

ORDINANCE 2025-13 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS", ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-13 – ADMINISTRATIVE AND CONDITIONAL USES, PARAGRAPH (c)(5), RELATED TO SINGLE DESTINATION RETAIL, STAND ALONE RETAIL, AND SINGLE DESTINATION COMMERCIAL USES; 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, R. Max Lohnman, Esq. on behalf of Precious Metals Reclaiming Service South, Inc., wishes to amend Chapter 23, Article 4 "Development Standards," Section 23.4-13 – "Administrative and Conditional Uses," paragraph (c)(5) to modify requirements for single destination retail, stand alone retail, and single destination commercial uses; 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 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 4 "Development Standards," Section 23.4-13 "Administrative uses and conditional uses," paragraph (c)(5) is hereby amended by adding the words shown in underline type and deleting the words struck through as follows:

5. *Single destination retail uses including stand alone retail and single destination commercial uses.*

- 51 A. *Purpose.* It is the purpose of this section to provide regulations and standards for single
52 destination retail and single destination commercial store establishments within
53 designated zoning districts. These uses shall be approved through the appropriate
54 decision making authority.
- 55 B. *Design and performance standards.*
- 56 (1) Minimum site area: Six thousand five hundred (6,500) ~~Ten thousand (10,000)~~
57 square feet.
- 58 (2) Minimum lot width: Fifty (50) ~~One hundred (100)~~ feet.
- 59 (3) Landscape requirements. The site must be provided with a minimum five-foot-wide
60 perimeter planting area. The Development Review Official or designee may adjust
61 or waive the perimeter planting area requirement for those properties that lack
62 sufficient space between existing buildings and the property line to provide the
63 perimeter planting area. Site landscaping shall comply with adopted landscape
64 regulations.
- 65 (4) Buffering. A fence or wall shall be erected at a height of not less than six (6) feet
66 when the parking area(s), pay phones or other common area(s) is within twenty-
67 five (25) feet of a residential district, in addition to the landscaping requirements
68 outlined in subsection (5), above. All fences and walls shall be constructed of
69 concrete, masonry or metal. Metal fences shall be open weave chain link, vinyl
70 coated type combined with a shrub hedge or ornamental in nature. Walls shall be
71 finished with a graffiti-resistant paint.
- 72 (5) Pay telephones, ATMs and vending machines. Vending machines or any facility
73 dispensing cash or merchandise shall be confined to space built into the building
74 or enclosed in a separate structure compatible with the main building. Pay phones
75 must be attached to the building or within ten (10) feet of the main entrance. Where
76 appropriate and feasible, such facilities shall not be visible from a side street.
- 77 (6) Variances for minimum site area shall not be granted.
- 78 (7) Establishments with use area equal to or greater than 2,500 square feet must front
79 one of the city's major thoroughfares.
- 80 (8) Outdoor display of more than three (3) individual items is strictly prohibited.
- 81 (9) Establishments must have at least twenty-five (25) percent clear glazing and
82 fenestration along frontages and entrances clearly identifiable.
- 83 (10) Display windows must have engaging and pedestrian friendly vignettes. Covering
84 of display windows with posters, paper, advertisements, written signs, and similar
85 shall be strictly prohibited. Vacant buildings shall have approved vignettes covering
86 windows until an active business is established and operating.
- 87 (11) All sales transactions, except during city approved special events, shall take place
88 within the building.
- 89 (12) Walk up sales windows shall be treated as a drive through facility and be regulated
90 as such.

91
92 **Section 3:** Severability. If any section, subsection, sentence, clause, phrase or portion
93 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
94 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
95 such holding shall not affect the validity of the remaining portions thereof.

96
97 **Section 4:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
98 herewith are hereby repealed to the extent of such conflict.
99

Section 5: 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 6: 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 Sarah Malega
Commissioner Christopher McVoy
Commissioner Mimi May
Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on first reading on the _____ day of _____, 2025.

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 Sarah Malega
Commissioner Christopher McVoy
Commissioner Mimi May
Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2025.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk