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4 **ORDINANCE 2020-07 - AN ORDINANCE OF THE CITY OF LAKE**
5 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
6 **DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1**
7 **“GENERAL PROVISIONS,” DIVISION 2, “DEFINITIONS,” SECTION**
8 **23.1-12 - DEFINITIONS; ARTICLE 2, “SITE DESIGN QUALITATIVE**
9 **STANDARDS” - SECTION 23.2-31. - SITE DESIGN QUALITATIVE**
10 **STANDARDS; ARTICLE 3 “ZONING DISTRICTS” DIVISION 3, “MIXED**
11 **USE DISTRICTS,” SECTION 23.3-18 - MU-W MIXED USE WEST;**
12 **ARTICLE 3 “ZONING DISTRICTS”, DIVISION 6, “PLANNED**
13 **DEVELOPMENT”, SECTION 23.3-25 - PLANNED DEVELOPMENT**
14 **DISTRICT; ARTICLE 4 “DEVELOPMENT STANDARDS, SECTION 23.4-**
15 **10 - OFF STREET PARKING; AND SECTION 23.4-13 -**
16 **ADMINISTRATIVE USES AND CONDITIONAL USES; AND ARTICLE 5**
17 **“SUPPLEMENTAL REGULATIONS”, DIVISION 3,**
18 **“NONCONFORMITIES”, SECTION 23.5-3 – NON-CONFORMITIES OF**
19 **THE CITY’S CODE OF ORDINANCES; AND PROVIDING FOR**
20 **SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT,**
21 **CODIFICATION, AND AN EFFECTIVE DATE.**

22
23 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
24 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
25 “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary
26 powers necessary to conduct municipal government, perform municipal functions, and
27 render municipal services, and may exercise any power for municipal purposes, except
28 as expressly prohibited by law; and

29
30 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
31 body of each municipality in the state has the power to enact legislation concerning any
32 subject matter upon which the state legislature may act, except when expressly prohibited
33 by law; and

34
35 **WHEREAS**, the City wishes to amend the Definitions section of its code to address
36 inconsistencies and conflicts; and

37
38 **WHEREAS**, the City wishes to amend the Site Design Qualitative Standards for
39 Vehicular fueling/charging section to address emerging technology and fueling options;
40 and

41
42 **WHEREAS**, the City wishes to amend the Mixed Use West (MU-W) section to
43 provide clarity and address a conflict; and

44
45 **WHEREAS**, the City wishes to amend the Planned Development District (PDD)
46 section to provide clarity and consistency; and

47
48 **WHEREAS**, the City wishes to amend the Medium and High Intensity Conditional
49 Uses to provide clarity and consistency; and

51 **WHEREAS**, the City wishes to amend the Off Street Parking section of the code
52 to address alternative parking options and changes in demand;

53
54 **WHEREAS**, the City wishes to amend the Nonconformities section of the code to
55 address non-conforming buildings and structures; and

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

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

63
64 **WHEREAS**, the City Commission has reviewed the proposed amendments and
65 has determined that it is in the best interest of the public health, safety, and general
66 welfare of the City to adopt this ordinance.

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

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

73
74 **Section 2:** Chapter 23 “Land Development Regulations,” Article 1, “General
75 Provisions,” Division 2, “Definitions”, Sec. 23.1-12. – Definitions of the City’s Code of
76 Ordinances, is hereby amended by adding the words shown in underlined type and
77 deleting the words struck through as indicated in **Exhibit A**.

78
79 **Section 3:** Chapter 23 “Site Design Qualitative Standards”, Article 2,
80 “Administration,” Division 3 “Permits,” Sec. 23.2-31 is hereby amended by adding the
81 words shown in underlined type and deleting the words struck through as indicated in
82 **Exhibit B**.

83
84 **Section 4:** Chapter 23 “Land Development Regulations,” Article 3, “Zoning
85 Districts,” Division 3, “Mixed Use Districts”, Sec. 23.2-18. – MU-W – Mixed Use West; and
86 Article 3, “Zoning Districts,” Division 6, “Planned Development,” Sec. 23.2-33. –PDD-
87 Planned Development District - of the City’s Code of Ordinances, are hereby amended
88 by adding the words shown in underlined type and deleting the words struck through as
89 indicated in **Exhibit C**.

90
91 **Section 5:** Chapter 23 “Land Development Regulations,” Article 4,
92 “Development Standards” Sec. 23.4-13. – Administrative Uses and Medium and High
93 Intensity Conditional Uses; and Article 4, “Development Standards” Sec. 23.4-10 – Off
94 Street Parking, are hereby amended by adding the words shown in underlined type and
95 deleting the words struck through as indicated in **Exhibit D**.

96
97 **Section 6:** Chapter 23 “Land Development Regulations,” Article 5,
98 “Supplemental Regulations,” Division 3 “Nonconformities,” Sec. 23.5-3 –

99 Nonconformities, is hereby amended by adding the words shown in underlined type and
100 deleting the words struck through as indicated in **Exhibit E**.

101
102 **Section 5.** **Severability.** If any section, subsection, sentence, clause, phrase or
103 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
104 competent jurisdiction, such portion shall be deemed a separate, distinct, and
105 independent provision, and such holding shall not affect the validity of the remaining
106 portions thereof.

107
108 **Section 6.** **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in
109 conflict herewith are hereby repealed to the extent of such conflict.

