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3 **ORDINANCE 2020-20 - AN ORDINANCE OF THE CITY OF LAKE**  
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 18 “UTILITIES,”**  
5 **ARTICLE 7 “STORMWATER UTILITY”, SECTION 18-103. – “ON SITE**  
6 **DRAINAGE” BY REQUIRING MAINTENANCE EASEMENTS FOR ZERO**  
7 **LOT LINE LOTS; AMENDING CHAPTER 23 “LAND DEVELOPMENT**  
8 **REGULATIONS, BY ADDING A NEW SECTION 23.2-37. –**  
9 **“TEMPORARY USE PERMIT” TO CREATE AN APPROVAL PROCESS**  
10 **FOR TEMPORARY USES; AMENDING ARTICLE 3 “ZONING**  
11 **DISTRICTS,” DIVISION 1 “GENERALLY,” SECTION 23.3-6 “USE**  
12 **TABLES” TO ESTABLISH TEMPORARY USES PERMITTED BY**  
13 **ZONING DISTRICT; AMENDING ARTICLE 4, “DEVELOPMENT**  
14 **STANDARDS,” SECTION. 23.4-1. – “SECONDARY (ACCESSORY)**  
15 **DWELLING UNITS,” SECTION 23.4-6. – “HOME OCCUPATIONS,”**  
16 **SECTION 23.4-10. – “OFF-STREET PARKING” TO CLARIFY**  
17 **DEVELOPMENT STANDARDS RELATED TO ACCESSORY DWELLING**  
18 **UNITS AND PARKING AS WELL AS PROVIDE ADDITIONAL**  
19 **FLEXIBILITY FOR HOME OCCUPATION USES IN MIXED USE**  
20 **DISTRICTS, AND ADDING A NEW SECTION 23.4-22 – “TEMPORARY**  
21 **USES” TO ESTABLISH DEVELOPMENT REVIEW STANDARDS FOR**  
22 **TEMPORARY USES; BY AMENDING ARTICLE 5 “SUPPLEMENTARY**  
23 **REGULATIONS” SECTION 23.5-7. – “CONCURRENCY MANAGEMENT**  
24 **AND PUBLIC FACILITY CAPACITY” TO REQUIRE MAINTENANCE**  
25 **EASEMENTS ON ZERO LOT LINE LOTS; AND PROVIDING FOR**  
26 **SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE**  
27 **DATE.**  
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29

30 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State  
31 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the  
32 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct  
33 municipal government, perform municipal functions, and render municipal services, and  
34 may exercise any power for municipal purposes, except as expressly prohibited by law;  
35 and  
36

37 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing  
38 body of each municipality in the state has the power to enact legislation concerning any  
39 subject matter upon which the state legislature may act, except when expressly prohibited  
40 by law; and  
41

42 **WHEREAS**, the City wishes to amend Chapter 18 “Utilities,” Article 7 “Stormwater  
43 Utility”, Section 18-103. – On site drainage, to provide clarity related to access easement  
44 requirements; and  
45

46 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration  
47 Division” 3, “Permits,” by adding a NEW Section 23.2-37. – Temporary Use Permit; to  
48 create a new temporary use review permit process and review standards; and  
49

50           **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,”  
51 Division 1 “Generally,” Section 23.3-6 Use Tables to establish permitted temporary uses  
52 by zoning district; and  
53

54           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
55 Standards,” Section 23.4-1. – Secondary (Accessory) Dwelling Unit, to clarify size and  
56 construction standards for accessory dwelling units; and  
57

58           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
59 Standards,” Section 23.4-6. – Home Occupations to allow for additional flexibility for home  
60 occupations office uses in mixed use districts; and  
61

62           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
63 Standards,” Section 23.4-10. – Off-street parking to clarify the parking for accessory  
64 dwelling units and that the parking in-lieu fee is available only in the City’s core area; and  
65

66           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
67 Standards,” to establish a new section, Section 23.4-22 – Temporary uses to establish  
68 supplementary development standards for temporary uses; and  
69

70           **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplementary  
71 Regulations” Sec. 23.5-7. - Concurrency management and public facility capacity to  
72 provide clarity related to access easement requirements; and  
73

74           **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning  
75 agency, considered the proposed amendments at a duly advertised public hearing; and  
76

77           **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local  
78 planning agency, considered the proposed amendments at a duly advertised public  
79 hearing; and  
80

