ORDINANCE 2026-09 - 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 AMENDING AND ADDING DEFINITIONS; ARTICLE 3 "ZONING DISTRICTS," DIVISION 1 "GENERALLY," SECTION 23.3-6 USE TABLES, AMENDING THE USE TABLES FOR VARIOUS ZONING DISTRICTS; AND ARTICLE 3 "ZONING DISTRICTS," SECTION 23.3-9 MH-7 – MOBILE HOME RESIDENTIAL, PARAGRAPHS a) AND b), SECTION 23.3-10 MF-20 – MULTI-FAMILY AND TWO-FAMILY RESIDENTIAL, PARAGRAPH b)2.E., SECTION 23.3-11 MF-30 – MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL, PARAGRAPH b)2.K., SECTION 23.3-12 MF-40 – HIGH DENSITY MULTI-FAMILY RESIDENTIAL, PARAGRAPH b)2.K., SUBSECTION 23.3-13.a) MU-E – MIXED USE EAST, SUBSECTION 23.3-16.a) MU-FH – MIXED USE-FEDERAL HIGHWAY, SUBSECTION 23.3-17.a) MU-DH – MIXED USE-DIXIE HIGHWAY, SUBSECTION 23.3-18.a) MU-W – MIXED USE WEST; AND ARTICLE 4 "DEVELOPMENT STANDARDS," SUBSECTION 23.4-25.b) – MICRO-UNITS, TO AMEND LANGUAGE FOR CONSISTENCY; 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, since at least 2010, the City has prohibited residential rentals of less than thirty (30) days; and

WHEREAS, the City wishes to eliminate the thirty (30) day restriction on residential rentals and address inconsistencies within its Land Development Regulations; and

WHEREAS, the Planning and Zoning Board, in its capacity as the local planning agency, considered the proposed amendments at a duly notice public meeting; and

WHEREAS, the Historic Resources Preservation Board, in its capacity as the local planning agency, considered the proposed amendments at a duly noticed public meeting; and

WHEREAS, the City Commission has considered the proposed amendments at a duly advertised public hearing and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

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

Section 1: The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance as if set forth herein.

Section 2: Chapter 23 "Land Development Regulations, Article 1 "General Provisions," Division 2 "Definitions," Section 23.1-12 "Definitions" is hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

Accessory dwelling unit (ADU): is an additional ~~living~~ dwelling unit that has separate kitchen, sleeping and bathroom facilities, detached from the ~~primary residential unit~~ principal dwelling on a single-family or two-family lot. ADUs provide housing opportunities through the use of surplus space adjacent to a single-family or two-family dwelling. ~~Accessory dwelling units~~ ADUs shall count toward overall floor area ratio (FAR) and lot coverage. ADUs may be vacation rentals.

Bed and breakfast inn: Any building or structure used, maintained, advertised or held out to the public as a place where furnished sleeping accommodations are provided for pay to transient or vacationing guests, in which no more than nine (9) private sleeping rooms ~~bedrooms~~, each having its own individual bath, and a common dining room that only serves breakfasts. Also considered transient public lodging.

Dwelling: A building or portion thereof designed or used exclusively for residential occupancy~~, but not including transient facilities~~.

Dwelling, multiple or multi-family: A building, or portion thereof, used or designed ~~as a residence~~ for residential occupancy by three (3) or more families living independently of each other, having individual ~~living~~ dwelling units ~~with each unit having cooking facilities and containing a living room or one (1) or more bedrooms, but not including transient facilities~~.

Dwelling, single-family: A detached building used or designed for residential occupancy ~~or occupied~~ exclusively by one (1) family as a single dwelling unit~~, but not including transient facilities, nor~~ with no more than one (1) kitchen indoors.

Dwelling, two-family; A detached building used or designed for residential occupancy ~~or occupied~~ exclusively by two (2) families living independently of each other in separate dwelling units, under one (1) continuous roof and on one (1) foundation~~, but not including transient facilities~~.

