

ORDINANCE NO. 2010-10 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23, ARTICLE 19, SECTION 23.19.00, "SPECIAL LAND USE STANDARDS AND PROCEDURES", AMENDING ARTICLE 21, SECTION 23.21.08, "LANDSCAPE REGULATIONS", ARTICLE 23, SECTION 23.22.04, "NONCONFORMING USES, BUILDINGS, LOTS, STRUCTURES, AND PREMISES", OF THE CODE OF ORDINANCES OF THE CITY OF LAKE WORTH, TO PROVIDE FOR REVISIONS TO THE ZONING CODE REQUIREMENTS FOR SINGLE-FAMILY HOUSES ON TWENTY-FIVE-FOOT LOTS IN ORDER TO ADDRESS DEVELOPMENT ASSOCIATED WITH THE NEIGHBORHOOD STABILIZATION PROGRAM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Worth Community Redevelopment Agency is the recipient of a Neighborhood Stabilization Program 2 grant from the United States Department of Housing and Urban Development ("NSP2"); and

WHEREAS, in order to insure the rehabilitation and development of affordable single-family homes in the NSP2 Target Area in a manner consistent with the NSP2 Grant, the City Commission of the City of Lake Worth ("City") desires to amend the City's Zoning Code Requirements in order to accommodate the rehabilitation and development of single-family houses on twenty-five-foot lots within the zoning districts as specified in the City's Zoning Code; and

WHEREAS, the City Commission finds that the adoption of this ordinance is in the best interest of the health, safety, and welfare of the citizens and residents of the City of Lake Worth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA THAT:

Section 1. The recitals set forth above are true and correct and incorporated herein by this reference.

Section 2. That Chapter 23, "Zoning", Article XIX, "Special Land Use Standards and Procedures", Section 23.19.21, "Single-family houses on twenty-five-foot lots", of the City of Lake Worth Code of Ordinances, is hereby amended to read as follows:

23.19.21.00. - Single-family houses on twenty-five-foot lots.

23.19.21.01. *Purpose.* Single-family houses may be constructed on all platted 25-foot lots of record throughout the single-family-7 and the SF TF-14 zoning districts, yet subject to certain additional regulations and minimum standards. It is the purpose of this section to provide regulations and minimum standards for allowing single-family

dwelling units on existing platted lots of twenty-five (25) feet. Existing larger lots may not be subdivided in order to use these provisions of the Code. Additional items shall be subject to review and recommendations of the planning and zoning board.

A. The dwelling unit shall be a minimum of one thousand two hundred (1,200) gross square feet of living area, excluding any screened porch area credits. For single family houses on platted 25 foot lots developed pursuant to the United States Department of Housing and Urban Development's Neighborhood Stabilization Program Guidelines, the dwelling unit shall be a minimum of eight hundred (800) gross square feet of living area, excluding any screened porch area credits.

B. The exterior walls shall be stucco, brick or horizontal wood or wood composite lapped siding. Colors shall comply with the city paint code.

C. Roofing shall be barrel tile, S tile terra cotta, concrete tile, standing seam metal or architectural asphalt shingle roofs, unless a deviation is granted by the planning and zoning board.

D. Width of the mandatory porch shall be eighty (80) percent of the building frontage and nine (9) feet deep. For single family houses on platted 25 foot lots developed pursuant to the United States Department of Housing and Urban Development's Neighborhood Stabilization Program Guidelines, the porch dimensions are not applicable. The porch can extend into the twenty-foot front setback.

E. Minimum landscaping shall be provided as in the Landscape Regulations Section 23.21.08.00:

- (1) Single-family residential and duplexes are not required to install irrigation systems but are recommended to implement alternative watering methods (i.e. hand watering, mobile sprinkler systems, rain barrels, cisterns, etc.) that achieve the desired intent of the landscape design standards. Site plans and landscaping plans shall be submitted to the City Horticulturist for review and approval. Drought tolerant planting is highly recommended. All site development and landscaping shall follow the South Florida Water Management District's Florida Friendly Guidelines.

F. All roofs shall be hip, gable or a decorative parapet roof depending on the architectural style of the proposed structure.

G. If shutters are used, it is preferred that they are functional for hurricane purposes.

H. All side yards shall face south, if practical.

I. Two (2) on-site parking spaces shall be provided, either in a garage or concrete parking apron, setback a minimum ten (10) feet from the alley. No front vehicular access or garages are permitted. For single family houses on platted 25 foot lots developed pursuant to the United States Department of Housing and Urban Development's Neighborhood Stabilization Program Guidelines one on-site parking space shall be required if the existing dwelling is undergoing rehabilitation. For a new single family home constructed on platted 25 foot lots pursuant to the Neighborhood Stabilization Program Guidelines, one (1) on-site parking space shall be provided, either in a garage or concrete parking apron, subject to the above-mentioned access requirements.

J. All fencing used shall provide for ventilation (i.e. shadow box, picket, aluminum rail etc.). If a wood fence is used, it is preferred that the wood is stained or weather-proofed.

K. A corner 25-foot lot shall provide a balcony or some other type of architectural relief on the second floor front facade. This design feature is a requirement only if the proposed structure has a second floor.

L. Sidewalks shall be installed or repaired to like new condition. No waivers will be granted.

M. Minimum setbacks:

- (1) Minimum front setback: twenty (20) feet.
- (2) Minimum side setbacks: two (2) feet six (6) inches.
- (3) Minimum rear setback: ten (10) feet.

Section 3. That Chapter 23, "Zoning", Article XXI, "Supplemental Regulations", Section 23.21.08, "Landscape Regulations", of the City of Lake Worth Code of Ordinances, is hereby amended to read as follows:

23.21.08.00. - Landscape regulations.

