and/or
794 high volume, and/or a ROW width of sixty (60) feet or greater.
- 795 b. *Minor / local roads.* For the purposes of this section, minor roads are streets
796 or roads with a speed limit below thirty (30) mph, and/or low volume, and/or
797 a ROW width less than sixty (60)_ feet.
- 798 c. Alley. For the purposes of this section, any right-of-way that is approximately
799 between ten (10) feet and sixteen (16) feet in width and affords a secondary
800 means of access and is not intended for general circulation.
- 801 2. *Intersection of a major road.* At an intersection that includes at least one (1) major
802 road, the visibility triangle shall have twenty -foot sides measured along the street
803 right-of-way line from the corner of the intersection, the third side of the triangle
804 to be the line connecting the ends of the aforesaid lines.
- 805 3. *Intersection of a minor road.* At the intersection of two (2) or more minor roads,
806 the visibility triangle shall have a minimum of ten-foot sides, measured along the
807 street right-of-way line from the corner of the intersection, the third side of the
808 triangle to be the line connecting the ends of the aforesaid lines.
- 809 4. *Intersection of an alley.* At minor road street-alley intersections and alley-alley
810 intersections, two (2) sides of the visibility triangle shall be ~~ten (10)~~ seven (7) feet
811 in length. Exception: Alleys located along the rear of property fronting major roads
812 shall have a visibility triangle with sides that are ten (10) feet in length. A greater
813 distance may be required in the event the city engineer determines traffic safety
814 so requires. The third side of the triangle shall be the line connecting the ends of
815 the other two (2) lines.
- 816 5. Exception. Additional sight visibility may be required in situations where the city
817 engineer determines that the additional distance is needed to improve traffic
818 safety.
- 819 **i) h) Temporary construction fencing.**
- 820 1. Screening details shall be submitted with the temporary construction fence permit
821 application. Wind screening shall be substantial enough to avoid rips or tears due
822 to wind or sun, and shall have no less than eighty-five (85) percent opacity.
823 Screening shall be maintained in good condition at all times. Screening graphics
824 shall be approved with a permit pursuant to the provisions of section 23.5-1,
825 signs, of the zoning and land development regulations of this Code.
- 826 2. Temporary construction fencing must be associated with an active building permit
827 unless approved by the development review official in lieu of a permit. The
828 development review official may require the removal of a temporary fence in
829 absence of an active permit or for safety issues.
- 830 3. Acceptable materials include screened chain link and any other permitted
831 materials identified in Sec. 23.4-4(c).

EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Section 23.4-10 – Off-street parking.

d) Material. Each parking space shall be surfaced with a hard impermeable dustless material, either solid in area or in individual concrete strips or other approved materials, including but not limited to impervious materials and permeable paving materials in accordance with City of Lake Worth Beach standards. Required off-street parking for single family and two family dwelling units may also utilize permeable materials—semi-pervious surface materials including such as permeable pavers, gravel, and other small stone material stone, and shell rock, and turf block, in lieu of impermeable or permeable paving material as long as it meets the following criteria:

- 1.-Appropriate stabilization method ~~must~~ shall be established to keep small stone like permeable materials out of the ROW, alley, and storm water systems.
2. All semi permeable driveway and parking surfaces shall be maintained to ensure permeable qualities and to prevent ponding of water.

e) Drainage. All off-street parking facilities shall be drained so as not to cause any nuisance to adjacent private or public property. Paved parking surfaces, including but not limited to driveways and parking lots, shall have a one (1) foot setback from the side property line and rear property if not alley accessed.

EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-19. - Outdoor storage.

a) Outdoor storage in residential districts. Outdoor storage in residential districts for residential purposes shall be limited to domestic equipment and normal supplies necessary for residents. Storage shall not be permitted in any front yard.

b) Outdoor storage in industrial districts. Outdoor storage in industrial districts shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles, boats, parts, materials, or chemicals are required to be stored on an impervious paved surfaces to reduce pollutants in storm water runoff.

EXHIBIT I

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 6 "ENVIRONMENTAL REGULATIONS"

Section 23.6-1(c)(3) Landscape regulations.

h. All dumpster and refuse areas ~~and all ground level mechanical equipment~~ shall be screened with ~~shrubby or with~~ opaque fencing or walls with an exterior landscape screen of shrub hedging or other continuous decorative landscaping that is a minimum height of 24" at installation and shall be maintained at no less than $\frac{3}{4}$ of the total height of the enclosure. ~~where visible from public rights-of-way. All ground level mechanical equipment shall be screened with shrub hedging or opaque fencing or walls. Chain link or similar type open fencing shall not be permitted.~~

1. Existing non-conformities

- a. Where the development review official determines that a literal enforcement of this section will result in a reduction of the number of required parking spaces or the modification of impervious and landscape areas, the development review official may approve an administrative adjustment of the number of required parking spaces by no more than one (1) parking space, and/or no more than 10% of the impervious area and landscape area.



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 1, 2020

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

FROM: William Waters, Director Community Sustainability

MEETING: July 8, 2020 and July 15, 2020

SUBJECT: **PZB / HRPB Project Number 20-00400003**: Consideration of an ordinance to amend Chapter 23 “Land Development Regulations” that includes changes to add new uses and to consolidate and clarify existing uses, including modifications to definitions, use tables, and development standards.

BACKGROUND/ PROPOSAL:

On March 5, 2020, the City Commission held a workshop on the prioritization of amendments to the City’s Land Development Regulations (LDR) that were previously identified by staff and the Commission. The subject LDR amendments address a second series of prioritized items identified at the March meeting. These proposed amendments are all focused on uses, performance standard for uses, and the permitted use table overhaul. The proposed amendments to the Land Development Regulations have been reviewed by staff for consistency with the City’s Comprehensive Plan. A summary of each component in the draft ordinance is also provided.

The proposed LDR amendments for Chapter 23 will modify the following sections of the City’s Code of Ordinances:

- Article 1- Section 23.1-12 – Definitions
- Article 3 - Section 23.3-6 – Use Tables
- Article 4 - Section 23.4-13 – Administrative Uses and Conditional Uses

Definitions: The proposed amendments provide clarity and with regard to numerous use types, intensity of uses, and new uses.

Use Tables: The proposed amendments provide for a major overhaul of the current permitted use tables including consolidation of uses, clarifying level of review, adding several new uses, and deleting redundant or unnecessary uses.

Administrative Uses and Conditional Uses: The proposed amendments provide additional performance standards for vehicular and industrial uses as well as new standards for specialty storage, money business services, and breweries, distilleries, micro-breweries, micro-distilleries, specialty breweries and specialty distilleries.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission to adopt the proposed LDR text amendments included in PZB/HRPB Project Number 20-00400003

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB / HRPB Project Number 20-00400003.

Attachments

- A. Draft Ordinance

1
2
3 **ORDINANCE 2020-XX - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1**
6 **“GENERAL PROVISIONS,” DIVISION 2, “DEFINITIONS,” SECTION**
7 **23.1-12 - DEFINITIONS; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 1,**
8 **“GENERALLY,” SECTION 23.3-6 – USE TABLES; AND ARTICLE 4**
9 **“DEVELOPMENT STANDARDS,” SECTION 23.4-12 –**
10 **ADMINISTRATIVE USES AND CONDITIONAL USES OF THE CITY’S**
11 **CODE OF ORDINANCES; AND PROVIDING FOR SEVERABILITY, THE**
12 **REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE**
13 **DATE.**

14
15
16 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
17 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
18 “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary
19 powers necessary to conduct municipal government, perform municipal functions, and
20 render municipal services, and may exercise any power for municipal purposes, except
21 as expressly prohibited by law; and

22
23 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
24 body of each municipality in the state has the power to enact legislation concerning any
25 subject matter upon which the state legislature may act, except when expressly prohibited
26 by law; and

27
28 **WHEREAS**, the City wishes to amend the Definitions section of its Land
29 Development Regulations to address inconsistencies and conflicts; and

30
31 **WHEREAS**, the City wishes to amend the Site Design Qualitative Standards for
32 vehicle repair and maintenance service facilities, create a minimum use area for industrial
33 manufacturing and production, and create new standards for repair and maintenance
34 services – major, storage –specialty, and brewery / distillery including specialty and micro;
35 and

36 **WHEREAS**, the City wishes to amend the Use Table section to provide clarity and
37 consistency and add new uses to the table; and

38
39 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
40 agency, considered the proposed amendments at a duly advertised public hearing; and

41
42 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
43 planning agency, considered the proposed amendments at a duly advertised public
44 hearing; and

45
46 **WHEREAS**, the City Commission has reviewed the proposed amendments and
47 has determined that it is in the best interest of the public health, safety, and general
48 welfare of the City to adopt this ordinance.
49

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

52
53 **Section 1.** The foregoing “WHEREAS” clauses are ratified and confirmed as
54 being true and correct and are made a specific part of this Ordinance as if set forth herein.