81           **WHEREAS**, the City Commission has reviewed the proposed amendments and  
82 has determined that it is in the best interest of the public health, safety, and general  
83 welfare of the City to adopt this ordinance.  
84

85           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
86 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**  
87

88           **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as  
89 being true and correct and are made a specific part of this Ordinance as if set forth herein.  
90

91           **Section 2:** Chapter 18 “Utilities,” Article 7 “Stormwater Utility”, Section 18-103.  
92 – On site drainage of the City’s Code of Ordinances, is hereby amended by adding the  
93 words shown in underlined type and deleting the words ~~struck through~~ as indicated in  
94 **Exhibit A.**  
95

96           **Section 3:** Chapter 23 Land Development Regulations,” Article 2  
97 “Administration Division” 3, “Permits,” NEW Section 23.2-37. – Temporary Use Permit

98 related to temporary use permits is hereby amended by adding the words shown in  
99 underlined type and deleting the words ~~struck through~~ as indicated in **Exhibit B**.

100  
101 **Section 4:** Chapter 23 Land Development Regulations,” Article 3 “Zoning  
102 Districts,” Division 1 “Generally,” Section 23.3-6 Use Tables related to permitted  
103 temporary uses by zoning district; is hereby amended by adding the words shown in  
104 underlined type and deleting the words ~~struck through~~ as indicated in **Exhibit C**.

105  
106 **Section 5:** Chapter 23 Land Development Regulations,” Article 4 “Development  
107 Standards,” Section 23.4-1. – Secondary (Accessory) Dwelling Unit related to accessory  
108 dwelling units is hereby amended by adding the words shown in underlined type and  
109 deleting the words ~~struck through~~ as indicated in **Exhibit D**.

110  
111 **Section 6:** Chapter 23 “Land Development Regulations,” Article 4  
112 “Development Standards,” Section 23.4-6. – Home Occupations related to home  
113 occupations are hereby amended by adding the words shown in underlined type and  
114 deleting the words ~~struck through~~ as indicated in **Exhibit E**.

115  
116 **Section 7:** Chapter 23 “Land Development Regulations,” Article 4  
117 “Development Standards,” Section 23.4-10. – Off-street parking related to parking  
118 requirements for accessory dwelling units and the parking in-lieu fee is hereby amended  
119 by adding the words shown in underlined type and deleting the words ~~struck through~~ as  
120 indicated in **Exhibit F**.

121  
122 **Section 8:** Chapter 23 “Land Development Regulations,” Article 4  
123 “Development Standards,” related to the establishment of a new section, Section 23.4-22  
124 – Temporary uses, is hereby amended by adding the words shown in underlined type and  
125 deleting the words ~~struck through~~ as indicated in **Exhibit G**.

126  
127 **Section 9:** Chapter 23 “Land Development Regulations,” Chapter 23, Article 5  
128 “Supplementary Regulations” Sec. 23.5-7. - Concurrency management and public facility  
129 capacity related to access easement requirements is hereby amended by adding the  
130 words shown in underlined type and deleting the words ~~struck through~~ as indicated in  
131 **Exhibit H**.

132  
133 **Section 10:** Severability. If any section, subsection, sentence, clause, phrase or  
134 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of  
135 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
136 independent provision, and such holding shall not affect the validity of the remaining  
137 portions thereof.

138  
139 **Section 11:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in  
140 conflict herewith are hereby repealed to the extent of such conflict.

141  
142 **Section 12:** Codification. The sections of the ordinance may be made a part of  
143 the City Code of Laws and ordinances and may be re-numbered or re-lettered to  
144 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or  
145 any other appropriate word.

146

147 **Section 13:** Effective Date. This ordinance shall become effective 10 days after  
148 passage.

149  
150

151 The passage of this ordinance on first reading was moved by  
152 \_\_\_\_\_, seconded by \_\_\_\_\_, and upon  
153 being put to a vote, the vote was as follows:

154

- 155 Mayor Pam Triolo
- 156 Vice Mayor Andy Amoroso
- 157 Commissioner Scott Maxwell
- 158 Commissioner Herman Robinson

159

160 The Mayor thereupon declared this ordinance duly passed on first reading on the  
161 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

162

163

164 The passage of this ordinance on second reading was moved by  
165 \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote,  
166 the vote was as follows:

167

- 168 Mayor Pam Triolo
- 169 Vice Mayor Andy Amoroso
- 170 Commissioner Scott Maxwell
- 171 Commissioner Herman Robinson

172

173

174 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
175 \_\_\_\_\_, 2020.

