

**ORDINANCE 2022-14 - 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," ADDING THERETO NEW DEFINITIONS "SOCIAL JUSTICE" AND "SUSTAINABILITY;" AND "ARTICLE 2 "ADMINISTRATION," DIVISION 3 "PERMITS," SECTION 23.2-31 "SITE DESIGN QUALITATIVE STANDARDS," PROVIDING FOR STANDARDS FOR BUILDINGS; 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 add definitions and to define "Social Justice" and "Sustainability;" and

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 "Administration," Division 3 "Permits," Section 23.2-31 "Site Design Qualitative Standards" to amend the section to provide further guidance, consistency, clarity and additional standards for buildings; and

**WHEREAS**, the City of Lake Worth Beach, Florida (the "City"), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

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

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

**WHEREAS**, the City Commission finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

**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 thereto new definitions for "Social Justice" and for "Sustainability" to read as follows:

*Social Justice:* the political and philosophical theory that focuses on the concept of fairness in relations between individuals in society and equal access to wealth, opportunities and social privileges.

*Sustainability:* the three principles of economy, society (social and human) and environment that focus on the needs of the present without compromising the ability of future generations to meet their needs.

**Section 3:** Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 3 "Permits," Section 23.2-31 "Site design qualitative standards," is hereby amended to read as follows:

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

- a) *Intent.* It is the intent of this section to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards.
- b) *Application.* The site design qualitative standards set forth in this section shall apply to all development subject to site plan review under section 23.2-30, and to all conditional uses.
- c) *Qualitative development standards.*
  1. *Harmonious and efficient organization.* All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.
  2. *Preservation of natural conditions.* The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of

natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in ~~Part II~~, Chapter 12, Health and Sanitation, Article VIII, Fertilizer Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

3. *Screening and buffering.* Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.
4. *Enhancement of residential privacy.* The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walks, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.
5. *Emergency access.* Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.
6. *Access to public ways.* All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.
7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
8. *Design of ingress and egress drives.* The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.
9. *Coordination of on-site circulation with off-site circulation.* The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.
10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.

11. *Off-street parking, loading and vehicular circulation areas.* Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.
12. *Refuse and service areas.* Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.
13. *Protection of property values.* The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property.
14. *Transitional development.* Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious and complementary transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, height, rhythm of openings and character. Special consideration ~~Consideration~~ shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.
15. *Consideration of future development.* In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.

d) *Buildings, generally.*

1. Buildings or structures which are part of a present or future group or complex shall have a unity of character, style, integrity and design. Their architectural style(s) shall be clearly expressed and detailed appropriately to vocabulary of the style(s) and be of high quality in terms of materials, craftsmanship and articulation. The relationship of building forms through ~~of~~ the use, texture and color of material(s) shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale, height, setback, massing and location ~~of on~~ the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.
2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony and compatibility with the surroundings as is possible under the circumstances. The overall building fenestration, orientation, rhythm, height, setback, mass and bulk of an existing streetscape shall be respected. If a building is built in an undeveloped area, ~~three-9~~ (3) nine primary requirements shall be met, including honest design construction, proper design concepts, appropriate use of high-quality materials, and appropriateness to compatibility with the overall character of the city-, appreciation of location, respectful transition, activation of the streetscape, building form(s) following proposed function(s) and overall sustainability.

3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building. Facades shall have visual breaks every 75 feet at a minimum. The breaks shall be setbacks of either 8" or 12" or more to create reveal lines or step backs on the façade and to add rhythm. Buildings in Lake Worth Beach typically have facades arranged in 25-foot or 50-foot increments. Breaks in facades also may be achieved through the use of differing but complementary and harmonious architectural styles. The massing elements of each façade shall have a height to width ratio approximating the golden ratio of 1.618, either vertically or horizontally.
4. The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, floor to floor height, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, entrances, orientation and stylistic expression.
5. Look-alike buildings shall not be allowed unless, in the opinion of the ~~board~~ reviewing entity, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the ~~board~~ reviewing entity, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.
6. Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the ~~board~~ reviewing entity. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.
7. Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.
8. Building surfaces, walls, fenestration and roofs shall be compatible and in harmony with the neighborhood.
9. "Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.
10. All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.