55
56 **Section 2.** Chapter 23 “Land Development Regulations,” Article 1, “General
57 Provisions,” Division 2, “Definitions”, Sec. 23.1-12. – Definitions of the City’s Code of
58 Ordinances, is hereby amended by adding the words shown in underlined type and
59 deleting the words struck through as indicated in **Exhibit A.**

60
61 **Section 3.** Chapter 23 “Land Development Regulations,” Article 3, “Zoning
62 Districts,” Division 1 “Generally,” Sec. 23-3.6 – Use Tables is hereby amended by adding
63 the words shown in underlined type and deleting the words struck through as indicated in
64 **Exhibit B.**

65
66 **Section 4.** Chapter 23 “Land Development Regulations,” Article 4,
67 “Development Standards,” Sec. 23.4-13. – Administrative Uses and Conditional Uses is
68 hereby amended by adding the words shown in underlined type and deleting the words
69 struck through as indicated in **Exhibit C.**

70
71 **Section 5.** Severability. If any section, subsection, sentence, clause, phrase or
72 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
73 competent jurisdiction, such portion shall be deemed a separate, distinct, and
74 independent provision, and such holding shall not affect the validity of the remaining
75 portions thereof.

76
77 **Section 6.** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
78 conflict herewith are hereby repealed to the extent of such conflict.

79
80 **Section 7.** Codification. The sections of the ordinance may be made a part of
81 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
82 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
83 any other appropriate word.

84
85 **Section 8.** Effective Date. This ordinance shall become effective 10 days after
86 passage.

87
88 The passage of this ordinance on first reading was moved by
89 _____, seconded by _____, and upon
90 being put to a vote, the vote was as follows:

- 91
92 Mayor Pam Triolo
93 Vice Mayor Andy Amoroso
94 Commissioner Scott Maxwell
95 Commissioner Omari Hardy
96 Commissioner Herman Robinson
97

98 The Mayor thereupon declared this ordinance duly passed on first reading on the
99 _____ day of _____, 2020.

100
101
102 The passage of this ordinance on second reading was moved by
103 _____, seconded by _____, and upon being put to a vote,
104 the vote was as follows:

- 105
- 106 Mayor Pam Triolo
- 107 Vice Mayor Andy Amoroso
- 108 Commissioner Scott Maxwell
- 109 Commissioner Omari Hardy
- 110 Commissioner Herman Robinson

111
112
113 The Mayor thereupon declared this ordinance duly passed on the _____ day of
114 _____, 2020.

LAKE WORTH BEACH CITY COMMISSION

115
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119 By: _____
120 Pam Triolo, Mayor

121
122 ATTEST:

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125 _____
126 Deborah Andrea, CMC, City Clerk
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EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 “GENERAL PROVISIONS”

Article 1, “General Provisions,” Division 2, “Definitions”

Sec. 23.1-12. - Definitions.

The following defined terms are arranged in alphabetical order and should be referenced by this subsection and specific term.

* * *

Artisanal: Refers to small batch manufacturing and productions of food and goods. Artisanal uses are typically less than 7,500 square feet of use area and have less use impacts than typical manufacturing and production processes. [New Use Definition]

* * *

Brewery or Distillery – Specialty: An indoor establishment engaged in the production and packaging of alcohol for distribution, wholesale or retail, on or off premise consumption, and limited to a maximum of 7,500 square feet of use area with a tasting or tap room for the purchase or consumption of alcoholic beverage produced on-site. Specialty brewery or distillery shall be accessory to or located in the same building as a full service restaurant, or shall require approval as bar. [New Use Definition]

* * *

Brewery or Distillery – Micro: An indoor establishment engaged in the production and packaging of alcohol for distribution, wholesale or retail, on or off premise consumption, and limited to 30,000 square feet of use area with a tasting or tap room for the purchase or consumption of alcoholic beverage produced on-site. Food service may be permitted as accessory to micro-brewery or micro-distillery. [New Use Definition]

* * *

Contractor: Each A business or person who engaged contracts or subcontracts to construct, alter, repair, dismantle, or demolish buildings, roads, bridges, viaducts, sewers, water and gas mains or engages in the business of construction, alteration, repairing, dismantling or demolition of buildings, roads, bridges, viaducts, sewers, water and gas mains. For zoning purposes, the business office of a contractor with no retail or accessory outdoor storage may be permitted as a professional services office. Each contractor that maintains a business location within the municipal limits must obtain a license as a

177 contractor through the Department of Community Sustainability, ~~that maintains a~~
178 ~~business location within the municipal limits.~~

179
180 * * *
181

182 Contractor, ~~specialty: described as: acoustical ceiling contractor, aluminum~~
183 ~~specialty, burglar alarm, communication and sound systems, concrete forming and~~
184 ~~placing, decorative metal, demolition, dredging and landfill, drywall, fabric awnings, fence,~~
185 ~~glass and glazing, gunite, high pressure gas pipeline, insulation, irrigation and sprinkler,~~
186 ~~marine, masonry-paver brick and paver brick systems, commercial paving, residential~~
187 ~~paving, plastering, prestressed precast concrete erections, reinforcing steel, residential~~
188 ~~window and door installation, roof deck, septic tank, sign contractor electrical, sign~~
189 ~~contractor nonelectrical, structural steel erection, swimming pool construction, swimming~~
190 ~~pool repair contractor, swimming pool plastering contractor, tennis court contractor, tile,~~
191 ~~terrazzo and marble installer, T.V. antenna and satellite dish installer,~~
192 ~~underground/overhead transmission lines and underground utilities.~~

193
194 * * *
195

196 Contractor –Showroom: A showroom where no manufacturing, assembly,
197 processing or any other industrial uses are located. A contractor showroom greater than
198 2,500 square feet is not permitted in the DT districts. Outdoor or Indoor storage uses are
199 not permitted as accessory to a contractor showroom outside of industrial districts. The
200 business office of contractor and showroom may occur within the same structure. **[New**
201 **Use Definition]**

202
203 * * *
204

205 Financial Institution: An establishment engaged in deposit banking which may include
206 but is not limited commercial banks, savings institutions, and credit unions, but excludes
207 money business services. **[New Use Definition]**

208
209 * * *
210

211 High-intensity uses: Those uses that have the potential of generating high levels of
212 vehicular or pedestrian traffic, noise or other adverse impacts based on the nature of the
213 activity, hours of operation, extent of use or size. For the purposes of this Code, uses with
214 similar high-intensity impacts and that are typically, projects involving more than seven
215 thousand five hundred (7,500) square feet or more are considered high intensity and are
216 generally approved as conditional land uses. In addition, any use allowed under the high-
217 intensity use level may be assumed to be allowed at the medium-intensity use level if it
218 meets the square foot threshold for medium-intensity use and may be generally approved
219 as an administrative land use or conditional land use as determined by the development
220 review official. In addition, the DRO may allow a use permitted under the high-intensity
221 use level to be reviewed as a medium-intensity use requiring either a conditional use or
222 administrative use approval if the use is less than seven thousand five hundred (7,500)
223 square feet, has impacts similar to medium-intensity uses, and is not otherwise regulated
224 as a separate specified use.