176

177

LAKE WORTH BEACH CITY COMMISSION

178

179

180

By: \_\_\_\_\_

181

Pam Triolo, Mayor

182

183

ATTEST:

184

185

186

187

\_\_\_\_\_  
Deborah Andrea, CMC, City Clerk

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**EXHIBIT A**

**Chapter 18**

**CODE OF ORDINANCES ARTICLE 7 "STORMWATER UTILITY"**

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**Sec. 18-103. - On site drainage.**

Prior to the issuance of a building permit for construction on property, a site drainage plan and drainage computations shall be submitted for approval by the director or designee. The drainage plan must indicate facilities which will totally contain on-site a three-year one-hour storm event and such facilities must be constructed prior to final inspection by the city. For zero lot line lots, a three (3) foot maintenance easement shall be provided on the non-zero side of each zero-lot-line lot to allow for maintenance of the adjoining property and whenever feasible on existing non-conforming lots as determined by the city engineer and the development review official.

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**EXHIBIT B**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Division 3 Permits*

**[NEW SECTION] Section 23.2-37. – Temporary Use Permit**

- a. Applicability. The following temporary uses may not be commenced until the applicant obtains a Temporary Use Permit from the development review official. The permit specifies the specific use, the period of time for which it is approved, and any special conditions attached to the site-specific approval. The following uses may be permitted, subject to the issuance of a Temporary Use Permit:
1. Temporary uses identified and consistent with the supplementary standards in Section 23.4-22, including but not limited to: sales offices, construction field offices, off-site construction staging, temporary parking lots, and private farmer's markets.
  2. Pumpkins, Christmas trees, and other seasonal product sales or temporary farmer's market. No permit shall be required for seasonal product sales operated as part of a school or place of worship.
  3. Temporary storage or other uses related to emergency management. Such uses shall be operated by a governmental entity or organization engaged in recovery or emergency management efforts.
  4. Similar temporary uses which, in the opinion of the development review official, are compatible with the district and surrounding land uses.
- b. Approval authority. The development review official, in accordance with the procedures, standards and limitations of this section, shall approve or deny an application for a temporary use permit after review and comment by the site plan review team (if applicable). The development review official's decision on a temporary use permit is final, but may be appealed to the appropriate regulatory board by the applicant or affected party, pursuant to section 23.2-17. Special events shall require a special event permit and shall not require a temporary use permit unless otherwise specified herein.
- c. Review Process. A Temporary Use Permit application shall be reviewed administratively for consistency with the supplementary standards in Section 23.4-22 and the approval criteria in this section. The development review official may determine that the proposed temporary use has substantial impacts on adjacent properties in the vicinity of the temporary use, which would warrant review by the appropriate review board at a public meeting.
- d. General procedures. An application for a temporary use permit shall be made in writing upon an application form approved by the Department for Community Sustainability, and shall be accompanied by applicable fees. The Department for Community Sustainability shall review the application in accordance with these LDRs and prepare a result letter that summarizes the application and the effect of the proposed use, compliance with the review criteria and supplementary standards, conditions of approve if applicable, and approve or deny the application as submitted.
- e. Additional requirements. Prior to approving any administrative use permit, the development review official shall ensure that the following requirements have been met:
1. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.
  2. Any previously imposed conditions of approval at the site have been met, if applicable.
  3. All buildings and structures used for a temporary use shall have an active applicable rental business license with the appropriate use and occupancy approval for the propose temporary use.
  4. A business license and registration of individual vendors with the City shall be required, if applicable and as determined by the development review official.

