

ORDINANCE 2024-14 - 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 AND ARTICLE 6 "ENVIRONMENTAL REGULATIONS," SECTION 23.6-1 - LANDSCAPE REGULATIONS, RELATED TO ARTIFICIAL TURF; 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 create a definition for artificial turf and revise the definition for impermeable/impervious surface; and

WHEREAS, the City wishes to amend Chapter 23, Article 6 "Environmental Regulations," Section 23.6-1 - "Landscape regulations" to provide standards for the use, installation, maintenance, and permitting of artificial turf; 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 reviewed the proposed amendments 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 as indicated in **Exhibit A**.

Section 3: Chapter 23 Land Development Regulations, Article 6 “Environmental Regulations,” Section 23.6-1 “Landscape regulations” is hereby amended by adding the words shown in underline type as indicated in **Exhibit B**.

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 Sarah Malega
Commissioner Christopher McVoy
Commissioner Mimi May
Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the _____ day of _____, 2024.

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 Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2024.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

103 ATTEST:

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Melissa Ann Coyne, MMC, City Clerk

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 1, "General Provisions," Division 2, "Definitions"

Sec. 23.1-12. – Definitions.

Artificial turf: An artificial product manufactured from synthetic materials that effectively simulate the appearance of live/natural turf, grass, sod, or lawn.

Impermeable/impervious surface: All surfaces on a lot incapable of being penetrated by water under normal circumstances, wherein moisture runs off the surface instead of penetrating the material to be absorbed in the underlying soil. Impermeable materials include, but are not limited to, asphalt, concrete, pavers, and compacted shell rock, artificial turf, and roofs. Impermeable surfaces shall have a minimum of a one-foot setback from the side property lines and shall also have a minimum one-foot setback from the rear property lines, unless the surfaces are used to access parking.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 6 "ENVIRONMENTAL REGULATIONS"

Sec. 23.6-1. – Landscape Design Standards.

k) *Landscape design standards.*

15) Artificial Turfa) The use and location of artificial turf shall be limited to the following:

1. Construction of non-city-owned athletic fields and playgrounds associated with a non-city-owned community center, park, school, daycare or university.
2. Single family and two-family properties, only in the rear and side yard areas not visible from the right-of-way and screened from view by continuous opaque fencing or hedge material with a minimum height of five feet. Artificial turf shall be prohibited in front yards, except for the limited use as a decorative grid design with maximum four-inch wide strips used in conjunction with approved pavement materials for patio, walkway, and driveway or between parking strips as part of an approved a building permit.
3. On roof top terraces; and
4. In multifamily and/or mixed use residential developments as part of a recreation or amenity area.

b) In all areas of installation, artificial turf shall be treated as an impervious surface. No more than ten percent (10%) of the allowed impermeable/impervious surface area for the parcel may be artificial turf.c) Artificial turf shall not be installed:

1. Within landscape buffer required by this article;
2. Within permanent drainage features (e.g., ponds, swales);
3. Within public right of way; or
4. As a fill in material.

d) Minimum material standards: All artificial turf shall comply with each of the following minimum standards:

1. Consist of green lifelike individual blades of grass that emulate natural turf in look and color, have a minimum pile height of one- and one-half inches, and have a minimum tufted weight of 80 ounces per square yard.
2. Have a minimum permeability that facilitates ¼ inch per hour.
3. Be lead free and manufactured in the United States of America.
4. The artificial turf yarn and backing materials must be disposable under normal conditions, at any U.S. landfill station (Total Content Leach Protocol (TCLP) test).
5. The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf is prohibited.

6. Utilize organic plant-derived and other natural infill components, including, but not limited to, cork, coconut, corn husk, rice husk, and sand as part of the artificial turf system. The use of crumb rubber and other synthetic materials is prohibited in all applications except for sports fields.
7. Be a planned element of the hardscape.
8. Where artificial turf is utilized for institutional recreational uses (e.g., playgrounds, athletic fields), the artificial turf product installed shall be designed for the intended use. ~~and meet the appropriate additional standards.~~

e) Installation, maintenance and repair.

1. All artificial turf shall, at a minimum, be installed according to the manufacturer's specifications.
2. All artificial turf installations shall be anchored to ensure that the turf will withstand the effects of wind.
3. All seams shall be secured, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.
4. If installed immediately adjacent to a seawall, the artificial turf shall be pinned or staked behind the seawall. No artificial turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.
5. All artificial turf shall be installed over a subgrade prepared to provide positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material. Base comprising of sand only is not permitted. Proper drainage shall be provided for all Artificial Turf installations to prevent runoff or pooling of water.
6. Artificial turf shall be visually level, with the grain pointing in a single direction.
7. An appropriate solid barrier device (e.g., concrete mow strip, bender board or other barrier with a minimum of 3" thickness) is required to separate artificial turf from soil and live vegetation and to prevent intrusion of living plant material.
8. Artificial turf shall not be installed directly against the trunk of trees and/or palms. A minimum 3-foot mulched root protection zone measured from the base of the palm must be maintained. Trees shall have a mulched root protection zone with a minimum 10-inch radius for every one inch of trunk diameter.
9. All artificial turf shall be maintained in a green fadeless condition and shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, and depressions. Maintenance shall include, but not be limited to cleaning, brushing, debris removal; repairing of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matted areas, weeds, and invasive roots; and all edges of the artificial turf shall not be loose and must be maintained with appropriate edging or stakes.
10. There shall be no parking on artificial turf except where it is installed as part of a permitted driveway or between parking strips.
11. Once installed, if the artificial turf falls into disrepair with fading or holes or loose areas, the replacement and/or repairs shall be done with like for like materials and done so in a manner that results in a repair that blends in seamlessly with the existing artificial turf.

f) Permit required - Material specifications and plans.

1. Unless the appropriate permit has been issued, no person shall install or cause the installation of artificial turf in the City either on private or public property.
2. Any person wishing to install artificial turf shall file an application for an artificial turf installation permit with the City. The property owner must sign the application or a notarized letter from the property owner must be submitted with the application designating an authorized agent.
3. The application submittal shall include :
 - A. A site plan showing:
 - i. The area of artificial turf;
 - ii. The area of living plant material; ,
 - iii. The location of all trees and palms with their species, size, and drip line location; and
 - iv. The root protection zones for existing trees and palms.
 - B. A dimensioned cross section of proposed materials and installation details, including subgrade, drainage, base or leveling layer, and infill;
 - C. Edge material and detail for seams;
 - D. Material description and specifications, including manufacturer's installation instructions.
 - E. Installer (with contact information), and warranty information.
 - F. A sample of the artificial turf proposed for installation that meets the standards in this section.
 - G. Documentation must be provided declaring the disposal requirements established in section 23.6-1(k)(15) are met and that identifies all components of the artificial turf system that are recyclable and all components that consist of recycled material.
4. Consideration of the percentage of living plant material versus percentage of artificial turf shall be part of the review process.
5. An owner or applicant shall obtain a permit from the City prior to the installation of any artificial turf.
6. All other landscape requirements in Section 23.6-1 must be met.

g) Inspections.

1. An in-progress inspection shall be required prior to installation of the surface material to ensure that the appropriate base material has been installed in accordance to the manufacturer's specifications and City requirements. A final inspection shall also be required following installation of the surface material.