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Intensity of use:

~~Low: Less than two thousand five hundred (2,500) square feet~~

~~Medium: Between two thousand five hundred (2,500) square feet and seven thousand five hundred (7,500) square feet of use area.~~

~~High: Seven thousand five hundred (7,500) or more square feet of use area.~~

* * *

~~Low-intensity uses. Those uses that have the potential of generating low levels of vehicular or pedestrian traffic, noise or other adverse impacts based on the nature of the activity, hours of operation, extent of use, or size. For the purposes of these LDRs, projects uses with similar low-intensity impacts and involving less than two thousand five hundred (2,500) square feet are considered low intensity and are generally approved by the development review official DRO or as administrative land uses.~~

* * *

~~Medium-intensity uses. Those uses that have the potential of generating moderate levels of vehicular or pedestrian traffic, noise or other adverse impacts based on the nature of the activity, hours of operation, extent of use or size. For the purposes of this Code, uses with similar medium-intensity impacts and projects involving less than seven thousand five hundred (7,500) square feet and ~~more than two thousand four hundred ninety nine (2,499) square feet~~ are considered medium intensity and are generally approved as administrative land uses or as conditional land uses. ~~In addition, any use allowed under the medium-intensity use level may be assumed to be allowed at the low-intensity use level if it meets the square foot threshold for low-intensity use and may be generally approved by the development review official or as an administrative land use as determined by the development review official.~~~~

* * *

~~Retail-type business services: Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, education and social services and those that are substantially similar or related. For the purposes of these LDRs, retail use activities shall be divided into low intensity or less than two thousand five hundred (2,500) square feet, medium intensity or between two thousand five hundred (2,500) square feet and seven thousand five hundred (7,500) square feet or high intensity or seven thousand five hundred (7,500) or more square feet~~

* * *

272 Personal Grooming Services & Day Spa: An establishment engaged in the
273 provision of recurrent services of a personal nature related to the grooming of people.
274 Personal Services may include but are not limited to beauty salon, barbershops, nail
275 salon, licensed therapeutic massage studios, day spa, diet and weight reducing centers,
276 and tanning salons. [New Use Definition]

277
278 * * *

279
280 Repair and Maintenance Services – Major: An establishment engaged in the repair,
281 maintenance and customization of recreational vehicles, boats, personal watercraft; the
282 repair and maintenance of commercial appliances, heavy equipment or machinery,
283 commercial vehicles or trailers, marine vessels, or similar; or media blasting, paint
284 stripping, and paint or body work. Major repair and maintenance services are an industrial
285 use that may include vehicle upholstery, machine shops, welding, paint and body, and
286 other equipment and processes associated with major alteration or customization of
287 vehicle or boat structures and interiors. [New Use Definition]

288
289 * * *

290
291 Repair and Maintenance Services – Minor: An indoor commercial and industrial
292 establishment engaged in the minor repair or maintenance of lawn mowers, major
293 household appliances, or household furniture such as upholstery or restoration, washers
294 and dryers, refrigerators, stoves and dishwashers. Outdoor storage and activities are
295 prohibited. [New Use Definition]

296
297 * * *

298
299 Repair and Maintenance Services - Specialty: An indoor personal services
300 establishment that provides limited repair services of personal or small household items
301 including but not limited to jewelry repair, clock and watch repair, phone or computer
302 repair, bicycle repair, shoe repair, apparel repair and alterations, and excluding the repair
303 of large household items and appliances. [New Use Definition]

304
305 * * *

306 Restaurant: Every building or part thereof and all accessory buildings used in
307 connection there with or any place or location kept, used, or held out to the public to be a
308 place where meals or foodstuffs are prepared and served to the general public.
309 Restaurants may have catering and/or bakery as an accessory use.

310
311 ~~Restaurant, low intensity/turnover: Low turnover restaurants shall have table~~
312 ~~service for all tables and bar seats within the establishment. Average turnover time for~~
313 ~~each customer's meal shall be one (1) hour or greater.~~

314
315 ~~Restaurant, medium intensity/turnover: Medium turnover restaurants shall have~~
316 ~~table service for seventy (70) percent or more of all table and bar seats. Average turnover~~
317 ~~time for each customer's meal may be less than one (1) hour but greater than thirty (30)~~
318 ~~minutes.~~

319

320 ~~Restaurant, high intensity/turnover: High turnover restaurants need not have any~~
321 ~~table service for seats at tables or bar. Average turnover time shall be less than thirty (30)~~
322 ~~minutes.~~

323
324 Single-destination commercial uses: A commercial establishment offering a wide
325 array of commercial activity and services open to the general public that typically also
326 contains a combination of uses, including but not limited to retail, service or business
327 office. The following commercial uses are categorized as single destination for zoning
328 district purposes and those that are have substantially similar or related use impacts:

- 329 Auction rooms or on-line auction services, accessory only.
- 330 ~~Automobile insurance claims services.~~
- 331 Appliance or equipment sales, retail.
- 332 ~~Bait shops.~~
- 333 ~~Bar and restaurant equipment sales.~~
- 334 ~~Bicycle sales and service stores.~~
- 335 Building material or trade supply establishments, retail.
- 336 ~~Catering establishments. as accessory to restaurants, but not direct selling~~
337 ~~establishments as listed in SIC 5963.~~
- 338 Contractor with a retail component and excluding outdoor storage and warehouse.
- 339 ~~Electrical supply stores.~~
- 340 ~~Food storage lockers.~~
- 341 ~~Funeral homes and mortuaries.~~
- 342 ~~Furniture and domestic equipment rental establishments.~~
- 343 ~~Furniture refinishing.~~
- 344 ~~Greenhouses and nurseries.~~
- 345 ~~Janitorial equipment and supply establishments.~~
- 346 ~~Locksmith establishments.~~
- 347 ~~Medical and dental supply sales and rental sales.~~
- 348 ~~Monument sales establishments.~~
- 349 Pool supply stores.
- 350 ~~Motion picture studios.~~
- 351 ~~Newspaper distributing agencies.~~
- 352 ~~Nurseries, retail, for the sale of plant materials grown off the premises.~~
- 353 ~~Plumbing supply stores.~~
- 354 ~~Related office temporary help service.~~
- 355 ~~Repair shops for household appliances, furniture, small motors and machines and~~
356 ~~other small mechanical and electrical equipment.~~
- 357 Single-destination retail or stand alone retail establishment that includes other
358 services as part of the same building or business, including but not limited to
359 money business services, optical services, banking or contracting services, which
360 may include big-box stores.
- 361 ~~Taxidermists.~~
- 362 ~~Trade schools not involving industrial, motor vehicles, or other heavy equipment.~~

~~Upholstering, cloth and canvas products fabrication, including the fabrication of clothing, slipcovers, awnings and similar products. Veterinary establishments, but not kennels.~~

* * *

Single-destination retail uses: Retail establishment providing a wide array of retail items that are complimentary and similar in nature that are offered in a singular location. For zoning purposes, these uses have substantially similar or related use impacts and include but are not limited to the following: convenience stores, beauty supply, sundry shop, grocery/food stores, retail hardware stores, antique shops, sports equipment, retail furniture stores, discount stores and hobby shops.

* * *

Specialty retail uses: Small retail establishments less than 7,500 square feet providing specialty retail and gift items that have a similar nature, region or product type offered in a singular location. For zoning purposes, these uses have substantially similar or related use impacts and include but are not limited to the following: specialty food stores, bike or sport specific equipment shops, boutique apparel shops, specialized vintage or antique shops, tobacco shops, and gift stores. Retail establishments greater than 7,500 square feet shall be considered single-destination retail or stand alone retail uses. **[New Use Definition]**

* * *

Storage – Indoor: A warehouse or other building used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes specialty storage and mini-warehouse uses. **[New Use Definition]**

* * *

Storage -Mini-warehouse: A building or group of buildings that contain individual stalls or lockers for the storage of customers' items and goods. A mini-warehouse may be a building with small multi-compartments or bays, which do not have electrical receptacles, for the long term storage of goods.