Dwelling unit (du): A self-contained, independent living space that provides, at a minimum, permanent provisions for sleeping, eating, cooking facilities including a range, and sanitation all within the confines of the unit itself ~~group of rooms including a kitchen~~ designed~~,~~ and used exclusively or occupied as separate living quarters by a single-family~~, but not including transient facilities~~. Any dwelling unit may be a vacation rental.

Family: An individual or two (2) or more persons related by legal adoption, blood, or a licit marriage, or a group of not more than three (3) persons who need not be related by blood or marriage, living together as a household ~~single housekeeping unit~~ in a dwelling unit. This definition shall not apply where state law regulating community residential homes provides a superseding definition.

Garage apartment: An accessory building which contains ~~living facilities for not more than one (1) family, and~~ a private garage for one (1) or more automobiles and either an accessory dwelling unit or a guest house, consistent with zoning restrictions, that is used or designed for not more than one (1) family.

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

Hotel: A building in which sleeping accommodations ~~lodging~~ are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel does not offer individual kitchen facilities. As such, it is open to the public in contradistinction to a boarding house ~~home~~, ~~or an apartment house, each of~~ which is herein separately defined. ~~Refer to~~ Also considered transient public lodging.

Household: ~~See "family" definition.~~ One or more people living together in a single dwelling unit, regardless of relationship, who are collectively responsible for the chores and expenses for the dwelling unit.

Independent senior living: ~~Public or private institution,~~ A building, series of buildings, or portion thereof, ~~residence, private home, or other place including independent living units,~~ whether operated as a public or private institution and for profit or not, including a place operated by a county or municipality, providing living quarters ~~accommodations~~ and recreational services for ~~retired~~ individuals over 55 years of age including accessory uses incidental to such use but not inclusive of medical care, supervision, diagnosis, treatment or prevention of diseases, illness, injury or other physical or mental impairments.

Manufactured home: ~~A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.~~ Shall have the same meaning as provided in Section 320.01(2), Florida Statutes, as may be amended.

Micro-unit: A small ~~residential~~ dwelling unit with a total square footage between two hundred and fifty (250) square feet and seven hundred fifty (750) square feet with a fully functioning permanent kitchen and bathroom; and may include a maximum of two (2) bedrooms. ~~with e~~Each micro-unit is equivalent to 0.75 residential dwelling units ~~only~~ for the purpose of determining density.

Mobile home or *mobile home dwelling ~~unit~~:* ~~A manufactured detached, transportable, single-family dwelling unit designed for long term occupancy and arriving at the site where it is to be occupied as a complete dwelling unit, containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems. To retain mobility, undercarriage and axles must remain attached to the unit.~~ Shall have the same meaning as provided in Section 320.01(2), Florida Statutes, as may be amended.

Motel: A series of attached or semi-attached sleeping rooms where each unit opens onto an exterior hallway and the building has no more than three (3) stories ~~has convenient access to parking space for the use of the unit's occupants~~. The units, with the exception of the apartment of the manager or caretaker, are designed to provide sleeping accommodations for automobile transients or overnight guests and no kitchen facilities are offered. Also considered transient public lodging.

Multiple-family structure: See "dwelling, multiple or multi-family". ~~Multiple-family structures are those which contain three (3) or more principal dwelling units, each for occupancy by one (1) family or household.~~

Residential uses: Uses such as single-family, two-family, and multi-family providing living quarters ~~accommodations~~ to households ~~including but not limited to the following types of structures: single-family dwelling/residence, duplex dwelling/residence, apartment building, condominium, and independent senior living~~.

~~*Resort housing:* Structures containing accommodations made available to people for temporary occupancy. Each unit of such housing, whether denominated a hotel or motel room, apartment, condominium unit, single-family residence, duplex, time-share unit, or otherwise available for dwelling purposes for periods up to sixty (60) days.~~

Single-family structure: See "dwelling, single-family". ~~Single-family structures are designed for occupancy by one (1) family or household. Single-family structures do not include accessory apartments or other facilities which permit occupancy by more than one (1) family or household.~~

Transient: A residential use or occupancy of thirty (30) ~~sixty (60)~~ days or less.

