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ORDINANCE 2024-06 - 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; ARTICLE 2 ‘ADMINISTRATION,” DIVISION 3 “PERMITS,” SECTION 23.2-28 ADMINISTRATIVE ADJUSTMENTS/ ADMINISTRATIVE USE PERMITS; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-7 – SF-R - SINGLE-FAMILY RESIDENTIAL, SECTION 23.3-8 – SF-TF 14 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL, SECTION 23.3-10 – MF-20 - MULTI-FAMILY RESIDENTIAL, SECTION 23.3-11 – MF-30 – MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL, AND SECTION 23.3-12 – MF-40 – HIGH DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 3, “MIXED USE DISTRICTS,” SECTION 23.3-13 – MU-E – MIXED USE EAST AND SECTION 23.3-16 – MU-FH – MIXED USE – FEDERAL HIGHWAY; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-3 EXTERIOR LIGHTING, SECTION 23.4-4 FENCES, WALLS AND GATES, SECTION 23.4-16 MECHANICAL SYSTEMS/EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES, AND SECTION 23.4-19 OUTDOOR STORAGE AND OPEN-AIR OPERATIONS; ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 SIGNS AND SECTION 23.5-4 HISTORIC PRESERVATION; 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 revise the definition for accessory dwelling unit, revise the definition for building lot coverage, revise the definition for fence, create a definition for guest house, revise the definition of outdoor storage, create a definition for outdoor storage – other, create a definition for structure lot coverage, revise the definition for mechanical systems/equipment, create a definition for string lights, and revise the definition for wall; and

WHEREAS, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-28 – “Administrative adjustments/administrative use permits” to expand the ability of the Development Review Official to establish the front yard and adjust fencing fronting public rights-of-way for structures in all residential zoning districts and to clarify the provision for an administrative adjustment for existing structures that exceed building lot coverage, impermeable lot coverage, or floor area ratio; and

52 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 2
53 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential,” Section 23.3-8 “SF-TF
54 14 – Single-family and two family residential,” Section 23.3-10 “MF-20 – Multifamily residential,”
55 Section 23.3-11 “MF-30 – Medium density multi-family residential,” and Section 23.3-12 “MF-40
56 – High density multi-family residential,” and Chapter 23, Article 3 “Zoning Districts, Division 3
57 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east,” Section 23.3-16 “MU-FH – Mixed
58 use – Federal Highway,” to create a consistent requirement for front yard landscaping; and
59

60 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 2
61 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential,” to clarify the minimum
62 setbacks for pools on properties with dual frontage; and
63

64 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
65 Section 23.4-3 – Exterior lighting to allow string lights and create timeframes in which holiday
66 lights may be displayed; and
67

68 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
69 Section 23.4-4 – Fences, walls, and gates to allow four-foot-tall fencing and walls along property
70 lines abutting public rights-of-way for residential uses; and
71

72 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
73 Section 23.4-16 – Mechanical systems/equipment for existing residential structures to prohibit
74 mechanical equipment in the front setback; and
75

76 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
77 Section 23.4-19 – Outdoor storage and open-air operations to provide standards for outdoor
78 storage in mixed-use and industrial zoning districts and remove redundant language regarding
79 open-air operation; and
80

81 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,”
82 Section 23.5-1 - Signs to remove a prohibition on string lights; and
83

84 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,”
85 Section 23.5-4 – Historic Preservation to comply with section 553.79(26), Florida Statutes; and
86

87 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,
88 considered the proposed amendments at a duly advertised public hearing; and
89

90 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
91 planning agency, considered the proposed amendments at a duly advertised public hearing; and
92

93 **WHEREAS**, the City Commission has reviewed the proposed amendments and has
94 determined that it is in the best interest of the public health, safety, and general welfare of the City
95 to adopt this ordinance.
96

97 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
98 **LAKE WORTH BEACH, FLORIDA, that:**
99

100 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being
101 true and correct and are made a specific part of this ordinance as if set forth herein.
102

103 **Section 2:** Chapter 23 “Land Development Regulations, Article 1 “General
104 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by adding
105 the words shown in underline type and deleting the words struck through as indicated in **Exhibit**
106 **A.**

107
108 **Section 3:** Chapter 23 Land Development Regulations, Article 2 “Administration,”
109 Division 3 “Permits,” Section 23.2-28 “Administrative adjustments/administrative use permits” is
110 hereby amended by adding the words shown in underline type and deleting the words struck
111 through as indicated in **Exhibit B.**

