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4 **ORDINANCE 2024-14 - AN ORDINANCE OF THE CITY OF LAKE WORTH**
5 **BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT**
6 **REGULATIONS”, ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 2**
7 **“DEFINITIONS”; SECTION 23.1-12 – DEFINITIONS AND ARTICLE 6**
8 **“ENVIRONMENTAL REGULATIONS,” SECTION 23.6-1 – LANDSCAPE**
9 **REGULATIONS, RELATED TO ARTIFICIAL TURF; AND PROVIDING FOR**
10 **SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE**
11
12

13 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State of
14 Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the “City”),
15 enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal
16 government, perform municipal functions, and render municipal services, and may exercise any
17 power for municipal purposes, except as expressly prohibited by law; and
18

19 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing body of
20 each municipality in the state has the power to enact legislation concerning any subject matter
21 upon which the state legislature may act, except when expressly prohibited by law; and
22

23 **WHEREAS**, the City wishes to amend Chapter 23, Article 1 “General Provisions,” Division
24 2 “Definitions,” Section 23.1-12 – “Definitions” to create a definition for artificial turf and revise the
25 definition for impermeable/impervious surface; and
26

27 **WHEREAS**, the City wishes to amend Chapter 23, Article 6 “Environmental Regulations,”
28 Section 23.6-1 – “Landscape regulations” to provide standards for the use, installation,
29 maintenance, and permitting of artificial turf; and
30

31 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,
32 considered the proposed amendments at a duly advertised public hearing; and
33

34 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
35 planning agency, considered the proposed amendments at a duly advertised public hearing; and
36

37 **WHEREAS**, the City Commission has reviewed the proposed amendments and has
38 determined that it is in the best interest of the public health, safety, and general welfare of the City
39 to adopt this ordinance.
40

41 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
42 **LAKE WORTH BEACH, FLORIDA, that:**
43

44 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being
45 true and correct and are made a specific part of this ordinance as if set forth herein.
46

47 **Section 2:** Chapter 23 “Land Development Regulations, Article 1 “General
48 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by adding
49 the words shown in underline type and deleting the words struck through as indicated in **Exhibit**
50 **A.**
51

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

55 **Section 4:** Severability. If any section, subsection, sentence, clause, phrase or portion
56 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
57 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
58 such holding shall not affect the validity of the remaining portions thereof.

59
60 **Section 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
61 herewith are hereby repealed to the extent of such conflict.

62
63 **Section 6:** Codification. The sections of the ordinance may be made a part of the City
64 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
65 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

66
67 **Section 7:** Effective Date. This ordinance shall become effective 10 days after
68 passage.

69
70 The passage of this ordinance on first reading was moved by _____,
71 seconded by _____, and upon being put to a vote, the vote was as follows:

- 72
73 Mayor Betty Resch
74 Vice Mayor Sarah Malega
75 Commissioner Christopher McVoy
76 Commissioner Mimi May
77 Commissioner Reinaldo Diaz

78
79 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
80 day of _____, 2024.

81
82
83 The passage of this ordinance on second reading was moved by _____,
84 seconded by _____, and upon being put to a vote, the vote was as follows:

- 85
86 Mayor Betty Resch
87 Vice Mayor Sarah Malega
88 Commissioner Christopher McVoy
89 Commissioner Mimi May
90 Commissioner Reinaldo Diaz

91
92 The Mayor thereupon declared this ordinance duly passed on the _____ day of
93 _____, 2024.

94 LAKE WORTH BEACH CITY COMMISSION

95
96
97
98 By: _____
99 Betty Resch, Mayor

100
101 ATTEST:

102 _____
103
104
105
106 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 Turf

a) 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.

- 179 6. Utilize organic plant-derived and other natural infill components, including, but
180 not limited to, cork, coconut, corn husk, rice husk, and sand as part of the
181 artificial turf system. The use of crumb rubber and other synthetic materials is
182 prohibited in all applications except for sports fields.
183 7. Be a planned element of the hardscape.
184 8. Where artificial turf is utilized for institutional recreational uses (e.g.,
185 playgrounds, athletic fields), the artificial turf product installed shall be
186 designed for the intended use. and meet the appropriate additional standards.
187

188 e) Installation, maintenance and repair.

- 189 1. All artificial turf shall, at a minimum, be installed according to the
190 manufacturer's specifications.
191 2. All artificial turf installations shall be anchored to ensure that the turf will
192 withstand the effects of wind.
193 3. All seams shall be secured, and edges shall be trimmed to fit against all
194 regular and irregular edges to resemble a natural look.
195 4. If installed immediately adjacent to a seawall, the artificial turf shall be pinned
196 or staked behind the seawall. No artificial turf or installation mechanism shall
197 be attached directly to or placed on a seawall or seawall cap.
198 5. All artificial turf shall be installed over a subgrade prepared to provide positive
199 drainage and an evenly graded mass of compacted, porous crushed rock
200 aggregate material. Base comprising of sand only is not permitted. Proper
201 drainage shall be provided for all Artificial Turf installations to prevent runoff
202 or pooling of water.
203 6. Artificial turf shall be visually level, with the grain pointing in a single direction.
204 7. An appropriate solid barrier device (e.g., concrete mow strip, bender board or
205 other barrier with a minimum of 3" thickness) is required to separate artificial
206 turf from soil and live vegetation and to prevent intrusion of living plant
207 material.
208 8. Artificial turf shall not be installed directly against the trunk of trees and/or
209 palms. A minimum 3-foot mulched root protection zone measured from the
210 base of the palm must be maintained. Trees shall have a mulched root
211 protection zone with a minimum 10-inch radius for every one inch of trunk
212 diameter.
213 9. All artificial turf shall be maintained in a green fadeless condition and shall be
214 maintained free of dirt, mud, stains, weeds, debris, tears, holes, and
215 depressions. Maintenance shall include, but not be limited to cleaning,
216 brushing, debris removal; repairing of depressions and ruts to maintain a
217 visually-level surface; elimination of any odors, flat or matted areas, weeds,
218 and invasive roots; and all edges of the artificial turf shall not be loose and
219 must be maintained with appropriate edging or stakes.
220 10. There shall be no parking on artificial turf except where it is installed as part
221 of a permitted driveway or between parking strips.
222 11. Once installed, if the artificial turf falls into disrepair with fading or holes or
223 loose areas, the replacement and/or repairs shall be done with like for like
224 materials and done so in a manner that results in a repair that blends in
225 seamlessly with the existing artificial turf.
226

227 f) Permit required - Material specifications and plans.

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

259
260 g) Inspections.

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