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**ORDINANCE 2024-06 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS", ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2 "DEFINITIONS"; SECTION 23.1-12 - DEFINITIONS; ARTICLE 2 "ADMINISTRATION," DIVISION 3 "PERMITS," SECTION 23.2-28 ADMINISTRATIVE ADJUSTMENTS/ ADMINISTRATIVE USE PERMITS; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-7 - SF-R - SINGLE-FAMILY RESIDENTIAL, SECTION 23.3-8 - SF-TF 14 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL, SECTION 23.3-10 - MF-20 - MULTI-FAMILY RESIDENTIAL, SECTION 23.3-11 - MF-30 - MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL, AND SECTION 23.3-12 - MF-40 - HIGH DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 3, "MIXED USE DISTRICTS," SECTION 23.3-13 - MUE - MIXED USE EAST AND SECTION 23.3-16 - MU-FH - MIXED USE - FEDERAL HIGHWAY; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-3 EXTERIOR LIGHTING, SECTION 23.4-4 FENCES, WALLS AND GATES, SECTION 23.4-16 MECHANICAL SYSTEMS/EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES, AND SECTION 23.4-19 OUTDOOR STORAGE AND OPEN-AIR OPERATIONS; ARTICLE 5 "SUPPLEMENTAL REGULATIONS," SECTION 23.5-1 SIGNS AND SECTION 23.5-4 HISTORIC PRESERVATION; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE**

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

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

**WHEREAS**, the City wishes to amend Chapter 23, Article 1 "General Provisions," Division 2 "Definitions," Section 23.1-12 - Definitions to revise the definition for accessory dwelling unit, revise the definition for building lot coverage, revise the definition for fence, create a definition for guest house, revise the definition of outdoor storage, create a definition for outdoor storage - other, create a definition for structure lot coverage, revise the definition for mechanical systems/equipment, create a definition for string lights, and revise the definition for wall; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 "Administration," Division 3 "Permits," Section 23.2-28 - "Administrative adjustments/administrative use permits" to expand the ability of the Development Review Official to establish the front yard and adjust fencing fronting public rights-of-way for structures in all residential zoning districts and to clarify the provision for an administrative adjustment for existing structures that exceed building lot coverage, impermeable lot coverage, or floor area ratio; and

52           **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 2  
53 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential,” Section 23.3-8 “SF-TF  
54 14 – Single-family and two family residential,” Section 23.3-10 “MF-20 – Multifamily residential,”  
55 Section 23.3-11 “MF-30 – Medium density multi-family residential,” and Section 23.3-12 “MF-40  
56 – High density multi-family residential,” and Chapter 23, Article 3 “Zoning Districts, Division 3  
57 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east,” Section 23.3-16 “MU-FH – Mixed  
58 use – Federal Highway,” to create a consistent requirement for front yard landscaping; and  
59

60           **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 2  
61 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential,” to clarify the minimum  
62 setbacks for pools on properties with dual frontage; and  
63

64           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
65 Section 23.4-3 – Exterior lighting to allow string lights and create timeframes in which holiday  
66 lights may be displayed; and  
67

68           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
69 Section 23.4-4 – Fences, walls, and gates to allow four-foot-tall fencing and walls along property  
70 lines abutting public rights-of-way for residential uses; and  
71

72           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
73 Section 23.4-16 – Mechanical systems/equipment for existing residential structures to prohibit  
74 mechanical equipment in the front setback; and  
75

76           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”  
77 Section 23.4-19 – Outdoor storage and open-air operations to provide standards for outdoor  
78 storage in mixed-use and industrial zoning districts and remove redundant language regarding  
79 open-air operation; and  
80

81           **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,”  
82 Section 23.5-1 - Signs to remove a prohibition on string lights; and  
83

84           **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,”  
85 Section 23.5-4 – Historic Preservation to comply with section 553.79(26), Florida Statutes; and  
86

87           **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,  
88 considered the proposed amendments at a duly advertised public hearing; and  
89

90           **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local  
91 planning agency, considered the proposed amendments at a duly advertised public hearing; and  
92

93           **WHEREAS**, the City Commission has reviewed the proposed amendments and has  
94 determined that it is in the best interest of the public health, safety, and general welfare of the City  
95 to adopt this ordinance.  
96

97           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**  
98 **LAKE WORTH BEACH, FLORIDA, that:**  
99

100           **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being  
101 true and correct and are made a specific part of this ordinance as if set forth herein.  
102

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

107  
108            **Section 3:** Chapter 23 Land Development Regulations, Article 2 “Administration,”  
109 Division 3 “Permits,” Section 23.2-28 “Administrative adjustments/administrative use permits” is  
110 hereby amended by adding the words shown in underline type and deleting the words struck  
111 through as indicated in **Exhibit B**.