110
111 **Section 7.** **Codification.** The sections of the ordinance may be made a part of
112 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
113 accomplish such, and the word "ordinance" may be changed to "section", "division", or
114 any other appropriate word.

115
116 **Section 8.** **Effective Date.** This ordinance shall become effective 10 days after
117 passage.

118
119 The passage of this ordinance on first reading was moved by
120 _____, seconded by _____, and upon
121 being put to a vote, the vote was as follows:

- 122
123 Mayor Pam Triolo
124 Vice Mayor Andy Amoroso
125 Commissioner Scott Maxwell
126 Commissioner Omari Hardy
127 Commissioner Herman Robinson

128
129 The Mayor thereupon declared this ordinance duly passed on first reading on the
130 _____ day of _____, 2020.

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

- 136
137 Mayor Pam Triolo
138 Vice Mayor Andy Amoroso
139 Commissioner Scott Maxwell
140 Commissioner Omari Hardy
141 Commissioner Herman Robinson

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

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LAKE WORTH BEACH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Deborah Andrea, CMC, 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.

Building height: The vertical distance measured from the minimum required floor or base flood elevation or of twelve (12) inches above the crown of the road, whichever is greater ~~less~~, to (a) the highest point of a flat roof; (b) the deck line of mansard roof, (c) the average height between eaves and ridge for gable, hip, and gambrel roofs, ~~or~~ (d) the average height between high and low points for a shed roof or (e) the average height of a parapet. The measurement of height shall not include decorative architectural elements, chimneys, mechanical equipment, church steeples, stair and/or elevator overruns and architecturally integrated signage, which may extend an additional ten (10) feet but cannot cover cumulatively more than ten (10) percent of the roof surface. In no instance shall any part of a building exceed the overall height as described in the City's Charter provisions Sec. 11 – Building height limitation.

Parapet: That portion of a façade which extends above the roof line. A parapet may include a balustrade or protective railing up to 42 inches above the roof line ~~maximum building height~~, subject to City Charter limitations.

~~*Convenience store accessory to gasoline sales:* An establishment not exceeding two hundred fifty (250) square feet and incidental to the sale of gasoline as a principal use.~~

Stand alone retail: A single retail use occurring in a singular structure. See "single-destination retail uses."

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

- (1) Fuel, energy, oil and grease sales;
- (2) Sales and servicing related to spark plugs, batteries, distributors and distributor parts;
- (3) Tire sales;
- (4) Tire servicing and repair, but not recapping or regrooving;

- 205 (5) Replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor
206 mats, wiper blades, grease retainers, wheel bearings, mufflers, shock
207 absorbers, mirrors and the like;
- 208 (6) Provision of water and supplements for radiator fluids, and the like;
- 209 (7) Washing and polishing, limited to facilities for washing one (1) vehicle car
210 at a time, and sale of vehicle automotive washing and polishing materials,
211 but not the operation of vehicle automobile washing establishments;
- 212 (8) Providing and preparing fuel pumps and lines;
- 213 (9) Minor servicing and repair of carburetors;
- 214 (10) Minor servicing of air conditioners;
- 215 (11) Vehicular Automotive wiring repairs;
- 216 (12) Brake repair;
- 217 (13) Motor repairs not involved in removal of the motor from the vehicle head or
218 crankcase;
- 219 (14) Greasing and lubrication;
- 220 (15) Provision of air for tires;
- 221 (16) Sales of cold drinks, candies, tobacco products and similar goods for
222 service station customers, but only as accessory and incidental to the
223 principal business operation;
- 224 (17) Provision of road maps and other informational material for customers;
- 225 (18) Provision of restroom facilities.

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EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3 "PERMITS"

Sec. 23.2-31. - Site design qualitative standards.

- ~~e) Gasoline stations. Gasoline stations must follow all criteria set forth in this section, including the following additional criteria:~~
- ~~1. Symbolic colors of the exterior façades or roofs may not be used unless they are harmonious with the atmosphere in the neighborhood and the city as well as appropriate to the architectural style of the proposed building(s).~~
 - ~~2. Exterior display of goods for sale or those designating a service will not be allowed. However, gasoline station displays of goods and tools or services may be displayed on the pump island, provided that the island is not considered by the board to be enlarged to take advantage of this provision, and provided that the goods and tools are such that they can be used or installed at the island. For example, an oil rack is acceptable but a tire display is not.~~
 - ~~3. Areas used to store materials such as mufflers, tires, packing crates or cases, refuse and garbage shall be screened from adjacent property and from the public view.~~

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts," Division 3, MIXED USE DISTRICTS

Sec. 23.3-18. – MU-W – Mixed use west.

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

5. *Maximum impermeable surface.* The maximum impermeable surface shall be:

A. Sixty-five (65) percent for lots up to four thousand nine hundred ninety-nine (4,999) square feet;

B. ~~Sixty-five (6560)~~ Sixty-five (6560) percent for lots between five thousand (5,000) square feet and seven thousand four hundred ninety-nine (7,499) square feet; and

C. ~~Sixty-five Fifty-five (6560)~~ Sixty-five (6560) percent for lots seven thousand five hundred (7,500) square feet and greater.