112
113 **Section 4:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
114 Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential” is hereby
115 amended by adding the words shown in underline type and deleting the words struck through as
116 indicated in **Exhibit C.**

117
118 **Section 5:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
119 Division 2 “Residential Districts,” Section 23.3-8 “SF-TF 14 – Single-family and two-family
120 residential” is hereby amended by deleting the words struck through as indicated in **Exhibit D.**

121
122 **Section 6:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
123 Division 2 “Residential Districts,” Section 23.3-10 “MF-20 – Multi-family residential” is hereby
124 amended by deleting the words struck through as indicated in **Exhibit E.**

125
126 **Section 7:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
127 Division 2 “Residential Districts,” Section 23.3-11 “MF-30 – Medium density multi-family
128 residential” is hereby amended by deleting the words struck through as indicated in **Exhibit F.**

129
130 **Section 8:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
131 Division 2 “Residential Districts,” Section 23.3-12 “MF-40 – High density multi-family residential”
132 is hereby amended by deleting the words struck through as indicated in **Exhibit G.**

133
134 **Section 9:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
135 Division 3 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east” is hereby amended by
136 deleting the words struck through as indicated in **Exhibit H.**

137
138 **Section 10:** Chapter 23 Land Development Regulations,” Article 3 “Zoning Districts,”
139 Division 3 “Mixed Use Districts,” Section 23.3-16 “MU-FH – Mixed use – Federal Highway” is
140 hereby amended by deleting the words struck through as indicated in **Exhibit I.**

141
142 **Section 11:** Chapter 23 Land Development Regulations, Article 4 “Development
143 Standards,” Section 23.4-3 “Exterior lighting” is hereby amended by adding the words shown in
144 underline type as indicated in **Exhibit J.**

145
146 **Section 12:** Chapter 23 Land Development Regulations, Article 4 “Development
147 Standards,” Section 23.4-4 “Fences, walls and gates” is hereby amended by adding the words
148 shown in underline type and deleting the words struck through as indicated in **Exhibit K.**

149
150 **Section 13:** Chapter 23 Land Development Regulations, Article 4 “Development
151 Standards,” Section 23.4-16 “Mechanical systems/equipment for existing residential structures”
152 is hereby amended by adding the words shown in underline type and deleting the words struck
153 through as indicated in **Exhibit L.**

154 **Section 14:** Chapter 23 Land Development Regulations, Article 4 “Development
155 Standards,” Section 23.4-19 “Outdoor storage and open-air operations” is hereby amended by
156 adding the words shown in underline type and deleting the words struck through as indicated in
157 **Exhibit M.**

158
159 **Section 15:** Chapter 23 Land Development Regulations, Article 5 “Supplemental
160 Regulations,” Section 23.5-1 “Signs” is hereby amended by deleting the words struck through as
161 indicated in **Exhibit N.**

162
163 **Section 16:** Chapter 23 Land Development Regulations, Article 5 “Supplemental
164 Regulations,” Section 23.5-4 “Historic Preservation” is hereby amended by adding the words
165 shown in underline type as indicated in **Exhibit O.**

166
167 **Section 15:** Severability. If any section, subsection, sentence, clause, phrase or portion
168 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
169 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
170 such holding shall not affect the validity of the remaining portions thereof.

171
172 **Section 16:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
173 herewith are hereby repealed to the extent of such conflict.

174
175 **Section 17:** Codification. The sections of the ordinance may be made a part of the City
176 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
177 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

178
179 **Section 18:** Effective Date. This ordinance shall become effective 10 days after
180 passage.

181
182 The passage of this ordinance on first reading was moved by Vice Mayor Malega,
183 seconded by Commissioner Diaz, and upon being put to a vote, the vote was as follows:

184		
185	Mayor Betty Resch	AYE
186	Vice Mayor Sarah Malega	AYE
187	Commissioner Christopher McVoy	AYE
188	Commissioner Mimi May	AYE
189	Commissioner Reinaldo Diaz	AYE

190
191 The Mayor thereupon declared this ordinance duly passed on first reading on the 7th day
192 of May, 2024.