112  
113            **Section 4:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
114 Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential” is hereby  
115 amended by adding the words shown in underline type and deleting the words struck through as  
116 indicated in **Exhibit C**.

117  
118            **Section 5:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
119 Division 2 “Residential Districts,” Section 23.3-8 “SF-TF 14 – Single-family and two-family  
120 residential” is hereby amended by deleting the words struck through as indicated in **Exhibit D**.

121  
122            **Section 6:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
123 Division 2 “Residential Districts,” Section 23.3-10 “MF-20 – Multi-family residential” is hereby  
124 amended by deleting the words struck through as indicated in **Exhibit E**.

125  
126            **Section 7:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
127 Division 2 “Residential Districts,” Section 23.3-11 “MF-30 – Medium density multi-family  
128 residential” is hereby amended by deleting the words struck through as indicated in **Exhibit F**.

129  
130            **Section 8:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
131 Division 2 “Residential Districts,” Section 23.3-12 “MF-40 – High density multi-family residential”  
132 is hereby amended by deleting the words struck through as indicated in **Exhibit G**.

133  
134            **Section 9:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
135 Division 3 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east” is hereby amended by  
136 deleting the words struck through as indicated in **Exhibit H**.

137  
138            **Section 10:** Chapter 23 Land Development Regulations,” Article 3 “Zoning Districts,”  
139 Division 3 “Mixed Use Districts,” Section 23.3-16 “MU-FH – Mixed use – Federal Highway” is  
140 hereby amended by deleting the words struck through as indicated in **Exhibit I**.

141  
142            **Section 11:** Chapter 23 Land Development Regulations, Article 4 “Development  
143 Standards,” Section 23.4-3 “Exterior lighting” is hereby amended by adding the words shown in  
144 underline type as indicated in **Exhibit J**.

145  
146            **Section 12:** Chapter 23 Land Development Regulations, Article 4 “Development  
147 Standards,” Section 23.4-4 “Fences, walls and gates” is hereby amended by adding the words  
148 shown in underline type and deleting the words struck through as indicated in **Exhibit K**.

149  
150            **Section 13:** Chapter 23 Land Development Regulations, Article 4 “Development  
151 Standards,” Section 23.4-16 “Mechanical systems/equipment for existing residential structures”  
152 is hereby amended by adding the words shown in underline type and deleting the words struck  
153 through as indicated in **Exhibit L**.

154 **Section 14:** Chapter 23 Land Development Regulations, Article 4 “Development  
155 Standards,” Section 23.4-19 “Outdoor storage and open-air operations” is hereby amended by  
156 adding the words shown in underline type and deleting the words struck through as indicated in  
157 **Exhibit M.**

158  
159 **Section 15:** Chapter 23 Land Development Regulations, Article 5 “Supplemental  
160 Regulations,” Section 23.5-1 “Signs” is hereby amended by deleting the words struck through as  
161 indicated in **Exhibit N.**

162  
163 **Section 16:** Chapter 23 Land Development Regulations, Article 5 “Supplemental  
164 Regulations,” Section 23.5-4 “Historic Preservation” is hereby amended by adding the words  
165 shown in underline type as indicated in **Exhibit O.**

166  
167 **Section 15:** Severability. If any section, subsection, sentence, clause, phrase or portion  
168 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent  
169 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and  
170 such holding shall not affect the validity of the remaining portions thereof.

171  
172 **Section 16:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict  
173 herewith are hereby repealed to the extent of such conflict.

174  
175 **Section 17:** Codification. The sections of the ordinance may be made a part of the City  
176 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and  
177 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

178  
179 **Section 18:** Effective Date. This ordinance shall become effective 10 days after  
180 passage.

181  
182 The passage of this ordinance on first reading was moved by \_\_\_\_\_,  
183 seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- 184  
185 Mayor Betty Resch  
186 Vice Mayor Sarah Malega  
187 Commissioner Christopher McVoy  
188 Commissioner Mimi May  
189 Commissioner Reinaldo Diaz

190  
191 The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_ day  
192 of \_\_\_\_\_, 2024.