Article 3, "Zoning Districts," Division 6, Planned Development

Sec. 23.3-25. – Planned Development District.

e) *Mixed use urban planned development.*

1. Location. Urban planned developments may be located in any mixed use district ~~east of Interstate 95~~, such as Mixed Use - East, Mixed Use - West, Mixed Use - Dixie Highway, Mixed Use - Federal Highway, Transit Oriented Development - East, Transit Oriented Development – West and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

f) *Amendments to approved planned development master plans.* Minor amendments to existing planned development master plans may be approved by the development review official ~~planning and preservation manager~~.

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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Article 4, "Development Standards"

Sec. 23.4-10. - Off-street parking.

a) *General provisions.* The following standards shall apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes:

1. Except as otherwise provided in this section, no building shall be erected or moved into a district nor shall any building be enlarged by more than twenty-five (25) percent or increased in capacity by adding dwelling units, guest rooms, floor area or seats, unless there be provided on the building site, off-street parking facilities for the entire building as set forth in this section. A certificate of occupancy for the given structure or premises shall be prohibited until the required parking area has been improved, inspected and approved.
2. Fractional measurements. When units or measurements determining the number of required off-street parking spaces result in the requirement of a fractional space, any such fraction of one-fourth (¼) or greater shall require a full space.
3. Parking prohibited. Parking is prohibited on lawns or landscaping areas in all zoning districts. Parking shall be confined to designated marked parking spaces in all districts except SF-R7 and SF TF-14 districts. In SF- R7 and SF TF-14 districts, parking is limited to driveways, carports, garages or marked parking spaces. ~~No vehicle in excess of three-quarter ton shall be parked in any residential district except when used for temporary construction or service purposes.~~
4. Parking for the disabled. Required parking shall include parking spaces for disabled persons in accordance with the requirements of F.S. § 553.501 et seq., the "Florida Americans With Disabilities Accessibility Implementation Act" ("Florida ADAIA") and the Americans with Disabilities Act Accessibility Guidelines, as adopted by reference in 28 C.F.R., Part 36, Subparts A and D, and Title II of Pub. L. No. 101-336, which are also incorporated by reference into the Florida ADAIA.
5. Uses not specifically mentioned. For any use not specifically mentioned in this section, the development review official zoning administrator shall identify a similar use that is specifically listed and apply the required parking standards accordingly.
6. Joint use of off-street parking facilities. Nothing in this section shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operators, provided that the total of such spaces, when combined or used together, shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this section. Such facilities shall be permanently maintained for such joint use, and shall not be discounted in whole or in part unless other suitable facilities conforming with this section are provided.

342 b) *Location.*

343 1. Unless otherwise specified herein, parking spaces for all residential uses shall be
344 located on the same lot with the main building to be served. Such parking space
345 may consist of a carport, garage or parking area as defined in this section. Parking
346 beneath a building is expressly allowed and such space shall not be included as a
347 "story" of the building.

348 A. Parking off of an alley.

349 1) Parking provided off of an alley shall maintain a twenty-foot back-out, which
350 includes the width of the alley.

351 2) If a building is located between a ROW and a vehicular area, foundation
352 plantings shall be provided.

353 2. Parking spaces for all other single uses, in all districts except ~~all commercial and~~
354 ~~the Industrial Park of Commerce – I-POC~~ uses, shall be provided on the same lot
355 or in conformance with the requirements for transitional parking lots (section 23.4-
356 13).

357 3. Parking spaces for those properties in ~~all commercial and~~ mixed use districts with
358 a mix of uses are allowed to provide required parking at an off-site location
359 anywhere within four hundred (400) feet of the proposed use. Parking spaces for
360 those properties in ~~all~~ industrial use districts are allowed to provide required
361 parking at an off-site location anywhere within five hundred (500) feet of the
362 proposed use. In each case, such parking lots shall be tied to the mixed use or
363 ~~commercial or~~ industrial site by unity of title. Properties with the single use of
364 residential must provide on-site parking.

365 c) *Access.*

366 1. All parking spaces shall have unobstructed on-site access to a paved public right-
367 of-way.

368 2. All properties using State Roads 802, 805 and 5; and 6th Avenue South, 10th
369 Avenue North, Worthmore Drive and Lake Osborne Drive as access to their on-
370 site parking shall provide maneuvering space to permit vehicles to enter and leave
371 the parking area in a forward motion.

372 3. No building permit shall be issued by the city for any on-site improvements where
373 the building plans submitted show that the access to any on-site parking space
374 requires the use of unimproved public right-of-way, unless and until:

375 A. The owner enters into an agreement with the city agreeing to the paving, at
376 said owner's expense, of the unimproved right-of-way from paved street to
377 street, and such owner posts a cash bond with the city in an amount determined
378 by the city engineer to be sufficient to cover the actual costs of improvements,
379 including engineering fees, with said engineering fees refundable upon the
380 city's acceptance of the improvements; or

381 B. A petition, signed by a majority of the property owners abutting the unimproved
382 public right-of-way and requesting the paving of the unimproved public right-of-
383 way with the costs thereof to be assessed against the benefited properties, is

384 presented to the city commission; a public hearing is held therefore; and, a
385 contract is let for said project.

386 C. No certificate of occupancy shall be issued in either case until said
387 improvements are completed and accepted for perpetual maintenance by the
388 City of Lake Worth.