* * *

Storage – Outdoor: The storage of construction material, mechanical equipment, and commercial vehicles used by building trades and services or associated with other permitted industrial uses. Outdoor storage is only allowed as accessory to a permitted principal use and shall be appropriately screened from adjacent properties and all rights-of-way. **[New Use Definition]**

* * *

412 Storage – Specialty: A limited access climate controlled indoor facility consisting of
413 individual, self-contained units that are leased for the storage of business, household, or
414 other personal goods. This use shall only be permitted in mixed use districts and shall
415 have a retail, office and/or commercial use that activates the street frontage. [New Use
416 Definition]

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421 Use Impacts: Effects of development on adjacent property owners or within a
422 neighborhood which may include but not limited to noise, odor, dust, pollution, effluent,
423 traffic, number of employees, hours of operation and customer turnover. For the purposes
424 of this code, permitted uses are categorized by the intensity of their impacts as well as by
425 the size of the use area into the following categories: low intensity, medium intensity and
426 high intensity. [New Definition]

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428 Vehicle fueling/charging filling-stations: An automobile filling fueling/charging station
429 is an establishment whose principal business is the retail dispensing of fuels and
430 energy automobile-fuels, but whose business may include the following:

- 431 (1) Provision of air for tires;
432 (2) Sales of cold drinks, candies, tobacco products and similar goods for service
433 station customers, but only as accessory and incidental to the principal business
434 operation with a total retail area of less than 250 square feet. A full convenience
435 store use is considered a single destination retail use;
436 (3) Provision of road maps and other informational material for customers;
437 (4) Provision of restroom facilities.

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440 ~~Vehicle fueling/charging service station: A vehicle fueling/charging service station is~~
441 ~~an establishment whose principal business is the retail dispensing of fuels and energy~~
442 ~~for vehicles, but whose business may also include the selling and installation of oil,~~
443 ~~grease, batteries, tires and other vehicle accessories. The following services may be~~
444 ~~rendered and sales made, and no other:~~

- 445 (1) ~~Fuel, energy, oil and grease sales;~~
446 (2) ~~Sales and servicing related to spark-plugs, batteries, distributors and distributor~~
447 ~~parts;~~
448 (3) ~~Tire sales;~~
449 (4) ~~Tire servicing and repair, but not recapping or regrooving;~~
450 (5) ~~Replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats,~~
451 ~~wiper blades, grease retainers, wheel bearings, mufflers, shock absorbers, mirrors~~
452 ~~and the like;~~
453 (6) ~~Provision of water and supplements for radiator fluids, and the like;~~
454 (7) ~~Washing and polishing, limited to facilities for washing one (1) vehicle car at a~~
455 ~~time, and sale of vehicle washing and polishing materials, but not the operation of~~
456 ~~vehicle washing establishments;~~
457 (8) ~~Providing and preparing fuel pumps and lines;~~

- 458 ~~(9) Minor servicing and repair of carburetors;~~
 459 ~~(10) Minor servicing of air conditioners;~~
 460 ~~(11) Vehicular wiring repairs;~~
 461 ~~(12) Brake repair;~~
 462 ~~(13) Motor repairs not involved in removal of the motor from the vehicle;~~
 463 ~~(14) Greasing and lubrication;~~
 464 ~~(15) Provision of air for tires;~~
 465 ~~(16) Sales of cold drinks, candies, tobacco products and similar goods for service~~
 466 ~~station customers, but only as accessory and incidental to the principal business~~
 467 ~~operation;~~
 468 ~~(17) Provision of road maps and other informational material for customers;~~
 469 ~~(18) Provision of restroom facilities. [Codification Note: the definition was~~
 470 ~~previously amended and in Ord 2020-007 and is now being deleted]~~
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473 *Vehicle service and repair, major:* A business providing any repair or service beyond
 474 basic standard maintenance to motor vehicles, including repairs that require the removal
 475 of the engine or other major vehicle components, that are not included in general
 476 maintenance such as painting and body work, frame repair, upholstery, engine,
 477 transmissions, air conditioning systems, electrical systems, operational systems, drive
 478 trains, and other major general repairs.
 479

480 *Vehicle service and repair, minor:* A business providing brake repairs, tire repair and
 481 installation, ~~air conditioning service,~~ muffler replacement, and oil changes ~~and~~
 482 ~~transmission repair~~ not including repairs to the drive train or requiring the removal of the
 483 engine block, drive train or other major engine components. This includes establishments
 484 engaged in the installation, maintenance and repair of motor vehicle parts or systems that
 485 require basic standard maintenance and shall include but not be limited to: air
 486 conditioning systems, audio systems, brakes, ~~cooling systems, electrical systems,~~
 487 ~~exhaust systems, fuel systems,~~ oil and fluid changes, shock absorbers, tune-ups, window
 488 tinting, washing and detailing, ~~upholstery,~~ and wheel alignment and balancing for
 489 automobiles, trucks, and motorcycles. Any minor vehicle service and repair use that
 490 requires outdoor storage or activities and overnight parking of vehicles being serviced will
 491 be considered a major vehicle service and repair use.
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EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”

Division 1 “Generally”

Sec. 23-3.6 – Use Tables.

[See Use Tables under separate cover]

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-13. – Administrative Uses and Conditional Uses

c) Standards.

(4) Vehicle service and repair facilities – major or minor, or repair and maintenance services – major.

(b) Design and performance standards.

i. Minimum lot frontage. Seventy-five (75) feet.

ii. Minimum site.

Major - Site: Twenty thousand (20,000) square feet; Minimum area per business / tenant on a multiple tenant / business site: two thousand five hundred (2,500) square feet.

Minor – Site: Ten thousand (10,000) square feet; Minimum area per business / tenant on a multiple tenant / business site: one thousand (1,000) square feet.

vi. Minimum parking requirements. Three (3) parking spaces for each service bay (if applicable) plus one parking space for each three hundred (300) square feet of non-service enclosed area. Applicable parking requirements in Sec. 23.4-10 apply to all other use areas. All vehicles shall be parked in designated storage areas, except for vehicles dropped off by customers or placed for temporary customer pick-up in parking spaces designated on an approved site plan not visible from the public right-of-way. These vehicles may be temporarily parked in these designated parking spaces, not to exceed a maximum of one 24-hour period.

viii. Outdoor storage may be permitted as accessory to vehicle service and repair-major and repair and maintenance services-major in I-POC only, provided the outdoor storage area is fully screened from any public rights-of-way and adjacent properties as consistent with Sec. 23.4-19 Outdoor Storage, and all equipment, parts and vehicles are stored on an impermeable paved surface.

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7. Industrial/Manufacturing/processing/fabrication facilities.

B. Design and performance standards.

(7) Minimum area per business / tenant on a multiple tenant / business site shall not be less than eight hundred (800) square feet for manufacturing or processing and five hundred (500) square feet for fabrication services.

17. Storage - Specialty.

A. Purpose. It is the purpose of this section to provide regulations and standards for the establishment of Storage - specialty within designated zoning districts. Specialty storage facilities are intended to accommodate the dead storage needs of families and small businesses in interior air-conditioned environment. They are not intended to accommodate any office, retail, service, manufacturing or other similar activity within the storage area. They are also not intended to be used for the storage of hazardous compounds or chemicals, explosives, or other dangerous content that could pose a threat to the immediate neighborhood. Specialty storage shall be approved through the appropriate regulatory board by conditional use procedures.

B. Use and development regulations.

(1) All use activity shall be conducted entirely within the building.

(2) Along major thoroughfares the use shall not front directly onto the ROW and shall be developed with an office, retail, or commercial component that activate the street frontage.

(3) Loading areas shall not be visible from any of the City's major thoroughfare rights-of-way.

(4) There shall be no plumbing or electrical service or equipment, other than that required for lighting and fire suppression, which could make the facility in any way able to accommodate any office, retail, service, manufacturing or other similar activity within designated storage area.

(5) No business, hobby or other activity unrelated to the purpose of the use may be operated from within.