- 259 f. Approval Criteria. The development review official shall review temporary uses for consistency with  
260 the following standards:
- 261 1. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of the  
262 City's land development regulations and the zoning district in which it will be located except when  
263 the use is related to temporary construction activity or emergency management. The temporary  
264 use shall not impair the normal, safe, and effective operation of a permanent use on the same site.  
265 The temporary use shall not endanger or be materially detrimental to the public health, safety, or  
266 welfare or injurious to property or improvements in the vicinity of the temporary use, given the  
267 nature of the activity, its location on the site, and its relationship to parking and access points.
  - 268 2. Compliance with Other Regulations. A building permit or temporary certificate of occupancy may  
269 be required, as determined by the building official before any structure used in conjunction with the  
270 temporary use is constructed or modified. All structures and the site as a whole shall meet  
271 applicable building and fire code standards as well as any provisions of this code for such temporary  
272 use. Upon cessation of the temporary use, any structures associated with the temporary use shall  
273 be promptly removed and the site shall be returned to its previous condition (including the removal  
274 of all trash, debris, signage or other evidence of the temporary use).
  - 275 3. Duration. The duration of the temporary use shall be established at the time of approval of the  
276 Temporary Use Permit. In the event no time limit is established, the duration shall be for a period  
277 not to exceed ninety (90) days.
  - 278 4. Traffic Circulation. The temporary use shall not cause undue traffic congestion or accident  
279 potential, as determined by the city engineer, given anticipated attendance and the design of  
280 adjacent streets, intersections, and traffic controls.
  - 281 5. Off-Street Parking. Off-street parking shall be provided in accordance with the City's land  
282 development requirements, and it shall not create a parking shortage for any of the other existing  
283 uses on the site.
  - 284 6. Public Conveniences and Litter Control. Adequate on-site rest room facilities may be required.  
285 Adequate on-site solid waste containers may also be required. The applicant shall provide a written  
286 guarantee that all litter generated by the event or use shall be removed at no expense to the City.
  - 287 7. Appearance and Nuisances. The temporary use shall be compatible in intensity, appearance, and  
288 operation with surrounding land uses in the area, and it shall not unduly impair the usefulness,  
289 enjoyment, or value of adjacent properties due to the generation of excessive noise, dust, smoke,  
290 glare, spillover lighting or other forms of environmental or visual pollution. A mitigation plan for  
291 temporary uses, related to construction, emergency management, or for other temporary uses as  
292 determined by the development review official, shall be required prior to the issuance of a  
293 Temporary Use Permit when the use is in and/or adjacent to residential districts, in an effort to  
294 minimize compatibility issues.
  - 295 8. Signs. The development review official shall review all signage in conjunction with the issuance of  
296 the Temporary Use Permit. Such signage shall be in accordance with the requirements of this code.
  - 297 9. Other Conditions. The development review official may establish any additional conditions deemed  
298 necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby  
299 uses, including, but not limited to, restrictions on hours of operation, temporary arrangements for  
300 parking and traffic circulation, requirements for screening/buffering, and guarantees for site  
301 restoration and cleanup following the temporary use.
- 302
- 303 g. Revocation. The development review official or building official may revoke a Temporary Use  
304 Permit due to nuisance concerns, land use compatibility or life-safety issues, or for the following  
305 reasons:
- 306 1. The applicant has misrepresented any material fact on its application or supporting materials.
  - 307 2. The temporary use fails or ceases to comply with applicable standards or criteria for issuance  
308 of a permit.
  - 309 3. The operation of the temporary use violates any statute, law ordinance, or regulation.
  - 310 4. The operation of the temporary use constitutes a nuisance or poses a real or potential threat  
311 to the health, safety, or welfare of the public.
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**EXHIBIT C**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Division 1 "Generally"*

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**Sec. 23-3.6 – Use Tables.**

*Under separate cover*

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**EXHIBIT D**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-1. - Secondary (accessory) dwelling unit.

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b) Design standards. All secondary dwelling units shall conform to the following standards:

- 1. Existing development on lot. A single-family dwelling must currently exist on the lot or will be constructed in conjunction with the secondary unit.
- 2. Number of secondary units per parcel. Only one (1) secondary dwelling unit shall be allowed for each parcel.
- 3. Unit size. The habitable floor area for secondary units shall not exceed sixty (60) percent of the habitable floor area of the primary residence and shall be a minimum of 400 square feet.

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5. *Design.* The design of the secondary unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch, and shall be compatible in architectural style.

6. *Minimum Housing Code.* All secondary dwelling units shall meet the City’s established minimum housing code requirements.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-6. - Home occupations.