193
194
195 The passage of this ordinance on second reading was moved by _____,
196 seconded by _____, and upon being put to a vote, the vote was as follows:

197		
198	Mayor Betty Resch	
199	Vice Mayor Sarah Malega	
200	Commissioner Christopher McVoy	
201	Commissioner Mimi May	
202	Commissioner Reinaldo Diaz	

203

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

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LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

218
219 **EXHIBIT A**

220
221 Chapter 23

222 LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

223
224
225 *Article 1, "General Provisions," Division 2, "Definitions"*

226
227 **Sec. 23.1-12. – Definitions.**

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229 ***

230 *Accessory dwelling unit (ADU):* also known as a "mother-in-law" or "granny" unit, is an
231 additional living unit that has separate kitchen, sleeping and bathroom facilities, ~~attached or~~
232 detached from the primary residential unit on a single-family or two-family lot. ADUs provide
233 housing opportunities through the use of surplus space ~~either in or~~ adjacent to a single-family or
234 two-family dwelling. ~~In most cases they are either a garage conversion or a small backyard~~
235 ~~cottage or guest house style structure.~~ Accessory dwelling units shall count toward overall floor
236 area ratio (FAR) and lot coverage.

237 ***

238 *Building lot coverage:* The area of a lot covered by the impervious surface associated with
239 the footprint(s) of all buildings and structures on a particular lot. Exceptions: Structured parking
240 garages are exempt from building lot coverage calculations unless habitable space is provided
241 above or on top of the structured parking, then that portion of the parking garage would be
242 included in the calculation. The first two (2) feet of depth of an overhanging roof, decorative
243 eyebrow, awning, or other substantially similar architectural feature shall not count towards
244 building lot coverage calculations.

245 ***

246 *Fence:* A man-made barrier not comprised of masonry products or vegetation located out-
247 of-doors. Fence height shall be measured based on the average height of the natural grade on
248 either side of the fence. In locations where a fence serves as a required guard rail, it may not
249 exceed forty-two (42) inches in height.

250 ***

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

257 ***

258 *Storage – Outdoor, Industrial:* The storage of construction material, mechanical equipment,
259 and commercial vehicles used by building trades and services or associated with other permitted
260 industrial uses. Outdoor storage is only allowed as accessory to a permitted principal use and
261 shall be appropriately screened from adjacent properties and all rights-of-way.

262 ***

263 Storage – Outdoor, Other: The storage of mechanical equipment and commercial vehicles
264 associated with permitted commercial uses. Outdoor storage is only allowed as accessory to a
265 permitted principal use and shall be appropriately screened from adjacent properties and all
266 rights-of-way.

267 ***

268 Structure lot coverage: See “building lot coverage.”

269 ***

270 Mechanical systems/equipment: Heating, ventilating, air conditioning, satellite dish
271 antennae, electrical, air conditioner compressor, pool pump and plumbing systems and similar
272 facilities which are ~~visible from a public right-of-way on the exterior of any or~~ on the roof, ~~or~~ on the
273 grounds of, or on the exterior of any site, building or structure. Mechanical systems/equipment
274 are not permitted to be located in the front setback of any property.

275 ***

276 String lights: Small electric lights spaced evenly along a cable and used for decoration. String
277 lights, also called café lights, may be clear, white or a color and those that are substantially similar.

278 ***

279 Wall: A manmade barrier comprised of masonry products located out-of-doors and not a part
280 of an exterior side of a building. Wall height shall be measured based on the average height of
281 the natural grade on either side of the wall. In locations where a wall serves as a required guard
282 rail, it may not exceed forty-two (42) inches in height.

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EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3, "Permits"

Sec. 23.2-28. – Administrative Adjustments/Administrative Use Permits.

a) *Administrative adjustments.*

1. All existing structures that exceed the development regulations for building lot coverage, impermeable lot coverage, or floor area ratio (F.A.R.) may be expanded by right no more than ten (10) percent of the existing overall square footage. The up to ten (10) percent expansion by right shall be granted only once; any additional ~~Expansions beyond the initial ten (10) percent~~ shall have to meet the established standards for the granting of a formal variance and be reviewed by the appropriate decision-making authority.
2. The development review official may administratively adjust Code provisions and regulations for establishing the front yard for all corner and multi-frontage lots, and to adjust setback, height, and location of fences fronting public rights-of-way to conform to the orientation of the structure in ~~the single-family residential (SF-R) and single-family and two-family residential (SF-TF 14)~~ all residential zoning districts.

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EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-7. – SF-R – Single-Family Residential.

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

9. Location of Accessory buildings, pools, etc.

A. Pools in the rear yard of a property with dual frontage shall have a minimum setback of 10 feet from the secondary front (rear) property line and shall be screened with fencing and/or landscape screening, subject to the regulations in LDR Sections 23.4-4 and 23.6-1.