D. Lighting. Supplementary lighting shall be shielded in accordance with the provisions of section 23.4-3.

604 E. Parking lot regulations.

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606 (1) Rental of required parking spaces prohibited. Required parking spaces shall not
607 be rented to customers for the purpose of parking or storing vehicles or for any
608 other purpose.

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610 F. Circulation and loading.

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612 (1) Configuration of circulation and loading areas. Circulation and loading areas shall
613 be arranged and sized to permit customer and emergency vehicles to circulate
614 unobstructed by the loading or unloading of vehicles at individual storage stalls
615 and shall not be visible from any of the City's major thoroughfares. Areas where
616 vehicles may be placed for loading and unloading shall be distinguished from
617 circulation routes by clear pavement markings. The width of circulation routes and
618 the dimensions of loading areas shall be subject to the approval of the
619 development review official or designee based on the criteria of this section.

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621 G. Outdoor storage regulated. Outdoor storage is prohibited.

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625 18. Breweries, Distilleries, Micro-breweries, Micro-Distilleries, Specialty Breweries and
626 Specialty Distilleries.

627 A. Purpose. It is the purpose of this section to provide regulations and standards
628 for all types of brewery and distillery establishments within designated zoning
629 districts. These uses shall be approved through the appropriate decision-making
630 authority.

631 B. Design and performance standards.

632 (1) Minimum site area: Seventy-five hundred (7,500) square feet.

633 (2) Minimum lot width: Seventy-five (75) feet.

634 (3) Minimum distances. All such uses shall be located a minimum of five
635 hundred (500) feet from each other. Distance shall be measured from
636 property line to property line, without regard to intervening structures or
637 objects.

638 (4) Landscape requirements. The site must be provided with a minimum five-
639 foot-wide perimeter planting area when adjacent to residential uses. Site
640 landscaping shall comply with adopted landscape regulations.

641 (5) Buffering. A fence or wall shall be erected at a height of not less than six (6)
642 feet when the parking area(s) or other common area(s) is within twenty-five
643 (25) feet of a residential district, in addition to the landscaping requirements
644 outlined in subsection (5), above. All fences and walls shall be constructed
645 of concrete, masonry or metal. Metal fences shall be open weave chain link,
646 vinyl coated type combined with a shrub hedge or ornamental in nature.
647 Walls shall be finished with a graffiti-resistant paint.

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- (6) Variances for minimum site area shall not be granted.
- (7) Specialty breweries and specialty distilleries must front one of the city's major thoroughfares.
- (8) Outdoor display of any items is strictly prohibited.
- (9) Establishments must have at least twenty-five (25) percent clear glazing and fenestration along frontages with entrances clearly identifiable.
- (10) Display windows must have engaging and pedestrian friendly vignettes. Covering of display windows with posters, paper, advertisements, written signs and similar shall be strictly prohibited. Vacant buildings shall have approved vignettes covering windows until an active business is established and operating.
- (11) All sales transactions, except during city approved special events, shall take place within the building.
- (12) Walk up sales windows shall not be allowed.
- (13) All storage, production, shipping and receiving associated with use must be confined within an approved building or structure.
- (14) All deliveries and distribution activities shall take place between the hours of 8 am and 6 pm Monday through Saturday, except when located within an industrial zoning district.
- (15) Each facility shall abide by the following restrictions on production capacity.

 - (a) Breweries and Distilleries shall have capacity limited only by size of property and square footage of building and/or structure.
 - (b) Micro-breweries and Micro-distilleries shall have a production capacity of no more than 750,000 proof gallons on an annual basis, or two million, nineteen thousand (2,019,000), 750 ml bottles production per year.
 - (c) Specialty breweries and specialty distilleries shall have a production capacity of no more than 325,000 proof gallons on an annual basis, or one million, ninety-five hundred (1,009,500), 750 ml bottles production per year.
- (16) Each facility shall abide by the following restrictions on deliveries.

 - (a) Breweries and Distilleries shall have unlimited commercial truck deliveries for shipping, receiving and distribution, except no deliveries on Sunday.
 - (b) Micro-breweries and micro-distilleries shall have no more than 12 commercial truck deliveries for shipping, receiving and distribution each week and no deliveries on Sunday.

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(c) Specialty breweries and specialty distilleries shall have no more than 6 commercial truck deliveries for shipping, receiving and distribution each week and no deliveries or distribution on Sunday. All deliveries must take place on site and off public rights of way.

(17) All micro-breweries, micro-distilleries, specialty breweries and specialty distilleries shall be required to have a retail sales component and a consumption on premises component. For micro-breweries, micro-distilleries, specialty breweries and specialty distilleries in mixed-use districts, no more than seventy (70%) percent of the use area shall be used for brewery or distillery manufacturing or production, including packaging with the balance consisting of office, retail sales and taprooms / tasting areas.

(18) For micro-breweries, micro-distilleries, specialty breweries and specialty distilleries, guest taps may be allowed in conjunction with a tap or tasting room not to exceed 30 percent of the number of taps or on-site production unless as part of a restaurant with bar or bar use approval.

(19) All spoils generated as the result of the fermentation and production shall be disposed in an appropriate manner meeting all requisite health and safety standards.

(20) Other appropriate conditions may be placed on the use approval depending on location, building/structure and orientation to ensure nuisance type of activities including but not limited to noise, dust, pollutants, odors, and waste by products and other use impacts do not occur.

19. Money business services

A. Purpose. It is the purpose of this section to provide regulations and standards for money business services such as payment instrument seller, foreign currency exchanger, check casher, or money transmitter. These uses shall be approved through the appropriate decision-making authority. Principal uses shall be reviewed through the conditional use permit process. These uses may also occur as accessory to single destination commercial only provided the development standards are met for both the principal and accessory use.

B. Design and performance standards.

1) Separation Distance:

(a) A minimum separation distance of four hundred (400) feet for accessory uses.

(b) A minimum separation distance of one thousand (1,000) feet for principal uses.

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2) Operational Standards:

- (a) Hours of operation shall be limited to 8 am to 9 pm on Monday through Saturday and 9 am to 6 pm on Sunday.
- (b) No temporary or promotional signage shall be permitted on windows or doors related to the use, excluding permanent signage permitted in Sec. 23.5-1 Signs.
- (c) Interior and exterior video surveillance for security purposes is required and shall be maintained for a minimum of a fourteen (14) period.
- (d) The site shall meet appropriate crime prevention through environmental design (CPTED) requirements as feasible.

RETAIL																											
High Intensity Retail Uses - Building Use area Greater than 7,500 sq. ft and/or high intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC-[Delete Column]	Hotel-[Delete Column]	
Drive Through Facilities													C	C													
Grocery Store							G		G		G		G	G	G	G											
Home Improvement Center													C	C													
Liquor Store							C			C	C		C	C		C											
Merchant Retail Stock (Reference Ordinance Chapter 14)							C			C	C		C	C	C	C											
Pharmacy/Drug Store													C	C	C	C											
Produce Market							G			G	G		G	G	G	G											
Single Destination Retail							C	G	C	C	C		C	C	C	C				C							
Stand Alone Retail													C	C													
Medium Intensity Retail Uses - Less than Building Use area less than 7,500 sq. ft and/or medium intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC-[Delete Column]	Hotel-[Delete Column]	
Convenience Stores							G						G	G													
Drive Through Facilities													C	C													
Grocery Store							A			A			A	A	A	A											
Home Improvement Center										G			A	A													
Liquor Store							C			C	C		C	C		C											
Pharmacy/Drug Store													C	C	C	C											
Produce Market							A			A	A		A	A	A	A											
Single Destination Retail							P A	P C	P A	P A	P A		P A	P A	P A	P A				P A							
Specialty Retail							A	A	A			C	P	P	P	P		C	P	P							
Stand Alone Retail							A		A	A			A	A	A	A					A						
Specialty Food Product Stores							A		A	A			A	A	A	A											
Sundry Shop							A		A	A	A		A	A	A	A		A	P	A							
Low Intensity Retail Uses - Building Use area Less than 2,500 sq. ft.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC-[Delete Column]	Hotel-[Delete Column]	
Convenience Stores							A						A	A													
Gift Boutiques							P	P	P	P	P		P	P	P	P			P	P							
Grocery Store Neighborhood							A			A			A	A	A	A											
Hobby Shops							P	P	P	P	P		P	P	P	P					P						
Pharmacy Accessory										C	C	G	C	C	C	C											
Produce Market							A			A	A		A	A	A	A							A				
Single Destination Retail							P	P A	P A	P A	P A		P	P	P	P				P A							
Specialty Food Product Stores							P	P	P	P	P		P	P	P	P				P							
Specialty Retail							P	A	P	A	P		P	P	P	P			P	P							
Sundry Shop							P		P	P			P	P	P	P			P	P			P				
Tobacco Shop							P						P	P	P	P				P							