- a) *Purpose.* It is the purpose of this section to provide for the orderly use of residential premises for certain customary home occupations and professional offices allowed as home occupations. This provision allows for a portion of a residential unit to support a home office space or professional office space that generates income for the owner/tenant. It is further the purpose to assure that none of the residential ambiance of a neighborhood or of a building is modified or in any way diminished by the presence of said home occupation.
- b) *Class I - Design and performance standards- customary home occupations.*
1. *Limited use.* The home occupation shall be conducted within the residential premises and only by the person who is licensed to do so and is a resident(s) of the premises. The individual(s) so licensed shall not engage any employees to assist in the home occupation.
  2. *Pedestrian and automobile traffic.* The home occupation shall not generate pedestrian or automobile traffic beyond what would normally be expected in a residential district.
  3. *Maximum area of use.* No individual home occupation shall occupy more space than twenty (20) percent of the total floor area of a residence exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided however, in no event shall such all home occupations occupy more than forty (40) percent of the total floor area of the residence or one thousand (1,000) square feet, whichever is less.
  4. *No signs or advertisements.* No signs, banners or flyers shall be permitted to advertise the accessory use of the premises for an occupational purpose.
  5. *Limited equipment.* No chemical, electrical or mechanical equipment shall be used except that which is normally used for domestic, household or home office purposes. No electrical or mechanical equipment which causes outside interference may be installed or used. No equipment or process shall be used in a home occupation which creates fumes, glare, noise, odors, vibration, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence.
  6. *Stock in trade.* No goods shall be sold on or from the building site. Stock or inventory is permitted inasmuch as will fit within the allowable area of the residence being utilized as a home occupation and does not create a health or safety hazard. No outdoor storage of materials or equipment related to the home occupation shall be permitted on the premises. Deliveries may not exceed that which would be utilized by a private residence and shall not be disruptive to the immediate neighborhood
  7. *Parking.* The vehicle used for the home occupation is limited to a passenger car, van, or pickup truck. The vehicle may not be more than twenty (20) feet in overall length and not more than seven (7) feet in overall height. Any vehicles used solely in connection with such home occupation must have separate off-street parking facilities in addition to those provided for the residence, except as otherwise regulated by city ordinances.
  8. *Residential character.* There shall be no alteration in the residential character or appearance of the premises in connection with such home occupation.
  9. *Neighborhood impact.* A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates

- 405 any interference in audio or video reception, or causes any perceivable vibration on adjacent  
406 properties is not permitted.
- 407 10. *Three (3) home occupations per residence.* No more than three (3) home occupations shall be  
408 permitted at any given residence at one (1) time. Each home occupation must maintain the  
409 required applicable business tax receipts and use and occupancy certificates.
- 410 c) Class II - Design and performance standards – professional office home occupations.
- 411 1. Limited use. The professional home office occupation shall be conducted within the residential  
412 premises and only by the person, who is licensed to do so and is a resident(s) of the premises.  
413 The individual(s) so licensed may engage employees to assist in the professional home  
414 occupation based on specific parameters. Professional home office occupations may only be  
415 established within mixed-use districts as an office use excluding medical and personal/grooming  
416 services. Stock in trade accessory to office is permitted for online sales and off-premise sales as  
417 limited herein.
- 418 2. Pedestrian and automobile traffic. The professional home office occupation may generate  
419 pedestrian or automobile traffic commensurate and routinely experienced within a mixed-use  
420 district and that of a traditional professional office.
- 421 3. Maximum area of use. No individual professional home occupation shall occupy more space than  
422 fifty (50) percent of the total floor area of a residence exclusive of any open porch, attached  
423 garage, or similar space not suited for or intended to be occupied as living quarters.
- 424 4. No signs or advertisements. No signs, banners or flyers shall be permitted to advertise the  
425 professional home occupation on the premises for any purpose.
- 426 5. Limited equipment. No chemical, electrical or mechanical equipment shall be used except that  
427 which is normally used for professional office purposes. No electrical or mechanical equipment  
428 which causes outside interference may be installed or used. No equipment or process shall be  
429 used in the professional home occupation which creates fumes, glare, noise, odors, vibration, or  
430 electrical interference detectable to the normal senses off the lot, if the occupation is conducted  
431 in a single-family residence or outside the dwelling unit if conducted in other than a single-family  
432 residence.
- 433 6. Stock in trade. The sale of goods within the residential premises is permitted only as accessory  
434 to the principal professional home office occupation use. Stock or inventory is permitted inasmuch  
435 as will fit within the allowable area of the residence being utilized as a professional home  
436 occupation and does not create a health or safety hazard. No outdoor storage of materials or  
437 equipment related to the professional home occupation shall be permitted on the premises.  
438 Deliveries may not exceed that which would be utilized by a private residence and shall not be  
439 disruptive to the immediate neighborhood.
- 440 7. Parking. The vehicle used for the professional home office occupation is limited to a passenger  
441 car, van, or pickup truck. The vehicle may not be more than twenty (20) feet in overall length and  
442 not more than seven (7) feet in overall height. Any vehicles used solely in connection with such  
443 professional home occupation must have separate off-street parking facilities in addition to those  
444 provided for the residence, except as otherwise regulated by city ordinances. Professional home  
445 office occupation uses that are permitted to accommodate more than two (2) employees and/or  
446 more than one (1) customer at a time shall be required to provide additional parking or have  
447 access to public or guest parking within two hundred (200) feet of building or residence used for  
448 such purpose.
- 449 8. Residential character. There shall be no alteration in the residential character or appearance of  
450 the premises in connection with such professional home occupation.
- 451 9. Neighborhood impact. A professional home office occupation shall not create any nuisance,  
452 hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors,  
453 or other noxious emissions. Use of electrical or mechanical equipment that causes fluctuations in  
454 line voltage, creates any interference in audio or video reception, or causes any perceivable  
455 vibration on adjacent properties is not permitted.
- 456 10. Three (3) professional home office occupations per residence. No more than three (3)  
457 professional home office occupations shall be permitted at any given residence at one (1) time.