23.21.08.07. *Irrigation requirements.* All landscape areas shall be provided with a sprinkler system, automatically operated, to provide complete coverage of all plant materials and grass to be maintained. Systems shall be designed to permit all zones to be completed between the hours of 5:00 p.m. and 9:00 a.m. to avoid daylight watering as established in the South Florida Water Management District Guidelines.

A. *Exceptions:*

(1) *Irrigation of existing plant communities.* Existing plant communities and ecosystems, maintained in a natural state, do not require and shall not have any additional irrigation water added in any form.

(2) *Re-established native plant areas.* Native plant areas that are supplements to an existing plant community or newly installed by the developer may initially require additional water to become established. The water required during the establishment period shall be applied from a temporary irrigation system, a water truck or by hand watering from a standard hose bib source.

(3) *Single-family residential and duplexes.* Single-family residential and duplexes are not required to install irrigation systems but are recommended to implement alternative watering methods (i.e., hand watering, mobile sprinkler systems, rain barrels, cisterns, etc.) that achieve the desired intent of the landscape design standards. Drought tolerant planting is highly recommended. Site plans and landscaping plans shall be submitted to the City Horticulturist for review and approval. All site development and landscaping shall follow the South Florida Water Management District's Florida Friendly Guidelines.

This section also provides minimum standards for nonconforming sites and requires upgrading to the extent possible within two (2) years from the effective date of this section.

This section is further intended to fulfill objectives as contained within conservation elements of the city's comprehensive plan, by providing for:

- A. The conservation of potable and non-potable water.
- B. The implementation of xeriscape landscaping principles.
- C. Maintaining permeable land areas essential to surface water management and aquifer recharge.
- D. Encouraging the preservation of existing plant communities.
- E. The eradication of exotic pest plant species.
- F. Encouraging the planting of site-specific native and drought-resistant plant materials.
- G. Establishing guidelines for the installation and maintenance of landscape material and irrigation systems.
- H. Reducing air, noise, heat, and chemical pollution through the biological filtering capacities of trees.

I. Promoting energy conservation through the creation of shade and promoting an aesthetic appearance for the community.

Section 4. That Chapter 23, "Zoning", Article XX, "Nonconforming Uses, Buildings, Lots, Structures, and Premises", Section 23.22.04.00, "Nonconforming Buildings and Structures", of the City of Lake Worth Code of Ordinances, is hereby amended to read as follows:

23.22.04.00. - Nonconforming building and structures.

A nonconforming building or structure is a building or structure constructed according to the law existing at the time of permit but which does not presently conform to the property development regulations of this chapter 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 this chapter, 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:

23.22.04.01. Nonconforming buildings and structures may be enlarged, expanded or extended subject to all property development regulations, 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.

23.22.04.02. Should the structure or building be ~~deteriorated~~ damaged 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~~ an independent property appraisal report, it shall not be reconstructed except in conformity with the provisions of this chapter. If an independent property appraisal report is not provided for the subject property, the City of Lake Worth may rely on the structure's assessed value as determined by the Palm Beach County Property Appraiser's office.

~~23.22.04.03. 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 by the zoning board of appeals in accordance with the provisions of section 23.23.02.07 herein for the particular building or structure nonconformity or nonconformities. A variance by the zoning board of appeals shall not supersede a condemnation order of the building official or of the board of adjustments and appeals,~~

~~and such variance shall not obviate the necessity of obtaining other needed waivers or variances from the city~~ Reserved.

23.22.04.04. 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 property development regulations relevant at the time of the relocation.

Section 5. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 6. Should any section or provision of this ordinance or portion hereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this ordinance.

Section 7. Sections 2, 3, and 4 of this ordinance shall be codified.

Section 8. This ordinance shall become effective ten (10) days after passage.

The passage of this Ordinance on first reading was moved by Commissioner Jennings, Seconded by Vice Mayor Golden, and upon being put to a vote, the vote was as follows:

Mayor René A. Varela	AYE
Vice Mayor Jo-Ann Golden	AYE
Commissioner Scott Maxwell	AYE
Commissioner Cara Jennings	AYE
Commissioner Suzanne Mulvehill	AYE

The Mayor thereupon declared this Ordinance duly passed on first reading on the 15th day of June, 2010.

The passage of this Ordinance on second first reading was moved by Commissioner Jennings, seconded by Commissioner Mulvehill, and upon being put to a vote, the vote was as follows:

Mayor René A. Varela	AYE
Vice Mayor Jo-Ann Golden	AYE
Commissioner Scott Maxwell	AYE
Commissioner Cara Jennings	AYE
Commissioner Suzanne Mulvehill	AYE

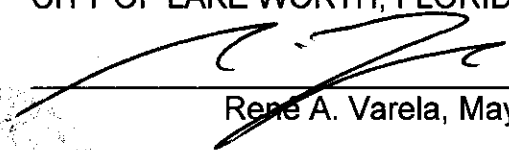
The Mayor thereupon declared this Ordinance duly passed on second first reading on the 6th day of July, 2010.

The passage of this Ordinance on second reading was moved by Vice Mayor Golden, seconded by Commissioner Maxwell, and upon being put to a vote, the vote was as follows:

Mayor René A. Varela	AYE
Vice Mayor Jo-Ann Golden	AYE
Commissioner Scott Maxwell	AYE
Commissioner Cara Jennings	ABSENT
Commissioner Suzanne Mulvehill	ABSENT

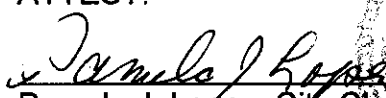
The Mayor thereupon declared this Ordinance duly passed and enacted on the 20th day of July, 2010.

CITY OF LAKE WORTH, FLORIDA



René A. Varela, Mayor

ATTEST:



Pamela J. Lopez, City Clerk