389 4. Single-family buildings, duplexes, multiple-family buildings of four (4) units or fewer
390 and commercial businesses not exceeding one thousand (1,000) feet of gross floor
391 area shall be exempt from the provisions of this section.

392 d) *Material*. Each parking space shall be surfaced with a hard impermeable dustless
393 material, either solid in area or in individual concrete strips or other approved
394 materials, in accordance with City of Lake Worth standards. Required off-street
395 parking for single family and two family dwelling units may utilize permeable materials,
396 such as permeable pavers, gravel, stone, shell rock, and turf block, in lieu of
397 impermeable material as long as it meets the following criteria:

398 1. Appropriate stabilization must be established to keep permeable materials out of
399 the ROW and storm water systems;

400 e) *Drainage*. All off-street parking facilities shall be drained so as not to cause any
401 nuisance to adjacent private or public property.

402 f) *Minimum parking space requirements by use category*. See table below:

Principal Use	Minimum Number of Spaces	Additional Requirements
<i>Residential:</i>		
Single-family dwelling	2 spaces	1 space for 25' lots
Two-family dwelling	2 spaces per unit	1 space per unit for 25' lots
Accessory dwelling unit	1 space in addition to that required for the primary dwelling	
Mobile homes	2 spaces per mobile home	
Multi-family dwelling	1 space per bedroom with a max. of 2 spaces per unit; additional 0.5 guest space per efficiency and 1-bedroom unit; no additional guest spaces required for units containing 2 or more bedrooms	1 additional space if rental/sales office on-site. On-street parking may be counted towards required parking.
<i>Lodging, retirement homes, overnight medical facilities:</i>		

Hotels/motels	1 space per sleeping room; 2 additional spaces for office	Additional 50% of required parking to accommodate any accessory uses, such as restaurants, bars, conference centers, etc.
Bed and breakfast inns	1 space per sleeping room, plus 1 space for manager, owner or operator, plus 1 space for each employee	Available on-street parking spaces along the legal lot frontage of the property shall be the only credit to the required parking
Boarding houses, rooming houses, dormitories	1 space per sleeping room, plus 1 space for manager, owner or operator, plus 1 space for each employee	
Nursing Homes	1 space per 2 patient beds	1 space per 2 employees for on-site care providers
Hospitals	1.5 spaces per patient bed	
<i>Industrial, service facilities:</i>		
Vehicle service facilities	2 spaces per service bay plus 1 space per 200 square feet of non-service floor area	
Motor vehicle sales and service	1 space per 100 square feet of showroom floor area; 1 space per service bay	
Vehicle filling and service stations	Service stations: Min. 6 spaces, plus 1 additional space per service bay.	
	Filling stations: Min. 6 spaces.	
Industrial or manufacturing	1 space per 1000 square feet gross floor area or 1 space per employee, whichever is greater	
Mini-warehouses	1 space per 2,500 square feet rentable area, plus 1 space for non-resident manager or 2 spaces for on-site resident manager	

Warehouse or wholesale distribution	1 space per 500 square feet gross floor area	
Bus station	1 space per 300 square feet gross office and waiting area	
<i>Office, professional facilities:</i>		
Banks	1 space per 300 square feet gross floor area	
Business, professional, government, similar offices	1 space per 300 square feet gross floor area, but no less than 0.8 space per employee	
Medical clinics, dentist, doctor, similar offices	6 spaces for each doctor/dentist, plus 1 space per employee	
<i>Commercial, personal services:</i>		
Beauty, barber shops, similar personal services	1 space per 200 square feet gross floor area or 2 spaces for each beauty or barber chair, whichever is greater	
Convenience store	1 space per 100 square feet gross floor area	
Day care facilities	2 spaces or 1 space per employee, whichever is greater; plus 1 space for each 10 children	
General retail store	1 space per 200 square feet gross floor area	
Laundromats and self-service dry cleaning establishments	1 space for each 2 washing or dry cleaning machines	
Mortuaries	1 space per 50 square feet floor area used for services	
New vehicle sales and service	3 spaces per service bay; plus 1 space per 300 square feet non-service floor area or 1 space per	

	employee, whichever is greater	
Shopping centers, supermarkets	1 space per 250 square feet gross leasable area	
Showroom-type establishments over 10,000 square feet, including furniture, appliance and household equipment, similar uses	1 space per 700 square feet gross floor area	
<i>Restaurants, bars, nightclubs:</i>		
Drive-in or drive-through restaurants	Drive-in: 1 space per 50 square feet gross floor area;	
	Drive-through: 1 space per 75 square feet gross floor area	
Drive-in or drive-through restaurants	Drive-in: 1 space per 50 square feet gross floor area;	
	Drive-through: 1 space per 75 square feet gross floor area	
Restaurants, bars, nightclubs, similar establishments	1 space per 75 square feet seating or service area	
<i>Recreational facilities:</i>		
Bowling alleys	2 spaces per bowling lane	Additional 50% of required parking to accommodate any accessory uses, such as restaurant or bar
Stadiums, sports arenas	1 space per 3 seats	
Theatres, auditoriums having fixed seating	1 space per 3 seats	
<i>Schools, places of worship and assembly:</i>		