458 Each professional home office occupation must maintain the required applicable business tax  
459 receipts and use and occupancy certificates.

460 11. Hours of Operation. A professional home office occupation may be conducted between the hours  
461 of 8 am to 6 pm, Monday through Saturday.

462 12. Employees. The number of employees including the owner/licensee is limited to one (1) for the  
463 first three hundred (300) sq. ft. of space allocated for the professional home office occupation and  
464 one hundred fifty (150) sq. ft of space allocated for each additional employee.

465 13. Clients/Customers. The professional home office occupation may not have more than one (1)  
466 client, customer and/or visitor at a time for each three hundred (300) sq. ft. of space allocated for  
467 the professional home occupation.

468 14. Office Area. Professional home office occupation owner/license must provide a drawing to scale  
469 that demarcates the area of residence for the use.

470 15. Level of Review. A professional home office occupation shall be approved either as an  
471 administrative use or conditional use depending on size and other applicable review criteria.

472 16. Authorization Requirements. Each professional home office occupation application must be  
473 accompanied by a lease, if applicable, and a notarized letter of approval from the governing  
474 homeowner's association or similar entity, if within a multi-tenant building.

475 17. Homeowner Associations. These provisions shall not supersede the requirements of a  
476 homeowner's or condominium association's rules if those rules are more restrictive. However, in  
477 the event the association rules are less restrictive, they shall not supersede the provisions of this  
478 section.

479 18. Conditions of Approval. Appropriate conditions of approval may be placed on all professional  
480 home office occupations to ensure the peaceful enjoyment of other residents living near the use  
481 or within the same building and to maintain the overall residential character of the property.

482

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-10. - Off-street parking.

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e) ~~Drainage. All off-street parking facilities shall be drained so as not to cause any nuisance to adjacent private or public property.~~ Drainage systems for off-street parking facilities shall be designed and installed in a manner acceptable to the city engineer. When necessary, walls, swales, planting areas, or other mitigation measures as determined by the city engineer shall be installed to protect adjoining properties and their occupants from any nuisance. Paved parking surfaces, including but not limited to driveways and parking lots, shall have a one (1) foot setback from the side property line and rear property if not alley accessed.

f) *Minimum parking space requirements by use category.*

1. Minimum off-street parking space requirements are as follows:

A. *Residential uses:*

- Single-family detached on lot less than fifty (50) ft wide - 1 space per unit.
- Single-family detached on lot greater than fifty (50) ft wide - 2 spaces per unit.
- Accessory dwelling unit - 1 space in addition to that required for the primary dwelling.

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3. Fee-in-lieu of parking. All uses on properties in the core area which do not provide the required number of off-street parking spaces shall pay a fee-in-lieu of parking to the city. The fee shall be held in the community benefits fund to be allocated toward projects identified and approved by the commission as part of the Community Benefits Program.

A. Location. Only properties located in the core area are eligible to utilize the fee-in-lieu of parking option. The core area is more particularly described as: Those properties which are bounded on the west by "A" Street and on the east by Golfview Road, and on the north by 2nd Avenue North, and on the south by 1st Avenue South.