COMMERCIAL																											
High Intensity Commercial Uses - Building Use area greater than 7,500 sq. ft and/or high intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Bars/ Clubs with or without live entertainment											C		C	C	C	C			C								
Cold Storage																				C	C						
Contractor (Office with no outdoor storage yard)							C							E	E					E	E						
Contractor (Office with outdoor storage yard)																					E						
Outdoor Commercial Recreation, Outdoor (See Indoor Commercial Recreation)														C						C	C						
Contractor - Showroom														C	C					A C	C						
Dead Storage Facilities														C						C	C						
Drive Through Facilities									C	C				C	C												
Extended Stay Hotel or Motel Lodging Facility											C			C	C	C	C				C						
Financial Institution with Drive Through									C	C	C			C	C	C	C										
Financial Institution without Drive Through							C			C	C	C	C	C	C	C											
Hotels Lodging Facility							C	C	C	C	C	C	C	C	C	C											E
Indoor Commercial Recreation, Indoor (Reference Ordinance Chapter 14)														C	C					C	C						
Printing Services							C			C	C			C	C	C	C				C	C					
Mini-Warehouses														E	C						C	C					E
Motels							E	E	E	E	E	E	E	E	E	E					E						
Motel or Hotel, extended stay											E			E	E	E					E						
Restaurants Accessory to Hotel or Motel							E		E	E	E	E	E	E	E	E											
Restaurants with Drive Through							C		C	C				C	C						C						
Restaurants - With Bar							C		C	C	C			C	C	C	C		C	C							
Restaurants - Take Out							C	C	C	C				C	C	C	C	C	C	C		C					
Restaurants							C	C	C	C	C			C	C	C	C	C	C	C		C					
Storage - Specialty														C	C						C						
Single Destination Commercial										E	E			C	C	E	C				C						
Truck/Van Rentals														C													
Veterinary Offices, with or without Kennels														C	C						C	C					
Warehouse Facilities																					C	C					
Wholesale and Distribution Facilities [Moved to industrial]																E					E	E					
Medium Intensity Commercial Uses - Less than Building Use area less than 7,500 sq. ft and/or medium intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Bars/ Clubs with or without live entertainment											C			C	C	C				C							
Bed and Breakfast Inns	C	C		C	C	C	C	C	C	C	C	C	C							C							
Catering/Caterer							A							A	A	A				A							
Contractor (Office only - no outdoor storage yard)							A	A	A	A	A	A	A	A	A	A					A	A					
Contractor (Office with outdoor storage yard)																						E					
Contractor - Showroom										C				A	A	A	A				A	C					
Drive Through Facilities									C	C				C	C												
Educational For-Profit (excluding trade school)							A	A	A	A				A	A	A					C						
Extended Stay Lodging Facility											C			C	C	C	C				C						
Financial Institution with Drive Through									C	C	C			C	C	C	C										
Financial Institution without Drive Through							A C	A C	A C	A C	A C			A C	A C	A C	A C										
Financial Management Services							A	A	A	A	A			A	A	A	A										
Funeral Home/ Crematory							C	C						C									C				
Hotels Lodging Facility							A	A	A	A	A	A	A	A	A	A											
Indoor Commercial Recreation (Reference Ordinance Chapter 14)							A			A			A	A	A					A	A						
Motels							A		A		A	A	A	A	A	A					A						
Motel or Hotel Extended Stay											E			E	E						E						
Money Business Services														C	C												
Printing Services							A		A		A			A	A	A					A	A					
Restaurants with Drive Through							C		C					C	C						C						
Restaurants - With Bar							E		E	E	E			E	E	E			A	E							
Restaurants - Take Out							A	A	A	A	A			A	A	A	A	A	A	P	A		P				
Restaurants							A	A	A	A	A			A	A	A	A	A	A	P	A		P				
Single Destination Commercial							A C			A C				A C	A C	A C	A C				A C						
Social Service Centers [Moved to Institutional]							A	A	A	A				A	A	A	A				A						
Storage Lockers														A	A	A	A										
Storage - Specialty														C	C						C						
Veterinary Offices, without Kennels										A				A	A	P A	P A				A	A					
Veterinary Offices, with Kennels														C							C	C					
Warehouse Facilities																					A	A					

COMMERCIAL																												
Wholesale and Distribution Facilities (Moved to industrial)																												
Low Intensity Commercial Uses - Building Use area less than 2,500 sq. ft.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]		
Coffee Shop / Ice Cream Shop							P	P	P	P	P		P	P	P	P	P	P	P	P		P						
Contractor (Office only - no outdoor storage yard) - [Professional Office Use]							P	P	P	P	P	P			P	P	P			P	P							
Contractor (Office with outdoor storage yard) - [Moved to Industrial use]																					G							
Financial Management Services [Professional Office Use]							P	P	P	P	P		P	P	P	P				P								
Educational For-Profit (excluding trade schools)							A		A	A		A	P	P	A	P		A										
Printing Services							P		P	P	P		P	P	P	P				P								
Restaurants with Drive Through							C		C				C	C						C								
Restaurants - With Bar							A		A	A	A		A	A	A	A			A	A								
Restaurants - Take Out							PA	PA	PA	PA			PA	PA	PA	PA	PA	PA	PA	PA		P						
Restaurants							P	P	P	P	P		P	P	P	P	P	P	P		P							
Single Destination Commercial							PA	P	P	PA	P		PA	PA	PA	PA	PA	PA		PA								
Wholesale and Distribution Facilities															P					P	P							

OFFICE																											
High Intensity Office Uses - Building- Use area G greater than 7,500 sq. ft and/or high intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Administrative/Professional Services: (non-medical)							C	C	C	C	C	C	C	C	C	C				C							
Business Services							C	C	C	C	C		C	C	C	C											
Call Center													C		C	C				C	C						
Contractor (Office only--no outdoor storage yard)							G						G	G						G	G						
Contractor (Office with outdoor storage yard)																					G						
Governmental Administrative Office							C			C			C	C	C	C				C	C			C			
Health Clinics/Urgent Care													C	C	C	C								C			
Out Patient Clinics Medical Offices										C	C	C	C	C										C			
Medium Intensity Office Uses - Less than Building- Use area less than 7,500 sq. ft and/or medium intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Administrative/Professional Services: (non-medical)							A	A	A	A	A	A	A	A	A	A	A			A							
Business Incubation Office							A		A		A		A	A	A	A											
Business Services							A	A	A	A	A		A	A	A	A											
Call Center													A	A	A	A				A							
Contractor (Office only--no outdoor storage yard)							A	A	A	A	A	A	A	A	A	A				A	A						
Contractor (Office with outdoor storage yard)																					G						
Governmental Administrative Office							A			A			A	A	A	A				A	A			A			
Health Clinics/Urgent Care													C	C	C	C								C			
Interior Design Studio w/ Sales							A		A		A		A	A	A	A				A							
Kitchen/Millwork Design Studio							A	A	A	A	A		A	A	A	A				A	A						
Out Patient Clinics/Medical Office										C	C	C	C	C	C	C											
Low Intensity Office Uses - Building- Use area L less than 2,500 sq. ft.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Administrative/Professional Services: (non-medical)							P	P	P	P	P	P	P	P	P	P	P			P	P			C			
Call Center													P	P	P	P				P							
Contractor (Office only--no outdoor storage yard)							P	P	P	P	P	P	P	P	P	P				P	P						
Contractor (Office with outdoor storage yard)																					G						
Governmental Administrative Office							A			A			A	A	A	A				A	A			A			
Home Occupation	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P				P		P					