193  
194  
195 The passage of this ordinance on second reading was moved by \_\_\_\_\_,  
196 seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- 197  
198 Mayor Betty Resch  
199 Vice Mayor Sarah Malega  
200 Commissioner Christopher McVoy  
201 Commissioner Mimi May  
202 Commissioner Reinaldo Diaz

204           The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
205 \_\_\_\_\_, 2024.

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LAKE WORTH BEACH CITY COMMISSION

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

ATTEST:

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

218  
219 **EXHIBIT A**

220  
221 Chapter 23

222 LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

223  
224  
225 *Article 1, "General Provisions," Division 2, "Definitions"*

226  
227 **Sec. 23.1-12. – Definitions.**

228  
229 \*\*\*

230 *Accessory dwelling unit (ADU):* also known as a "mother-in-law" or "granny" unit, is an  
231 additional living unit that has separate kitchen, sleeping and bathroom facilities, ~~attached or~~  
232 detached from the primary residential unit on a single-family or two-family lot. ADUs provide  
233 housing opportunities through the use of surplus space ~~either in or~~ adjacent to a single-family or  
234 two-family dwelling. ~~In most cases they are either a garage conversion or a small backyard~~  
235 ~~cottage or guest house style structure.~~ Accessory dwelling units shall count toward overall floor  
236 area ratio (FAR) and lot coverage.

237 \*\*\*

238 *Building lot coverage:* The area of a lot covered by the impervious surface associated with  
239 the footprint(s) of all buildings and structures on a particular lot. Exceptions: Structured parking  
240 garages are exempt from building lot coverage calculations unless habitable space is provided  
241 above or on top of the structured parking, then that portion of the parking garage would be  
242 included in the calculation. The first two (2) feet of depth of an overhanging roof, decorative  
243 eyebrow, awning, or other substantially similar architectural feature shall not count towards  
244 building lot coverage calculations.

245 \*\*\*

246 *Fence:* A man-made barrier not comprised of masonry products or vegetation located out-  
247 of-doors. Fence height shall be measured based on the average height of the natural grade on  
248 either side of the fence. In locations where a fence serves as a required guard rail, it may not  
249 exceed forty-two (42) inches in height.

250 \*\*\*

251 *Guest house:* A small, detached accessory structure on the grounds of a larger single-family  
252 or two-family residence, used for accommodating guests of the owner/occupant of the principal  
253 dwelling unit. A guest house functions as an extension of and subordinate to a single-family or  
254 two-family residence. A guest house shall not be rented or used separately from the rental or use  
255 of the principal dwelling unit. A guest house shall not function as an Accessory Dwelling Unit  
256 (ADU).

257 \*\*\*

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

262 \*\*\*

263 Storage – Outdoor, Other: The storage of mechanical equipment and commercial vehicles  
264 associated with permitted commercial uses. Outdoor storage is only allowed as accessory to a  
265 permitted principal use and shall be appropriately screened from adjacent properties and all  
266 rights-of-way.

267 \*\*\*

268 Structure lot coverage: See “building lot coverage.”

269 \*\*\*

270 Mechanical systems/equipment: Heating, ventilating, air conditioning, satellite dish  
271 antennae, electrical, air conditioner compressor, pool pump and plumbing systems and similar  
272 facilities which are ~~visible from a public right-of-way on the exterior of any or~~ on the roof, ~~or~~ on the  
273 grounds of, or on the exterior of any site, building or structure. Mechanical systems/equipment  
274 are not permitted to be located in the front setback of any property.

275 \*\*\*

276 String lights: Small electric lights spaced evenly along a cable and used for decoration. String  
277 lights, also called café lights, may be clear or white (warm or cool in tone) and those substantially  
278 similar.

279 \*\*\*

280 Wall: A manmade barrier comprised of masonry products located out-of-doors and not a part  
281 of an exterior side of a building. Wall height shall be measured based on the average height of  
282 the natural grade on either side of the wall. In locations where a wall serves as a required guard  
283 rail, it may not exceed forty-two (42) inches in height.