Transient public lodging: Shall have the same meaning as in section 509.013, Florida Statutes, as amended from time to time, which is any ~~Any~~ unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three (3) times in a calendar year for periods of thirty (30) consecutive ~~sixty (60)~~ days or less, ~~or two (2) calendar months, whichever is less,~~ or which is advertised or held out to the public as a place regularly rented to guests for periods of less than thirty (30) consecutive days. ~~Excluded~~ Exclusions from this definition are the same as listed in the exclusions to the definition of "public lodging establishment" in section 509.013, Florida Statutes. ~~is a unit or dwelling that is not advertised or held out to the public as a place regularly rented for periods of less than one (1) calendar month, provided that no more than four (4) rental units within a single complex of buildings are available for rent.~~

Two-family structure: See "dwelling, two-family". ~~Two-family structures are those which provide two (2) principal dwelling units, each for occupancy by one (1) family or household.~~

Vacation rental: ~~See "resort housing" definition.~~ Shall have the same meaning as in section 509.242, Florida Statutes, as amended from time to time, which is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.

Section 3: Chapter 23 "Land Development Regulations, Article 3 "Zoning Districts," Division 1 "Generally," Section 23.3-6 "Use tables" is hereby amended by adding the words shown

in underline type and deleting the words struck through to read as shown in Exhibit “A”, attached hereto and incorporated herein.

Section 4: Chapter 23 “Land Development Regulations, Article 3 “Zoning Districts,” Section 23.3-9 “MH-7 – Mobile home residential” paragraphs a) and b) are hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

a) *Intent*. The "mobile home residential district, 7 du/net acre" is intended to permit development of mobile home parks. Mobile home parks accommodate mobile home ~~single-family~~ dwellings ~~units~~, not travel trailers, motor homes or similar recreational vehicles. Because the "mobile home residential district" covers limited land areas, it does not permit nonresidential uses, except those exclusively serving the mobile home park in which they are located. The "mobile home residential district" implements the "single-family residential" category of the Lake Worth Comprehensive Plan.
b) *Use restrictions*. Refer to the permitted use table at section 23.3-6 for a complete list of uses.
    1. Principal uses permitted by right.
        A. Mobile home parks containing single-family mobile home dwellings ~~units~~.
        B. Essential services.
    2. Principal uses permitted as either administrative or conditional uses. No uses are permitted as principal conditional uses in the MH-7 district.
    3. Accessory uses permitted by right.
        A. Private indoor recreation and service facilities.
        B. Private outdoor recreation facilities.
    4. Accessory uses permitted as either administrative or conditional uses. No accessory uses are permitted as administrative or conditional uses in the MH-7 district.

Section 5: Chapter 23 “Land Development Regulations, Article 3 “Zoning Districts,” Section 23.3-10 “MF-20 – Multi-family and two-family residential” paragraph b)2.E. is hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

E. Independent senior living facilities ~~Nursing homes~~ and community residences of more than seven (7) individuals, subject to the regulations set forth in Article 4, Development Standards.

Section 6: Chapter 23 “Land Development Regulations, Article 3 “Zoning Districts,” Section 23.3-11 “MF-30 – Medium density multi-family residential” paragraph b)2.K. is hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

K. Independent senior living facilities ~~Nursing homes~~ and community residences of more than seven (7) individuals, subject to the regulations set forth in Article 4, Development Standards.

Section 7: Chapter 23 “Land Development Regulations, Article 3 “Zoning Districts,” Section 23.3-12 “MF-40 – High density multi-family residential” paragraph b)2.K. is hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

K. Independent senior living facilities ~~Nursing homes~~ and community residences of more than seven (7) individuals, subject to the regulations set forth in Article 4, Development Standards.

Section 8: Chapter 23 “Land Development Regulations, Article 3 “Zoning Districts,” Section 23.3-13 “MU-E – Mixed use east,” subsection a) is hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

a) *Intent*. The "MU-E mixed use east district" is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage the establishment and expansion of a broad range of office, commercial, hotel/motel and ~~medium-density~~ multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment. Certain commercial uses are not permitted along some thoroughfares because they will be detrimental to the adjacent residential neighborhoods. The district implements in part the mixed use land use category of the Lake Worth Beach Comprehensive Plan.