342 **EXHIBIT D**

343 Chapter 23

344 LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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348 *Article 3, "Zoning Districts" Division 2, "Residential Districts"*

349 **Sec. 23.3-8. – SF-TF 14 – Single-Family and Two-Family Residential.**

350
351 ***

352
353
354 c) *Development regulations for uses permitted by right*

355
356 ***

357 5. *Maximum impermeable surface for entire lot.*

358
359 ***

360 C. Fifty (50) percent for lots seven thousand five hundred (7,500) square feet and
361 greater. ~~Provided however that the lesser of nine hundred (900) square feet~~
362 ~~or seventy five (75) percent of the front yard area shall remain pervious and~~
363 ~~be landscaped.~~

364 D. Provided however that seventy-five (75) percent of the front yard area shall
365 remain pervious and be landscaped.
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EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-10. – MF-20 – Multi-Family Residential.

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

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EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-11. – MF-30 – Medium Density Multi-Family Residential.

c) *Development regulations for uses permitted by right*

5. *Maximum impermeable surface for entire lot.*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

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EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-12. – MF-40 – High Density Multi-Family Residential.

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

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EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-13. – MU-E – Mixed Use East.

d) *Development regulations for nonresidential uses permitted by right*

4. *Maximum impermeable surface for entire lot.*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

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EXHIBIT I

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-16. – MU-FH – Mixed Use – Federal Highway.

d) *Development regulations for uses permitted by right.*

4. *Maximum impermeable surface for nonresidential uses.*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

475
476 **EXHIBIT J**

477
478 Chapter 23

479 LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

481 **Sec. 23.4-3. – Exterior lighting.**

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483 ***

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486 d) String lights.

- 487
488 1. String lights and those substantially similar shall be permitted in all zoning
489 districts throughout the City.
- 490
491 2. String lights shall be dark sky compliant, when possible, and the light shall be
492 shielded so not to trespass upon adjacent residential properties or districts in
493 excess of 12.57 lumens when measured at the property line.
- 494
495 3. String lights shall not illuminate any area of the beach or dune during the period
496 of the year when sea turtles nest (March 1 to October 31) or shall be lamped with
497 a long wavelength light source, such as amber or red light emitting diodes (LED),
498 low pressure sodium, or true red neon. It has been recommended by the Florida
499 Fish and Wildlife Conservation Commission that no such light source emit light
500 below five hundred sixty (560) nanometers (nm).
- 501
502 4. Sting lights shall be maintained in a steady state as either on or off and shall not
503 be set to any mode that allows flashing, pulsing, blinking, or other intermittent
504 lighting. During the month of December each year, an exception shall be made
505 to this provision to allow for string lights with intermittent lighting synchronized
506 with audible music.
507

508 EXHIBIT K

509 Chapter 23

510 LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

511 **Sec. 23.4-4. – Fences, Walls and Gates**

512 ***

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514 d) *Single-family and two-family residential uses.*

515
516 1. *Height limitations.*

517 ***

518 D. Along side and rear property lines adjacent to roadways (except alleys) a fence
519 or wall placed at the property line shall have a maximum height of four (4)
520 feet. Fencing over four feet in height, up to a shall have a maximum height of
521 six (6) feet, and must be set back a minimum of thirty (30) inches from the
522 property line providing a landscape screen maintained at a minimum height
523 of twenty-four (24) inches (see definitions). Walls along side and rear property
524 lines adjacent to roadways (except alleys) over four feet in height, up to a shall
525 have a maximum height of six (6) feet, and must be set back a minimum of
526 five (5) feet from the property line providing a landscape screen maintained at
527 a minimum height of twenty-four (24) inches. (See definitions.)

528 ***

529 e) *Multi-family residential uses.*

530
531 1. *Height limitations.*

532 ***

533 C. Along side and rear property lines adjacent to roadways (except alleys) a fence
534 or wall placed at the property line shall have a maximum height of four (4)
535 feet. Fencing over four feet in height, up to a shall have a maximum height of
536 six (6) feet, and must be set back a minimum of thirty (30) inches from the
537 property line providing a landscape screen maintained at a minimum height
538 of twenty-four (24) inches (see definitions). Walls along side and rear property
539 lines adjacent to roadways (except alleys) over four feet in height, up to a shall
540 have a maximum height of six (6) feet, and must be set back a minimum of
541 five (5) feet from the property line providing a landscape screen maintained at
542 a minimum height of twenty-four (24) inches. (See definitions.)

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EXHIBIT L

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-16. – Mechanical Systems/Equipment for Existing Residential Structures

- a) For existing residential structures, placement of mechanical equipment shall be allowed in the rear or side setback and/or between the main structure and a public street if there is insufficient space to locate the equipment outside of the setbacks. Equipment located in the rear or side setback must meet requirements of the landscape code and the equipment must be screened from view of the right-of-way. In addition, product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line. Mechanical systems/equipment are not permitted to be located in the front setback of any property.