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**EXHIBIT B**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 “ADMINISTRATION”

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

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

a) *Administrative adjustments.*

\*\*\*

1. All existing structures that exceed the development regulations for building lot coverage, impermeable lot coverage, or floor area ratio (F.A.R.) may be expanded by right no more than ten (10) percent of the existing overall square footage. The up to ten (10) percent expansion by right shall be granted only once; any additional ~~Expansions beyond the initial ten (10) percent~~ shall have to meet the established standards for the granting of a formal variance and be reviewed by the appropriate decision-making authority.
2. The development review official may administratively adjust Code provisions and regulations for establishing the front yard for all corner and multi-frontage lots, and to adjust setback, height, and location of fences fronting public rights-of-way to conform to the orientation of the structure in ~~the single-family residential (SF-R) and single-family and two-family residential (SF-TF 14)~~ all residential zoning districts.



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**EXHIBIT C**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

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

\*\*\*

*c) Development regulations for uses permitted by right*

\*\*\*

*5. Maximum impermeable surface for entire lot.*

\*\*\*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

\*\*\*

*9. Location of Accessory buildings, pools, etc.*

A. Pools in the rear yard of a property with dual frontage shall have a minimum setback of 10 feet from the secondary front (rear) property line and shall be screened with fencing and/or landscape screening, subject to the regulations in LDR Sections 23.4-4 and 23.6-1.

343 **EXHIBIT D**

344 Chapter 23

345 LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

346  
347  
348 *Article 3, "Zoning Districts" Division 2, "Residential Districts"*

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

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354  
355 c) *Development regulations for uses permitted by right*

356  
357 \*\*\*

358 5. *Maximum impermeable surface for entire lot.*

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360 \*\*\*

361 C. Fifty (50) percent for lots seven thousand five hundred (7,500) square feet and  
362 greater. ~~Provided however that the lesser of nine hundred (900) square feet~~  
363 ~~or seventy five (75) percent of the front yard area shall remain pervious and~~  
364 ~~be landscaped.~~

365 D. Provided however that seventy-five (75) percent of the front yard area shall  
366 remain pervious and be landscaped.

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**EXHIBIT E**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

**Sec. 23.3-10. – MF-20 – Multi-Family Residential.**

\*\*\*

*c) Development regulations for uses permitted by right*

\*\*\*

*5. Maximum impermeable surface for entire lot.*

\*\*\*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

389 **EXHIBIT F**

390 Chapter 23

391 LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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393  
394 *Article 3, "Zoning Districts" Division 2, "Residential Districts"*

395  
396 **Sec. 23.3-11. – MF-30 – Medium Density Multi-Family Residential.**

397 \*\*\*

398  
399  
400 c) *Development regulations for uses permitted by right*

401 \*\*\*

402  
403  
404 5. *Maximum impermeable surface for entire lot.*

405 \*\*\*

406  
407 D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-  
408 five (75) percent of the front yard area shall remain pervious and be  
409 landscaped.  
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**EXHIBIT G**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

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

\*\*\*

*c) Development regulations for uses permitted by right*

\*\*\*

*5. Maximum impermeable surface for entire lot.*

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D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

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**EXHIBIT H**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

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

\*\*\*

d) *Development regulations for nonresidential uses permitted by right*

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4. *Maximum impermeable surface for entire lot.*

\*\*\*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

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**EXHIBIT I**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

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

\*\*\*

d) *Development regulations for uses permitted by right.*

\*\*\*

4. *Maximum impermeable surface for nonresidential uses.*

\*\*\*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

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**EXHIBIT J**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

**Sec. 23.4-3. – Exterior lighting.**

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d) String lights.

1. Clear or white string lights (warm or cool in tone), and those substantially similar, shall be permitted in all zoning districts throughout the City.
2. Colored or themed holiday lights may be used for periods of sixty (60) days at a time – thirty (30) days prior to and thirty (30) days following the subject holiday. The City Commission shall designate the subject holidays by Resolution on an annual basis.



497 **EXHIBIT K**

498 Chapter 23

500 LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

501 **Sec. 23.4-4. – Fences, Walls and Gates**

502 \*\*\*

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

504 1. *Height limitations.*

505 \*\*\*

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

516 \*\*\*

517 e) *Multi-family residential uses.*

518 1. *Height limitations.*

519 \*\*\*

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

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**EXHIBIT L**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

**Sec. 23.4-16. – Mechanical Systems/Equipment for Existing Residential Structures**

- a) For existing residential structures, placement of mechanical equipment shall be allowed in the rear or side setback and/or between the main structure and a public street if there is insufficient space to locate the equipment outside of the setbacks. Equipment located in the rear or side setback must meet requirements of the landscape code and the equipment must be screened from view of the right-of-way. In addition, product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line. Mechanical systems/equipment are not permitted to be located in the front setback of any property.