INDUSTRIAL																											
High Intensity Industrial Uses -Building Use area greater than 7,500 sq. ft and/or high intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Aquaculture/Hydroponic Farming																			C	C							
Auction House w/ or w/out outdoor storage																			C	C							
Bldg. and Const. Trades/Contractors manufacturing w/ Outdoor Storage Yards																					E						
Brewery/Distillery - Micro-Microbrewery without Sales													C	C	C	C				A	A-C						
Brewery/Distillery																			C	C							
Bldg. and Const. Trades/Contractors manufacturing w/o Outdoor Storage																			C	C							
Boat Repair / Maintenance / Detailing																					C						
Contractors with or without outdoor storage																					C						
Dry Cleaning Plant / Linen Service																					C						
Equipment Rental and Leasing																					C						
Factory or Manufacturing (Reference Ordinance Chapter 14)																					C						
Food Manufacturing & Processing																			C	C							
Garment/Clothing/Apparel Manufacturing																			C	C							
Heavy Utility Service Uses																					C		C				
High-Intensity-Fabrication Services/Manufacturing/Processing excluding retail display and sales																					C						
High-Intensity Manufacturing excluding retail display and sales																					E						
High-Intensity Processing excluding retail display and sales																					E						
Import/Export Business														C					C	C							
Jobsite Preparation (Reference Ordinance Chapter 14)																			C	C							
Microbrewery with Sales-Consumption on Premises										G			E		G	G				E	E						
Microbrewery without Sales																				E	E						
Organic/Green/All Natural Composting Fertilizer Manufacturing																			C	C							
Pharmaceutical & Medicine																					C						
Plant Nursery (sales only)													C						C	C							
Plant Nursery																			C	C							
Recycling Processing Center																					C						
Regional Distribution Center																			C	C							
Renewable Energy Resource Center																					C						
Repair and Maintenance - Major																			C	C							
Repair and Maintenance - Minor													C	C					A	A							
Research & Development, Scientific/Technological																					C						
Septic Tank, Sewer, and Drain Cleaning and Repair Services																					C						
Storage-outdoor, Accessory Only																				E	E						
Storage-indoor																			C	C							
Testing Laboratory																					C						
Utility Plant, Substation, Power Generation-Minor																					C		C				
Vintner/Winery																			C	C							
Welding Contractors																					C						
Welding Repair Services																					C						
Wholesale and Distribution Facilities														C					C	C							
Medium Intensity Industrial Uses -Less than Building Use area less than 7,500 sq. ft and/or medium intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Aquaculture/Hydroponic Farming																				A	A						
Auction House w/out outdoor storage													C							C	C						
Boat Repair / Maintenance / Detailing																				E	E						
Bldg. & Const. Trades/Contractors manufacturing without outdoor storage yards																				E	E-P						
Bldg. & Const. Trades/Contractors manufacturing with outdoor storage																					E						
Brewery/Distillery - Specialty Microbrewery with Sales											C		C	C						A	A						
Brewery/Distillery - Micro-Microbrewery without Sales													C	C	C	C				A	A-C						
Brewery/Distillery																				A	A						
Cabinetry Manufacturing																				E	E						
Cleaning and Maintenance Services																				A	A						
Contractors without outdoor storage																				A	A						
Disinfecting and Exterminating Services																				C	E-A						
Dry Cleaning Plant / Linen Service																				C	C						
Distillery																				E	E						
Furniture Stripping, Finishing and Refinishing																				C	C						
Furniture Manufacturing																				E	E						
Garment/Clothing/Apparel Manufacturing																				E	E						

Import/Export Business																			C	C							
Landscaping Contractors w/Storage-Yards																			C	C-A							
Lawn, Garden and Tree Maintenance Services																			A	A-A							
Mail Delivery Services																			C	C-A							
Medical/Biotech/Pharmaceutical Manufacturing & Distribution																			C	C							
Medium-Intensity-Fabrication Services/Manufacturing/Processing/Assembly excluding retail display and sales																			C	C-A							
Medium-Intensity-Manufacturing-excluding-retail-display-and-sales																			E	E							
Medium-Intensity-Processing-excluding-retail-display-and-sales																			E	E							
Packaging and Labeling Services																			C	C-A							
Pharmaceutical & Medicine																				E							
Plant Nursery (sales only)																			C	C							
Plant Nursery																			A	C-A							
Regional Distribution Center																			A	C-A							
Repair and Maintenance - Minor																			C	A							
Research & Development, Scientific / Technological / Pharmaceutical / Medical																					C-A						
Steam and Pressure Cleaning Services																			C	C-A							
Storage-outdoor, Accessory																					E						
Storage-indoor																			A	C-A							
Testing Laboratory																					C						
Utility Plant, Substation, Power Generation-Minor																			C	C							
Vintner/Winery																			A	A							
Wholesale and Distribution Facilities																				A		A+UM1-AA82					
Low Intensity Industrial Uses -Building Use area Less than 2,500 sq. ft.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Bldg. & Const. Trades/Contractors manufacturing without outdoor storage																				PA	PA						
Bldg. & Const. Trades/Contractors manufacturing with outdoor storage																					C						
Contractor (Office-only, no outdoor storage yard)							P	P	P	P	P	P		P	P	P				P	P						
Contractor without outdoor storage (Office-with outdoor storage yard)																				A	C-A						
Landscaping Contractors w/ Storage-Yards																					C-P						
Lawn, Garden and Tree Maintenance Services & Contractors																				PA	PA						
Low-Intensity-Fabrication-Services-excluding-retail-display-and-sales																				PA	PA						
Low-Intensity-Fabrication-Services-including-retail-display-and-sales																				A	A						
Low-Intensity-Manufacturing-excluding-retail-display-and-sales																				P	P						
Low-Intensity-Manufacturing-including-retail-display-and-sales																				A	A						
Low-Intensity-Processing-excluding-retail-display-and-sales																				P	P						
Low-Intensity-Processing-including-retail-display-and-sales																				A	A						
Garment/Clothing/Apparel-Manufacturing																				PA	PA						
Medical and Dental Laboratories																				PA	PA						
Pharmaceutical & Medicine																					E						
Repair and Maintenance - Minor							C						A	A						A	A						
Research & Development, Scientific / Technological / Pharmaceutical / Medical																					C						
Storage - indoor																				A	A						
Testing Laboratory																					C						

Colleges and Universities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C						C					
Day Care Center							C	C	C	C	C	C	C	C	C				C								
Day Care Center Accessory to Place of Worship	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C												
Hospitals and Clinics Public																						C					
Hospitals and Clinics Private														C								C					
Museums							C	C	C	C	C	C	C	C	C	C						C	C	C			
Places of Worship	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C											
Schools, elementary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C											
Schools, intermediate and secondary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C											
Schools-Conservatory of Music (Retail merchant license required if														C	C	C	C					C					
School of the Arts																						C					
School for Modeling or Booking Agency																						C					
School of Instruction (for artisan, workers, etc.)																						C					
Medium Intensity Institutional Uses - Less than Building- Use area less than 7,500 sq. ft and/or medium intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	Cultural Arts	FEC-[Delete Column]	Hotel-[Delete Column]
Botanical Research and Education																				A			A	A	A		
Colleges and Universities (Satellite Campus)	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A				A			A				
Day Care Center				A	A	A	A	A	A	A		A	A	A	A	A				A							
Marine Research and Education															A	A				A			A	A	A		
Museums							A		A		A									A			A	A	A		
Nursing Homes/Assisted Living Facilities				A	A	A	A	A	A	A		A	A	A	A	A				A							
Places of Worship	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A											
Social Service Center [Relocated from Personal Services]							A	A	A	A			A	A	A	A				A							
Welcome Centers											A				A	A							A	A	A		
Low Intensity Institutional Uses - Building- Use area less than 2,500 sq. ft.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	Cultural Arts	FEC-[Delete Column]	Hotel-[Delete Column]
Environmental Nature Centers																							C	C	C		
Museum											P									P			P	A	A		