B.A. Payments-in lieu. For any uses that elect to not provide any or all of the required number of off-street parking spaces described in this section, the owner or developer must make a payment to the city in the amount of fifteen thousand dollars (\$15,000) per space not provided.

C. ~~B.~~ Any changes in use, remodeling, building expansion or new construction that have the net effect of increasing parking demand by more than twenty-five (25) percent as calculated by the required parking in this section, must provide parking as required by this section unless a payment-in-lieu of parking is made to the city in the amount of fifteen thousand dollars (\$15,000) per space not provided.

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**EXHIBIT G**

**Chapter 23**

**LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”**

**[NEW SECTION] Section 23.4-22 - TEMPORARY USES**

Temporary uses have characteristics that require certain restrictions in order to ensure compatibility with other uses in the zoning district in which they are proposed. All temporary uses are required to obtain a temporary use permit pursuant to the procedures of Section 23.2-37. Temporary uses are subject to the corresponding standards and limitations of this section. Renewal of a Temporary Use Permit, as allowed within this section, is subject to approval by the development review official. It shall be the responsibility of the applicant to demonstrate that the conditions of the original approval still exist.

a. Temporary Uses by District.

Section 23.3-6 Use Tables depicts the temporary uses permitted in each zoning districts in accordance with all standards and regulations in the City’s code.

b. Temporary Use Requirements.

All temporary uses shall meet all applicable provisions of the City Code of Ordinances, in addition to the following requirements.

1. Business Offices, Temporary. A temporary building for use as a business office is permitted on a 90-day basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. All temporary business offices shall be shown on the Site Plan for approval of the permanent facility. Any temporary parking associated with the temporary business office shall follow procedures of the temporary parking lot use herein.
2. Construction Field Offices. A temporary building for use as a construction field office is permitted on a 12-month basis unless it is renewed by the respective business. Renewals may be requested and considered in association with an active building permit.
  - A. One temporary building per construction site shall be permitted if associated with an active building permit. A site plan shall be required as part of a temporary use permit application to ensure the proposed field office is located to minimize impacts on adjacent properties owners, including addressing traffic, parking and drainage issues.
  - B. Any temporary parking associated with the construction field office shall follow the standards and procedures of the temporary parking lot use herein.
3. Construction Staging, Off-Site. This section applies to the temporary use of property outside of the right-of-way for activities related to the construction of public and private improvements. Temporary facilities allowed in conjunction with a staging site may include a construction field office, portable restroom facilities, vehicle or equipment storage, layout yards, contractor parking, storage of construction materials or product, and other uses as approved by the development review official. Off-site construction staging facilities may be located in all zoning districts where they are directly associated with construction of public and private improvements in the area, subject to the following requirements and limitations:
  - A. Off-site construction staging facilities are permitted on a 12-month basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. An unlimited number of renewals may be applied for and considered.
  - B. Such facilities shall be located within 1,500 feet of the boundary of the construction project.
  - C. At the expense of the agency or contractor, notification to all property owners within 200 feet of the subject site shall be required 15 days prior to any action by the development review official.
  - D. Stormwater and Driveway Permits must be obtained from the applicable City departments. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