Places of assembly, including private clubs, lodges and fraternal buildings, assembly halls, exhibition halls, convention centers, community centers, libraries, museums, dance halls, skating rinks, similar uses	1 space for each 4 seats provided for patron use or 1 space per 75 square feet gross floor area occupied by customers, patrons or members, whichever is greater	
Places of worship	1 space for each 5 fixed seats	For those using a multipurpose assembly area without fixed seats, 1 space per 75 square feet assembly area
Schools (public, private and parochial)		
Elementary schools:	1 space per classroom, plus 1 space for each non-instructional employee, plus 1 space per 100 square feet floor area used for assembly	
Junior High or middle schools:	1 space per classroom, plus 1 space for each non-instructional employee, plus 1 space per 100 square feet floor area used for assembly, plus 1 space for each 25 students	
Senior High schools:	6 spaces per classroom	If a sports stadium is included on-site, each 24 lineal inches of bleacher/bench seating shall be counted as 1 seat for the purpose of computing off-street parking. See "stadium/sports arenas" above.
Schools, other:	1 space per 75 square feet gross floor area to be occupied by students	

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404 g) ~~Core area parking requirements.~~

- 405 1. ~~The core area shall mean the central most properties of the downtown, more~~
 406 ~~particularly described as: Those properties which are bounded on the west by "A"~~
 407 ~~Street and on the east by Golfview Road, and on the north by 2nd Avenue North,~~
 408 ~~and on the south by 1st Avenue South.~~
- 409 2. ~~Minimum access, markings, materials and drainage shall be as provided in this~~
 410 ~~section. Minimum parking space size and aisle width is as follows:~~

Angle of Parking	Stall Width	Stall Depth	Aisle Width
0 degrees parallel	9'	22'	10' one-way 20' two-way
+/- 45 degrees	9'	18'	10' one-way 20' two-way
90 degrees	9'	18'	10' one-way 20' two-way

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

413 A. Residential uses:

- 414 Single-family detached on lot less than fifty (50) ft wide - 1 space per unit.
 415 Single-family detached on lot greater than fifty (50) ft wide - 2 spaces per unit.
 416 Single-family attached less than 3 units – 1.5 spaces per unit.
 417 Single-family attached 3 or more units – 1.25 spaces per unit.
 418 Multi-family (efficiency) - 1.25 spaces per unit.
 419 Multi-family (1 bedroom) - 1.5 spaces per unit.
 420 Multi-family (2 bedroom) - 1.75 spaces per unit.
 421 Multi-family (> 2 bedroom) - 2 parking spaces.

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423 B. Nonresidential uses:

- 424 ~~Professional eOffice—1 space per four hundred (400) gross net square feet of~~
 425 ~~space.~~
 426 Retail—1 space per five hundred (500) gross net square feet of space.
 427 Restaurant—1 space per ~~two one~~ hundred fifty (2150) gross net square feet of
 428 dining space (including kitchen and seating areas).
 429 Lodging Hotel—0.75 spaces per unit.
 430 Commercial / Single Destination Retail / Stand Alone Retail-1 space per two
 431 hundred fifty (250) gross square feet of space.
 432 Personal Services / Medical Related Office-1 space per two hundred fifty (250)
 433 gross square feet of space.
 434 Vehicular-1 space per one hundred fifty (150) gross square feet of space.
 435 Industrial-1 space per one thousand (1,000) gross square feet of space.
 436 Institutional-1 space per two hundred (200) gross square feet of space.
 437 Assembly-1 space per seventy five (75) gross square feet of space
 438 ~~Uses not specifically mentioned— for any use not specifically mentioned in this~~
 439 ~~section, the requirements for off-street parking which is so mentioned and to~~
 440 ~~which the said use is similar shall apply. Properties with multiple uses shall~~

441 calculate the aggregate total of parking required for each use category prior to
 442 taking a twenty five (25) percent deduction. Uses that generate a high parking
 443 demand of greater than 6 spaces per 1,000 sf*, but do not exceed the 50
 444 person threshold to qualify as assembly per the latest version of the Florida
 445 Building Code shall be required to provide 50% more parking than other uses
 446 in the same use category. (*Institute of Transportation Engineers (ITE) Peak Parking Generation Rate,
 447 3rd Edition or later)
 448

449 **24. Exceptions. Parking is not required for:**

- 450 A. Changes in use or occupancy or remodeling of existing buildings which do not
 451 increase floor area or number of overall existing dwelling units, located outside
 452 of the single-family residential SF-R zoning district.
- 453 B. Changes in use, remodeling, of existing buildings as designated as a
 454 contributing structure in one (1) of the city's historic districts (as determined by
 455 section 23.5-4.).
- 456 C. A bed and breakfast use proposed in a building designated as a contributing
 457 structure in a city historic district (as determined by section 23.5-4) is excluded
 458 from these off-street parking exceptions unless the bed and breakfast is to be
 459 established in a single family residence whereby parking shall be provided in
 460 accordance with these LDRs.