572 EXHIBIT M

573 Chapter 23

574 LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

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577 **Sec. 23.4-19. – Outdoor Storage and Open-Air Operations.**

578 A. *Outdoor storage.*

579 ***

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582 b) Outdoor storage in mixed-use districts and Artisanal Industrial. Outdoor storage in
583 mixed-use districts and the Artisanal Industrial (AI) district shall be permitted only as
584 accessory to an approved principal use. All such storage shall be completely screened
585 from all public rights-of-way and any adjacent property that is zoned for residential or
586 mixed use. Screening shall require both fencing and landscaping. Outdoor storage of
587 chemicals or parts is prohibited in mixed-use districts and the AI district.

588
589 ~~b c) Outdoor storage industrial in I-POC.~~ Outdoor storage in the I-POC industrial districts
590 shall be permitted only as accessory to an approved principal use. All such storage
591 shall be completely screened from all public rights-of-way and any adjacent property
592 that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles,
593 boats, parts, materials, or chemicals are required to be stored on an impervious paved
594 surfaces to reduce pollutants in stormwater runoff.

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597 ~~B. Open air operations.~~

598 a) ~~The following shall be allowed to be displayed only in front of the business to which the~~
599 ~~items belong:~~

- 600 ~~1. Up to three (3) items, which must be new or in excellent condition.~~
- 601 ~~2. Flowers or foliage maintained per City Code.~~
- 602 ~~3. Used and new clothing stores may display one (1) freestanding vertical clothing~~
603 ~~pole with a maximum of three (3) items of clothing.~~
- 604 ~~4. One (1) Propane tank display case if less than ten (10) percent of the bay or~~
605 ~~building width that the associated business occupies and if completely screened~~
606 ~~from abutting properties and rights-of-way.~~
- 607 ~~5. No item can obstruct entry or exit from any store or property or in any other way~~
608 ~~be hazardous to pedestrians or motorists. All items must be placed entirely on~~
609 ~~private property and may not be located in required parking areas or landscaped~~
610 ~~areas.~~
- 611 ~~6. No item may impede pedestrian access to the public sidewalk and/or restrict~~
612 ~~ADA accessibility.~~
- 613 ~~7. One (1) sandwich board meeting the requirements of the city's sign code may~~
614 ~~be displayed in front of businesses facing a city major thoroughfare and cannot~~
615 ~~impede pedestrian access or ADA accessibility.~~

616 ~~b) The following shall be allowed by first obtaining an administrative use permit on behalf~~
617 ~~of each individual business for a sales event no more than four (4) times a year for a~~
618 ~~duration of no more than three (3) days:~~

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- ~~1. Art or craft demonstrations.~~
 - ~~2. Outdoor sales of items.~~
 - ~~3. Guest art or craft or artist related items.~~
- e) ~~The following items shall not be displayed outside of any store or business at any time:~~
- ~~1. Upholstered furniture or bedding.~~
 - ~~2. Electrical appliances.~~
 - ~~3. Horizontal racks of clothing.~~
 - ~~4. Vehicles (except in authorized and licensed lots) or parts thereof.~~
 - ~~5. Any items which are in disrepair, rusty, mold or mildew damaged, soiled or sandy, any item having chipped or peeling paint, any item having protruding bolts or nails.~~
- d) ~~The appropriate regulatory advisory board shall review and make recommendations to the appropriateness of granting a variance from the open-air operations rules.~~

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EXHIBIT N

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-1. – Signs.

g) *Prohibited signs.*

~~18. String of light bulbs, except as provided in subsection e), above.~~

647 **EXHIBIT O**

648 Chapter 23

649 LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

650 **Sec. 23.5-4. – Historic Preservation.**

651 ***

652 m) *Exceptions to certificates of appropriateness.*

653 ***

654 7. Demolition of non-contributing single-family residential structures in special flood hazard
655 areas. In compliance with F.S. 553.79(26), a COA shall not be required for demolition
656 of non-contributing single-family residential structures located in a coastal high-hazard
657 area, moderate flood zone, or special flood hazard area if the lowest finished floor
658 elevation of such structure is at or below base flood elevation as established by the
659 Florida Building Code or a higher base flood elevation as may be required by local
660 ordinance, whichever is higher. If a demolition permit is requested under this section,
661 the HRPB shall be notified.