The district has four (4) sub-areas as follows:
(1) MU-E - Lake and Lucerne Avenues.
(2) MU-E - First and Second Avenues.
(3) MU-E - Federal Highway.
(4) MU-E - Sixth and Tenth Avenues - Gateways.

Provision is made for the establishment of the following nonresidential uses for all areas of the district:
(1) Low intensity commercial uses.
(2) Low intensity office uses.
(3) Low intensity retail uses.
(4) Low intensity personal service uses.
(5) Low intensity cultural and artisanal arts.
(6) Low intensity institutional uses.
(7) Residential apartments as related uses in structures with office uses as primary uses.

Provision is also made for the establishment of ~~low-density~~ multiple-family residential uses and single-family and two-family residential uses in accordance with the provisions of the "~~medium-density~~ multiple-family residential district, 30 du/net acre."

Section 9: Chapter 23 “Land Development Regulations, Article 3 “Zoning Districts,” Section 23.3-16 “MU-FH – Mixed use-Federal Highway,” subsection a) is hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

a) *Intent*. The "MU-FH mixed use-Federal Highway" district is intended to provide for limited retail, office, hotel/motel and ~~low-density~~ multiple-family residential development. Provision is made for the establishment of the following nonresidential uses:

(1) Low intensity office uses.
(2) Low intensity personal service uses.
(3) Residential apartments as secondary uses in structures with office uses as primary uses.
(4) Hotels and motels.

Provision is also made for the establishment of ~~low-density~~ multiple-family residential uses and single-family and two-family residential uses in accordance with the provisions of the "~~low-density~~ multiple-family residential district, 20 du/net acre." The "mixed use - Federal Highway" district implements in part the "mixed use" land use category of the Lake Worth Beach Comprehensive Plan.

Section 10: Chapter 23 "Land Development Regulations, Article 3 "Zoning Districts," Section 23.3-17 "MU-DH – Mixed use-Dixie Highway," subsection a) is hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

a) *Intent.* The MU-DH mixed use-Dixie Highway district is designed for Dixie Highway, Lake Worth Beach's commercial spine. The MU-DH district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including ~~higher density~~ residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed use land use category of the Lake Worth Beach Comprehensive Plan.

Section 11: Chapter 23 "Land Development Regulations, Article 3 "Zoning Districts," Section 23.3-18 "MU-W – Mixed use west," subsection a) is hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

a) *Intent.* The "MU-W mixed use district" is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and ~~medium-density~~ multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed use land use category of the Lake Worth Beach Comprehensive Plan.

Provision is made for the establishment of the following nonresidential uses for all areas of the district:

(1) Low to high intensity commercial uses.
(2) Low to high intensity office uses.
(3) Low to high intensity retail uses.
(4) Low to high intensity personal service uses.
(5) Low to high intensity cultural and artisanal arts.
(6) Low to high intensity institutional uses.
(7) Residential apartments as related uses in structures with office, retail, or commercial uses as primary uses.

Provision is also made for the establishment of ~~medium-density~~ multiple-family residential uses in accordance with the provisions of the "~~medium-density~~ multiple-family residential district, 30 du/net acre."

Section 12: Chapter 23 "Land Development Regulations, Article 4 "Development Standards," Section 23.4-25 "Micro-units" subsection b) is hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

b) *Micro-unit size and use restrictions*. Micro-units shall have a total square footage between two hundred and fifty (250) square feet and seven hundred and fifty (750) square feet, must be residential and may not be converted to other uses. Each micro-unit must be separately metered for electric.

Section 13: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 14: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 15: Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 16: Effective Date. This ordinance shall become effective 10 days after passage.

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

Mayor Betty Resch
Vice Mayor Mimi May
Commissioner Christopher McVoy
Commissioner Sarah Malega
Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on first reading on the _____ day of _____, 2026.

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

Mayor Betty Resch
Vice Mayor Mimi May
Commissioner Christopher McVoy
Commissioner Sarah Malega
Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2026.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

_____
Melissa Ann Coyne, MMC, City Clerk