CULTURAL & ARTISANAL ARTS																											
High Intensity Artisanal Uses - Building Use area Greater than 7,500 sq. ft and/or high intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Artisan or Art Studio																				C	C						
Artisanal Foods																				C	C						
Artisanal Manufacturing																				C	C						
Bakery, Commercial																				C	C						
Ceramics or Pottery Studio with Kiln							C		C	C										C	C						
Ceramics or Pottery Studio without Kiln							C		C	C										C	C						
Commissary Kitchen															C					C	C						
Culinary Arts															C					C	C						
Film Studio															C		C			C	C						
Indoor Motion Pictures (more than three (3) Screens)															C		C			C	C						
Performing Arts Theatre (more than 250 seats)															C		C			C	C						
Radio Broadcasting Studio															C		C			C	C		C				
Recording Studio											C				C	C	C			C	C						
Sculpture Studio with or without Kiln																				C	C						
Sculpture Studio without Kiln																				C	C						
Television Production Studio													C		C		C			C	C		C				
Medium Intensity Artisanal Uses - Less than Building Use area less than 7,500 sq. ft and/or medium intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Artisanal Foods											A			A						A	A						
Artisanal Manufacturing																				A	A						
Artisan or Art Studio							A	A	A	A	A	A	A	A	A	A	A			A	A						
Arts and Crafts Studio																				A	A						
Art or Photography Gallery							A	A	A		A		A		A	A				A	A						
Bakery, Retail							C				A C		A	A	A	A	A			A	A						
Bakery, Commercial																				A	A						
Book Binding																				A	A						
Ceramics or Pottery Studio with Kiln																				A	A						
Ceramics or Pottery Studio without Kiln							A		A	A										A	A						
Commissary Kitchen															A					A	A						
Culinary Arts							A								A					A	A						
Custom Jewelry Studio							A													A	A						
Indoor Motion Pictures (more than three (3) Screens)																				A	A						
Performing Arts Theater (less than 250 seats)											A									A	A		A	A	A		
Perfumery											A				A					A	A						
Photography Studio							A								A					A	A						
Pottery Shop/Studio																				A	A						
Recording Studio											A				A	A	A			A	A						
Sculpture Studio with Kiln																				A	A						
Sculpture Studio without Kiln																				A	A						
Stationery/Engraver							A				A									A	A						
Low Intensity Artisanal Uses - Building Use area Less than 2,500 sq. ft and/or low intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]	
Artisan or Art Studio							P			P			P							P							
Arts and Crafts Studio							P	P			P		P	P						P							
Art or Photography Gallery							P	P	P	P	P		P	P	P	P				P							
Bakery, Retail							P A	P A	P A	P A	P A	P		P	P	P A	P A	P A			P A	P	P				
Ceramics or Pottery Studio with Kiln							A		A	A										A							
Ceramics or Pottery Studio without Kiln							P		P	P										P	P						
Commissary Kitchen															P					P	P						
Craft Gallery											P			P						P							
Custom Jewelry Fabrication/Studio							P	P	P	P			P	P	P	P				P							
Photography Studio							P		P		P		P	P						P							
Photography gallery (including picture framing)							P	P	P	P			P	P						P							
Pottery Shop/Studio							P	P					P	P						P							
Recording Studio											A			A	A	A				P							
Sculpture Studio with Kiln							A	A					A	A						A							
Sculpture Studio w/o Kiln							P	P					P	P						P							
Stained Glass Studio							P	P					P	P						P							

PUBLIC																										
High Intensity Public Uses - Building Use area G greater than 7,500 sq. ft and/or high intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]
Amphitheaters - Greater than 250 Seats																		P				C	C			
Community Gardens																						C	C			
Light Utility Facility Services	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C		G
Recreation Public (Indoor) with Team Sports Facilities														C				P				C	C			
Recreation Public (Indoor) w/o Team Sports Facilities														G				P				C	C			
Recreation Public (Outdoor) with Team Sports Facilities																						C	C	C		
Recreation Public (Outdoor) w/o Team Sports Facilities	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C		P				C	C	C		
Recreation Park (Active) with Team Sports Facilities																						C	C	C		
Sports Arenas														C								C				
Medium Intensity Public Uses - Active - Less than Building Use area less than 7,500 sq. ft and/or medium intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]
Amphitheaters - Less than 250 Seats																		P				C	C	C		
Community Gardens																						C	C			
Concession Stands in Conjunction with recreational facilities																		P				C	C	C		
Light Utility Facility Services	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C		G
Recreation Public (Indoor) with Team Sports Facilities														C				P				C	C			
Recreation Public (Indoor) w/o Team Sports Facilities														G				P				C	C			
Recreation Public (Outdoor) with Team Sports Facilities																						C	C	C		
Recreation Public (Outdoor) w/o Team Sports Facilities	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C		P				C	C	C		
Recreation Park (Passive) - More than Two (2) Acres	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C		P				C	C	C		
Low Intensity Public Uses - Passive - Building Use area Less than 2,500 sq. ft.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC [Delete Column]	Hotel [Delete Column]
Nature, Foot and Bicycle Trails	P	P		P	P													P				P	P	P		
Pocket Parks	P	P		P	P		P	P	P	P	P	P	P	P	P	P		P	P			P	P	P		
Picnic facilities, Play-Grounds, Passive Recreational, Restrooms																		P				P	P	P		
Public and Private Nature Preserves	P	P		P	P													P				P	P	P		
Recreation Park (Passive) - Less than Two (2) Acres	P	P		P	P	P	P	P	P	P	P	P	P	P				P	P			P	P	P		

SPECIALTY																													
High Intensity Specialty Uses - <u>Building Use area</u> <u>Greater than 7,500 sq. ft and/or high intensity impact uses.</u>	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC-[Delete Column]	Hotel-[Delete Column]			
Adult Establishments																					C								
Flea Market							C	C	C	C	C	C	C	C	C	C				C	C		C						
Outdoor Farmer's Market																				C			C						
Mobile food vending courts																				C			C						
Passenger Railroads/Transit															C	C							C						
Private Club									C				C	C															
Power Plants																					C		C						
Public Safety Facilities																							C						
Radio and Television Broadcasting Studios w/ Communication Towers														C								C		C					
Shooting Ranges																						C							
Special Interest Automobile Dealership													C							C		C							
Sports Arenas, (Public/Private)(Indoor/Outdoor)														C								C							
Taxicab Companies																						C							
Taxidermist																						C							
Water Towers																								C					
Wireless Communication Facilities										C	C	C	C	C	C	C				C	C		C						
Medium Intensity Specialty Uses - <u>Less than Building Use</u> <u>less than 7,500 sq. ft and/or medium intensity impact uses.</u>	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC-[Delete Column]	Hotel-[Delete Column]			
Adult Establishments																						C							
Cemetery/Mausoleum(Public/Private)	C	C		C	C	C						C											C	C					
Private Club									A				A	A															
Produce Market							A			A	A		A	A	A	A						A							
Radio and Television Broadcasting Studios w/o Communication Towers							A			A	A		A	A	A	A					A	A		C					
Special Interest Automobile Dealership													A								A	A							
Temporary Help Marshalling and Dispatch Services																								C					
Non-motorized recreational equipment rental (canoes, kayaks, paddle boards, etc)																							C	C	C				
Outdoor Farmer's Market																					C		C						
Flea Market																					C		C						
Mobile food vending courts																					C		C						
Low Intensity Specialty Uses - <u>Building Use area</u> <u>Less than 2,500 sq. ft.</u>	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	PD	P	PROS	CON	FEC-[Delete Column]	Hotel-[Delete Column]			
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Open Space Conservation Areas	P	P	P	P																				P	P	P			
Produce Market							A			A	A		A	A	A	A						A							
Private Club									P				P	P															
Special Interest Automobile Dealership													P								P	P							
Water Conservation Areas	P	P	P	P																				P	P	P			