- 228 11. All telephones, vending machines, or any facility dispensing merchandise, or a  
229 service on private property, shall be confined to a space built into the building or  
230 buildings or enclosed in a separate structure compatible with the main building,  
231 and where appropriate and feasible, should not be readily visible from off-  
232 premises.
- 233 12. Buildings of a style or style-type foreign to south Florida or its climate will not be  
234 allowed. It is also to be understood that buildings which do not conform to the  
235 existing or to the evolving atmosphere of the city, even though possessing  
236 historical significance to south Florida, may not be approved.
- 237 13. No advertising will be allowed on any exposed amenity or facility such as  
238 benches and trash containers.
- 239 14. Light spillage restriction. The applicant shall make adequate provision to ensure  
240 that light spillage onto adjacent residential properties is minimized.
- 241 15. All buildings shall address both the public right of way and improve the overall  
242 pedestrian experience through the inclusion of the following components:
  - 243 a. clearly articulated entrances,
  - 244 b. expanses of fenestration at the ground level,
  - 245 c. provision of shade through porches, awnings, galleries, arcades and/or  
246 loggias as well as other appropriate forms to the chosen architectural style(s),
  - 247 d. integrated signage,
  - 248 e. pedestrian scaled lighting,
  - 249 f. buildings that define at least fifty percent (50%) of the street frontage, and  
250 g. openings that approximate a golden ratio of 1.618.
- 251 16. All new buildings of 7,500 gross square feet or larger shall strive to incorporate  
252 design principles, practices and performance standards to achieve the following  
253 through a project proforma description and analysis prepared by the developer  
254 and verified by an independent third party:
  - 255 a. Overall 10% reduction in greenhouse emissions over the life of the building  
256 as compared to industry standards,
  - 257 b. Overall 10% reduction in carbon footprint during construction and operation  
258 of the building as compared to industry standards,
  - 259 c. Overall 20% reduction in refuse stream during construction and operation of  
260 the building as compared to industry standards,
  - 261 d. Overall utilization of at least 20% recycled materials and/or materials that are  
262 recyclable,
  - 263 e. Overall 20% reduction in water usage during operation of the building as  
264 compared to industry standards,
  - 265 f. Efficient use of natural resources through use reduction, reuse, reclamation,  
266 and recycling,

g. Incorporation of design features and uses that support multi-modal transportation options,

h. Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors,

i. Incorporation of amenities that are conducive to enhancing community pride and social interaction, and

17. In addition to the items enumerated above, all new planned developments shall strive to incorporate design elements, performance standards and/or specifications to enhance the public's awareness and appreciation of the community's commitment to the preservation and enhancement of the following sustainability qualities, values and principles:

a. Cultural resources,

b. Historical resources,

c. Ecological/natural resources,

d. Diversity and inclusion,

e. Social justice,

f. Economic investment,

g. Neighborhood vitality,

h. Sense of place,

i. Education, and

j. Recreation.

e) Reserved.

f) *Signs.* The aesthetic quality of a building or of an entire neighborhood is materially affected by achieving visual harmony of the signs on or about a surface as they relate to the architecture of the building or the adjacent surroundings. In addition to the mechanical limitations on signs imposed by Article 45, Supplemental Regulations, the following aesthetic considerations must also be met:

1. The scale of the sign must be consistent with the scale of the building on which it is to be placed or painted.

2. The overall effect of the configuration or coloring of the sign shall not be garish. The colors shall not conflict with those of other signs already on the building or in the immediate vicinity.

g) *Landscaping.* See Article 6 of these LDRs.

h) *Criteria for parking lots and vehicular use areas.*

1. Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.

2. Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.
3. The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.
4. Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.
5. Additional regulations for parking lots and vehicular use areas may be found in Article 4, Supplemental Regulations.
  - i) *Required utilities.* All construction of sanitary sewer collection facilities and water supply and distribution systems shall conform to the requirements of the Florida Building Code as amended and the Lake Worth Utilities Department construction standards, and the appropriate state governing agency. The water supply system within the development shall conform to the City of Lake Worth's fire rescue services provider requirements for fire protection.
  - j) *Design guidelines for major thoroughfares.* The design standards for major thoroughfares may be adopted and amended from time to time by resolution of the city commission, and shall apply to the following properties:
    1. Property adjacent to Lake and Lucerne Avenues from the Intracoastal to Interstate 95 and within the Old Town Historic District;
    2. Lake Worth Road;
    3. Property adjacent to H, J, K, L, and M Streets within the Old Town Historic District;



4. Property adjacent to 10th Avenue North from the east side of Dixie Highway west to Interstate 95;
5. Property adjacent to 6th Avenue South from the east side of Dixie Highway west to Interstate 95;
6. Property adjacent to Federal Highway from the south city limit to the south boundary of College Park; and
7. Property adjacent to Dixie Highway from the south city limit to the north City limit.

k) *Storefront window treatments.*

1. All windows or openings of buildings located within the city's zoning districts including DT, MU-E, MU-FH, MU-DH, MU-W, TOD-E and TOD-W whereby the interiors of such buildings can be observed from the public streets or sidewalks, shall be treated or screened in the manner set forth below.
2. All windows or openings of vacant buildings or buildings under construction located within all of the city's zoning districts including DT, MU-E, MU-FH, MU-DH, MU-W, TOD-E and TOD-W, which windows or openings can be viewed from the public streets and sidewalks and which expose the interiors of such buildings, shall screen the vacant interior of the building in which they are located.
3. Window treatment or screening may be achieved by either constructing within the window or opening a pocket, equivalent in dimension to the dimension of the window or opening itself, and forty (40) inches or more in depth, or hanging curtains or utilizing interior shutters. The pocket shall be used for purposes of screening the interior of the building, and to provide an attractive display for those who can observe the window or opening from the streets or public sidewalks of the town. This pocket shall be decorated by featuring displays of the incoming tenant, or vignettes representing designs and merchandise of existing city merchants. The window glass shall be clean both inside and outside. It is advisable that the window shall be lighted at night.
4. All windows or openings of businesses that are operational, vacant or under construction may not have storage materials, such as kitchen equipment, alcoholic beverage containers, stacked furniture, debris or packing materials visible from a public street or right-of-way. A window or opening of an operational business will be decorated with merchandise or screened from view with curtains or interior shutters.
5. Any storefront both vacant or operational that has more than twenty-five (25) feet of frontage on a public sidewalk must provide a vignette display in at least one-half ( $\frac{1}{2}$ ) of its available window space.
6. Newspaper, printed paper or unpainted plywood will not be allowed in a window.
7. No windows or openings of storefronts will utilize a mirrored reflective film. Films allowing light to pass through, but blocking ultraviolet light will be permitted. The intent is that interior displays will be visible from the right-of-way.
8. An owner must comply with these specifications within seven (7) days of vacancy of a storefront.

9. Penalties. Any owner of any building found to be in violation of this division shall be subject to general penalties as provided by law or to the provisions of the code enforcement board.

l) *Community appearance criteria.* The general requirements outlined in this section are minimum aesthetic standards for all site developments, buildings, structures, or alterations within the corporate limits of the city, except single-family residences. However, additions to existing buildings and sites shall be subject to review by the development review official for a determination regarding submission to the planning and zoning board or historic resources preservation board for review. All site development, structures, buildings or alterations to site development, structures or buildings shall demonstrate proper design concepts, express honest design construction, be appropriate to surroundings, and meet the following community appearance criteria:

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.
2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.
4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

m) *Compliance with other requirements.* The requirements of this section are in addition to any other requirement of the Code of Ordinances of the city, such as the building code. Approval by the decisionmaking body of a given set of plans and specifications does not necessarily constitute evidence of applicant's compliance with other requirements of the city code.

**Section 4: 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 5: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6: 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 7:** 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 Christopher McVoy  
Commissioner Sarah Malega  
Commissioner Kimberly Stokes  
Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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 Christopher McVoy  
Commissioner Sarah Malega  
Commissioner Kimberly Stokes  
Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LAKE WORTH BEACH CITY COMMISSION

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

ATTEST:

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