461 **35. Fee-in-lieu of parking. All uses which do not provide the required number of off-**
 462 **street parking spaces shall pay a fee-in-lieu of parking to the city. The fee shall be**
 463 **held in the community benefits fund to be allocated toward projects identified and**
 464 **approved by the commission as part of the Community Benefits Program.**

- 465 A. Payments-in lieu. For any uses that elect to not provide any or all of the required
 466 number of off-street parking spaces described in this section, the owner or
 467 developer must make a payment to the city in the amount of fifteen thousand
 468 dollars (\$15,000) ~~seven thousand five hundred dollars (\$7,500.00)~~ per space
 469 not provided.
- 470 B. Any changes in use, remodeling, building expansion or new construction that
 471 have the net effect of increasing parking demand by more than twenty-five (25)
 472 ~~ten (10)~~ percent as calculated by the required parking in this section, must
 473 provide parking as required by this section unless a payment-in-lieu of parking
 474 is made to the city in the amount of fifteen thousand dollars (\$15,000)~~seven~~
 475 ~~thousand five hundred dollars (\$7,500.00)~~ per space not provided.

476 g) Electric Vehicle Charging Infrastructure. It is the purpose of the electric vehicle
 477 charging infrastructure to provide the availability of electric vehicle charging stations
 478 to residents and visitors of the city.

479 1. All new commercial or mixed-use developments with at least 25 parking spaces, or
 480 existing commercial or mixed-use developments with at least 25 parking spaces
 481 that enter into either the site plan or site plan amendment process are subject to
 482 the following:

- 483 A. 4% of the total minimum required off-street parking spaces shall be designated
 484 and outfitted as electric vehicle charging spaces. Each required space at a
 485 minimum shall include the following:

486 1) A maintained and operational 240-volt “Level 2” charging station, with a
487 cable retraction device and/or place to hang permanent cords and
488 connectors sufficiently above the ground, and mounted at a height which
489 places the connector a minimum of 36 inches and a maximum of 48 inches
490 above the ground,

491 2) Wheel stops or concrete filled steel bollards to protect the aforementioned
492 charging station,

493 3) Signage allowing only electric vehicles to park in such space and indicating
494 that it is only for electric vehicle charging purposes,

495 4) The ability for all visitors to the site to access and use such space,

496 B. All spaces with Electric Vehicle Charging Infrastructure shall be located in close
497 proximity to the building or facility entrance,

498 2. Any development that proposes more than 20% of its required off-street parking to
499 be outfitted as electric vehicle charging spaces, or operates any amount of
500 charging stations as a primary use as determined by the Development Review
501 Official, shall be classified as containing an “Vehicle Fueling/Charging Service
502 Station” use as defined in Section 23.1-12 and is subject to the appropriate use
503 approval process prior to the operation of such charging stations per Section 23.3-
504 6.

505 3. Charging stations in SFR, SF/TF-14, MH-7, MF-20, MF-30, or MF-40 zoning
506 districts shall be for the exclusive use of the development’s residents and guests
507 that are visiting the development’s residents, and shall not be made available to
508 the general public.

509
510 h) *Shared parking for mixed-use zoning.* It is the purpose of the shared parking
511 subsection to provide flexible parking provisions for the city in the appropriate mixed-
512 use zoning districts where mixed-use developments occur. Mixed-use developments
513 typically do not experience peak parking demands at the same time so reduced
514 parking may be provided in these instances.

515 1. Shared parking levels for mixed-use development. When any land or building is
516 used for two (2) or more uses, the total requirement for off-street parking shall be
517 the sum of the requirements of the various uses computed separately, minus
518 twenty-five (25) percent of the total required. However, in no case, shall less than
519 0.8 of a space be provided for each employee and 1.0 space be provided for each
520 dwelling unit.

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

524 i) *Change of use or occupancy.* Where the use of a given structure is changed, off-street
525 parking facilities must be provided for the new use according to the requirements set
526 forth in this section 23.4-10.

527 1. If a portion or all of a structure or property is changed in use which requires to
528 require a greater number of off-street parking spaces, then additional parking shall

529 be documented ~~provided~~ for the new use in accordance with section 23.4-10 and
 530 any parking non-conformity recorded.

531 2. Any expansion, alteration, or improvement which increases the gross square
 532 footage or area of an existing structure by more than twenty five (25) percent shall
 533 be accompanied by any corresponding increase in the number of parking or
 534 loading spaces necessary for the expansion to conform to the requirements of
 535 section 23.4-10.

536 ~~3. Changes in the use or occupancy of existing buildings located in the DT, MU-FH,
 537 MU-DH, MU-E, TOD-E and AI zoning districts or that have been designated as a
 538 contributing structure in one (1) of Lake Worth's historic districts (as determined by
 539 section 23.5-4) shall follow the requirements set forth in section 23.4-10 g), Core
 540 Area Parking Requirements.~~

541 j) *Minimum parking dimensions.*

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

545 2. Parking lot designs:

546 a. Parking space dimensions for other types of spaces are:

547 i. Compact Car Spaces at eight (8) feet x sixteen (16) feet.

548 ii. Handicapped Spaces at twelve (12) feet x eighteen (18) feet.

549 b. Drive aisle widths shall be a minimum of twelve (12) feet for any one-way isle
 550 and twenty (20) feet for all other isles.

551 c. For landscaping requirements in regard to parking and other vehicular use
 552 areas, see section 23.6-1(f)(3).

553 d. For lighting requirements, see section 23.4-3.

554 e. Up to a maximum of twenty five (25) ~~ten (10)~~ percent of total required spaces
 555 may be compact cars. All compact spaces must be clearly identified.

556 f. Alternative parking lot designs which incorporate one-way aisles, two-way
 557 aisles, and diagonal parking may be used in lieu of the standard (perpendicular,
 558 two-way aisle) parking lot design.