561 EXHIBIT M

562 Chapter 23

563 LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

564 **Sec. 23.4-19. – Outdoor Storage and Open-Air Operations.**

565 A. *Outdoor storage.*

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567 b) *Outdoor storage in mixed-use districts and Artisanal Industrial.* Outdoor storage in  
568 mixed-use districts and the Artisanal Industrial (AI) district shall be permitted only as  
569 accessory to an approved principal use. All such storage shall be completely screened  
570 from all public rights-of-way and any adjacent property that is zoned for residential or  
571 mixed use. Screening shall require both fencing and landscaping. Outdoor storage of  
572 chemicals or parts is prohibited in mixed-use districts and the AI district.

573 ~~b c) *Outdoor storage industrial in I-POC.* Outdoor storage in the I-POC industrial districts~~  
574 ~~shall be permitted only as accessory to an approved principal use. All such storage~~  
575 ~~shall be completely screened from all public rights-of-way and any adjacent property~~  
576 ~~that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles,~~  
577 ~~boats, parts, materials, or chemicals are required to be stored on an impervious paved~~  
578 ~~surfaces to reduce pollutants in stormwater runoff.~~

579 B. ~~*Open air operations.*~~

580 a) ~~The following shall be allowed to be displayed only in front of the business to which the~~  
581 ~~items belong:~~

- 582 1. ~~Up to three (3) items, which must be new or in excellent condition.~~
- 583 2. ~~Flowers or foliage maintained per City Code.~~
- 584 3. ~~Used and new clothing stores may display one (1) freestanding vertical clothing~~  
585 ~~pole with a maximum of three (3) items of clothing.~~
- 586 4. ~~One (1) Propane tank display case if less than ten (10) percent of the bay or~~  
587 ~~building width that the associated business occupies and if completely screened~~  
588 ~~from abutting properties and rights-of-way.~~
- 589 5. ~~No item can obstruct entry or exit from any store or property or in any other way~~  
590 ~~be hazardous to pedestrians or motorists. All items must be placed entirely on~~  
591 ~~private property and may not be located in required parking areas or landscaped~~  
592 ~~areas.~~
- 593 6. ~~No item may impede pedestrian access to the public sidewalk and/or restrict~~  
594 ~~ADA accessibility.~~
- 595 7. ~~One (1) sandwich board meeting the requirements of the city's sign code may~~  
596 ~~be displayed in front of businesses facing a city major thoroughfare and cannot~~  
597 ~~impede pedestrian access or ADA accessibility.~~

598 b) ~~The following shall be allowed by first obtaining an administrative use permit on behalf~~  
599 ~~of each individual business for a sales event no more than four (4) times a year for a~~  
600 ~~duration of no more than three (3) days:~~

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- ~~1. Art or craft demonstrations.~~
  - ~~2. Outdoor sales of items.~~
  - ~~3. Guest art or craft or artist related items.~~
- e) ~~The following items shall not be displayed outside of any store or business at any time:~~
- ~~1. Upholstered furniture or bedding.~~
  - ~~2. Electrical appliances.~~
  - ~~3. Horizontal racks of clothing.~~
  - ~~4. Vehicles (except in authorized and licensed lots) or parts thereof.~~
  - ~~5. Any items which are in disrepair, rusty, mold or mildew damaged, soiled or sandy, any item having chipped or peeling paint, any item having protruding bolts or nails.~~
- d) ~~The appropriate regulatory advisory board shall review and make recommendations to the appropriateness of granting a variance from the open-air operations rules.~~

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**EXHIBIT N**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

**Sec. 23.5-1. – Signs.**

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g) *Prohibited signs.*

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~~18. String of light bulbs, except as provided in subsection e), above.~~

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**EXHIBIT O**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

**Sec. 23.5-4. – Historic Preservation.**

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m) *Exceptions to certificates of appropriateness.*

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7. Demolition of non-contributing single-family residential structures in special flood hazard areas. In compliance with F.S. 553.79(26), a COA shall not be required for demolition of non-contributing single-family residential structures located in a coastal high-hazard area, moderate flood zone, or special flood hazard area if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Florida Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher. If a demolition permit is requested under this section, the HRPB shall be notified and given an opportunity to comment.