<u>Angle of Parking</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
<u>0 degrees-parallel</u>	<u>9'</u>	<u>22'</u>	<u>10' one-way</u> <u>20' two-way</u>
<u>+/- 45 degrees</u>	<u>9'</u>	<u>18'</u>	<u>10' one-way</u> <u>20' two-way</u>
<u>90 degrees</u>	<u>9'</u>	<u>18'</u>	<u>10' one-way</u> <u>20' two-way</u>

559
 560 k) *On-street parking.*

- 561 1. *Applicability.* The minimum number of required off-street parking spaces for a use
562 or project may be satisfied, in part, by the use of on-street parking spaces located
563 within the public right-of-way abutting that same lot or parcel.
- 564 2. *Conditions.* The provision for on-street parking spaces to be used to meet the
565 minimum number of required off-street parking spaces shall be subject to the
566 following conditions:
- 567 a. The on-street parking provision is applicable to all existing or proposed
568 development located within all ~~commercial and mixed use~~ and multi-family
569 zoning districts ~~and for all multi-family developments~~;
- 570 b. Only the on-street parking spaces located within the public right-of-way that
571 abut the frontage of a use or project may be used to count toward meeting the
572 minimum number of required off-street parking spaces. The on-street parking
573 spaces must be located on the same side of the street as the subject use or
574 project;
- 575 c. The design of the on-street parking spaces must be approved by the city public
576 services department in order to satisfy parking demand according to subsection
577 B.1. herein; and
- 578 d. On-street parking spaces utilized under this provision shall not be reserved,
579 temporarily or permanently, for any given use.
- 580 e. No more than fifty (50) percent of the required off-street parking requirement
581 may be met with on-street parking.

582 l) Parking Alternates.

- 583 1. For the purposes of these land development regulations the following may be
584 substituted for on site parking spaces.
- 585 a. The provision of four (4) bicycle rack spaces shall count as one (1) parking
586 space;
- 587 b. The provision of two (2) motorcycle or scooter spaces shall count as one (1)
588 parking space;
- 589 c. The provision of one (1) transit vehicle or bus space shall count as four (4)
590 parking spaces.
- 591 2. Alternate parking spaces including compact spaces shall count toward no more
592 than twenty five (25) percent of the overall on site parking requirement.

593
594 **Sec. 23.4-13. – Administrative Uses and Medium and High Intensity Conditional**
595 **Uses.**

- 596
597 a) *Purpose.* The following uses have been determined to carry the potential for
598 substantial adverse impacts on neighboring properties and, therefore, are subject to
599 development standards and regulations in addition to those required for the zoning
600 district. All uses listed herein are subject to the requirements set forth under [section](#)
601 [23.2-28](#), Administrative Adjustments/administrative use permits or [section 23.2-29](#),
602 Conditional uses.

603 b) *Findings by review authority.* In addition to the standards of [section 23.2-28](#) or [section](#)
604 [23.2-29](#), the review authority, prior to recommending approval, or approving, as the case
605 may be, of an administrative use or a conditional use for an automobile filling station or
606 automobile service station shall find that the standards of this section and sections [23.2-](#)
607 [30,23.2-31](#) and [23.2-32](#) have been met. See [Article 3](#), permitted use table.

608 c) *Standards.*

609 1. *Vehicular related services.*

610 A. *Regulations and Standards.*

611 (2) Vehicle fueling/charging service ~~Vehicle filling~~ stations.

612 (a) *Purpose.* It is the purpose of this section to provide regulations and
613 standards for the establishment of vehicle fueling/charging automobile
614 ~~filling stations and automobile~~ service stations within designated
615 zoning districts. Vehicle fueling/charging automobile filling stations and
616 ~~automobile~~ service stations are intended primarily to serve the fuel and
617 service needs of motorists. Vehicle fueling/charging automobile filling
618 ~~stations and automobile~~ service stations shall be approved through the
619 appropriate decision making authority by conditional use procedures.

620 (b) *Use regulations.* Uses permissible at an vehicle ~~automobile~~ service
621 station do not include any sales or mechanical work not specifically
622 listed below, nor do they include body work, the straightening of frames
623 or body parts, steam cleaning, painting, welding, storage of vehicles
624 ~~automobiles~~ not in operating condition, provision of parking services,
625 or other work involving noise, glare, fumes, smoke, traffic congestion
626 or other characteristics to an extent greater than normally found in uses
627 permitted by right or with special approval in the district where the
628 facility is located. ~~Activities allowed as part of station and automobile~~
629 ~~service station use:~~

630 i. ~~Provision of air for tires;~~

631 ii. ~~Sales of cold drinks, candies, tobacco products and similar goods~~
632 ~~for service station customers, but only as accessory and incidental~~
633 ~~to the principal business operation;~~

634 iii. ~~Provision of road maps and other informational materials for~~
635 ~~customers;~~

636 iv. ~~Provision of restroom facilities;~~

637 v. ~~Fuel, oil, and grease sales;~~

638 vi. ~~Sales and servicing relating to spark plugs, batteries, distributors~~
639 ~~and distributor parts;~~

640 vii. ~~Tire sales;~~

- 641 ~~viii. Tire servicing and repair, but not recapping or re-grooving;~~
- 642 ~~ix. Replacement of water hoses, fan belts, brake fluid, light bulbs,~~
- 643 ~~fuses, floor mats, wiper blades, grease retainers, wheel bearings,~~
- 644 ~~mufflers, shock absorbers, mirrors and the like;~~
- 645 ~~x. Provision of water and supplements for radiator fluids, and the like;~~
- 646 ~~xi. Washing and polishing, limited to facilities for washing one (1) car~~
- 647 ~~at a time, and sale of automatic washing and polishing materials,~~
- 648 ~~but not the operation of automobile washing establishments;~~
- 649 ~~xii. Providing and preparing fuel pumps and lines;~~
- 650 ~~xiii. Minor servicing and repair of carburetors;~~
- 651 ~~ixx. Minor servicing of air conditioners;~~
- 652 ~~xx. Automotive wiring repairs~~
- 653 ~~xxi. Brake repair;~~
- 654 ~~xxii. Motor repairs not involved in the removal of the head or crankcase;~~
- 655 ~~xxiii. Greasing and lubricating.~~

656 5. Single Destination Retail Uses including Stand Alone Retail and Single

657 Destination Commercial Uses. Convenience stores.

658 A. *Purpose.* It is the purpose of this section to provide regulations and standards

659 for single destination retail and single destination commercial convenience

660 store establishments within designated zoning districts. These

661 uses ~~Convenience stores~~ shall be approved through the appropriate decision

662 making authority ~~by conditional use procedures.~~

663 B. *Design and performance standards.*

664 (1) Minimum site area: Ten thousand (10,000) square feet.

665 (2) Minimum lot width: One hundred (100) feet.

666 ~~(3) Minimum distances. All convenience stores shall be located a minimum~~

667 ~~of one thousand (1,000) feet from any existing convenience store.~~

668 ~~Distance shall be measured from property line to property line, without~~

669 ~~regard to intervening structures or objects.~~

670 ~~(34) Landscape requirements. The site must be provided with a minimum~~

671 ~~five-foot-wide perimeter planting area. Site landscaping shall comply~~

672 ~~with adopted landscape regulations.~~

673 ~~(45) Buffering. A fence or wall shall be erected at a height of not less than six~~

674 ~~(6) feet when the parking area(s), pay phones or other common area(s)~~

675 ~~is within twenty-five (25) feet of a residential district, in addition to the~~

676 ~~landscaping requirements outlined in subsection (5), above. All fences~~

677 and walls shall be constructed of concrete, masonry or metal. Metal
678 fences shall be open weave chain link, vinyl coated type combined with
679 a shrub hedge or ornamental in nature. Walls shall be finished with a
680 graffiti-resistant paint.

681 (56) Pay telephones, ATMs and vending machines. Vending machines or any
682 facility dispensing cash or merchandise shall be confined to space built
683 into the building or enclosed in a separate structure compatible with the
684 main building. Pay phones must be attached to the building or within ten
685 (10) feet of the main entrance. Where appropriate and feasible, such
686 facilities shall not be visible from a side street.

687 ~~(67) Variances for minimum site area and minimum distance separation~~
688 ~~between convenience stores shall not be granted.~~

689 (7) Establishments must front one of the city's major thoroughfares.

690 (8) Outdoor display of more than three (3) individual items is strictly
691 prohibited.

692 (9) Establishments must have at least twenty-five (25) percent clear glazing
693 and fenestration along frontages and entrances clearly identifiable.

694 (10) Display windows must have engaging and pedestrian friendly vignettes.
695 Covering of display windows with posters, paper, advertisements, written
696 signs and similar shall be strictly prohibited. Vacant buildings shall have
697 approved vignettes covering windows until an active business is
698 established and operating.

699 (11) All sales transactions, except during city approved special events, shall
700 take place within the building.

701 (12) Walk up sales windows shall be treated as a drive through facility and be
702 regulated as such.

703

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Article 5, "Supplemental Regulations," Division 3 "NONCONFORMITIES"

Sec. 23.5-3. – Nonconformities.

d) *Nonconforming buildings and structures.* A nonconforming building or structure is a building or structure properly constructed according to the law existing at the time of permit but which does not presently conform to the property development regulations of these LDRs for minimum site area or dimensions, minimum setback requirements, maximum building or structure height, maximum lot coverage, minimum floor area, parking or loading or for other characteristics of buildings or structures regulated in these LDRs, or for its location on the lot. A nonconforming building or structure may continue to exist in a nonconforming state so long as it otherwise conforms to law, subject to the following provisions:

1. Nonconforming buildings and structures may be enlarged, expanded or extended subject to these LDRs, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure, or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.
2. Should the structure or building be deteriorated or destroyed ~~by any means~~ to an extent of more than fifty (50) percent of the assessed value of the structure or building as determined by the building official, it shall not be reconstructed except in conformity with the provisions of these LDRs.
3. Should the structure or building be deteriorated or destroyed ~~by any means~~ to an extent of less than fifty (50) percent but more than thirty-three (33) percent of its assessed value as determined by the building official, it may be restored only upon issuance of a variance pursuant to [section 23.2-26](#) for the particular building or structure nonconformity. A variance shall not supersede a condemnation order of the building official and such variance shall not obviate the necessity of obtaining other needed waivers or variances from the city.
4. Should such building or structure be moved to a new site, or to a new location on the same lot or site, it shall conform to the current land development regulations relevant at the time of the relocation.