- 586 E. A minimum of a five (5) foot landscaped buffer shall be required adjacent to residential properties.  
587 Screening from non-residential properties and rights-of-way shall be adequate to prevent the  
588 blowing of dust onto adjacent properties and rights-of-way, reduce noise, and to substantially block  
589 the views of site and equipment.
- 590 G. Hours of operation shall be consistent with the construction hours of operation as otherwise  
591 established by City ordinance or herein.
- 592 H. Any temporary parking or construction field offices associated with the construction staging area  
593 shall follow the respective standards of the temporary parking lot use below. Outdoor storage of  
594 commercial vehicles greater than 8,000 lbs shall be permitted upon issuance of an associated  
595 temporary use permit and building permit. Such parking and storage of large vehicles and shall  
596 be adequately screened as generally consistent with the outdoor storage requirements of this  
597 code as determined by the development review official.
- 598 I. Following completion of the associated project, the site must be returned to its pre-construction or  
599 better state as determined by the development review official. All buildings, driveway access, curb  
600 and gutter, debris, and product must be removed, and the area must be sodded with grass or  
601 Florida friendly ground cover as approved the development review official within forty-five (45)  
602 days of removal.
- 603
- 604 4. Parking Lot, Temporary. A temporary parking lot may be approved, for a period not to exceed twelve  
605 (12) months, when parking in excess of what was installed when a facility first opened is necessary  
606 to accommodate business or unanticipated patronage. A temporary parking lot required as part of  
607 another Temporary Use Permit may be approved in accordance with the period of time established  
608 for such temporary use. All temporary parking lots are subject to the following requirements and  
609 limitations:
- 610 A. Location. Temporary parking lot are permitted in any zoning district, except Single Family  
611 Residential and are not permitted fronting the major thoroughfares of Lake Avenue and Lucerne  
612 Avenue.
- 613 B. Site Plan of proposed parking configuration, buffers and screening, on-site circulation and right-  
614 of-way access shall be required.
- 615 C. Stormwater and Driveway Permits shall be required and approved by both the building official  
616 and the city engineer. The stormwater water permit application shall include the surface material  
617 of the parking lot and demonstrate compliance with NPDES requirements for construction parking  
618 facilities. Curbs, gutters, or other improvements may be required where necessary to comply  
619 with drainage regulations. The stormwater permit and driveway permit should address the  
620 prevention of dust blowing onto adjacent properties and the tracking of sediments and mud onto  
621 public rights-of-way.
- 622 D. Entrance to the lot from any public right-of-way shall be pursuant to standard safe driveway  
623 separation requirements in this code or shall be approved by the city engineer to ensure public  
624 safety. The entrances of the lot from a public right-of-way shall be paved with an all-weather  
625 surface and/or NPDES compliance surface as approved by the city engineer to mitigate  
626 stormwater runoff pollutants and to prevent the blowing of dust onto adjacent properties and the  
627 tracking of sediments and mud onto public rights-of-way.
- 628 E. At the end of the permit approval period, the area shall meet the following:
- 629 a. The area shall no longer be used for the parking of vehicles, except as permitted below.  
630 All paving material, driveway access, and curb and gutter must be removed, and the area  
631 must be sodded with grass or Florida Friendly ground cover as approved by the  
632 development review official within forty-five (45) days of removal.
- 633 b. A temporary parking lot approved for the purposes of accommodating unanticipated  
634 patronage may be retained if brought up to full compliance with all standards of the City's  
635 Code of Ordinances. If no site plan is approved within two months of the expiration of the  
636 temporary approval, the temporary parking lot shall be removed in accordance with the  
637 standards above.
- 638
- 639 5. Residential Sales Offices and Model Homes. A temporary residential sales office or model home must  
640 be located within the legal subdivision for which lots are being sold or on the subject property. In  
641 addition, the following standards and requirements shall be met:

- 642        A. A Temporary Use Permit with a conditional Certificate of Occupancy to operate the model home /  
643        sales office will expire after twelve (12) months unless it is renewed by the builder, upon which the  
644        burden shall fall to demonstrate to the development review official that the conditions of approval  
645        still exist. An unlimited number of applications to renew the Temporary Use Permit may be applied  
646        for and considered.
- 647        B. The design and construction of the model home or sales office must be consistent with the  
648        character of the subject neighborhood. A model home or temporary sales office may construct a  
649        monument sign no larger than sixteen (16) square feet and no taller than four feet in height, subject  
650        to the requirements of this code.
- 651        C. The model home shall be constructed in such a manner that it can be converted, without structural  
652        changes, to a single-family, two-family, or multi-family residence (as allowed by the zoning district).  
653        Such conversion shall occur no later than after the issuance of certificates of occupancy to 80  
654        percent (80%) of the associated residential units or when use as a sales office or model home has  
655        ceased.
- 656        D. A temporary building for use as a sales office is permitted on a six-month basis only if a model  
657        home has not been constructed. The temporary sales office is subject to the renewal policy outlined  
658        for model homes but shall be removed once the model home has been constructed.
- 659
- 660        6. Seasonal Product Sales or a Temporary Farmer's Market shall require a business license and  
661        registration of individual vendors with the City.



**EXHIBIT H**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTARY  
REGULATIONS"

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669 **Sec. 23.5-7. - Concurrency management and public facility capacity.**

- 670 1. Drainage. Adequately accommodate run-off from a three-year frequency one-hour storm duration,  
671 as recorded in the FDOT Rainfall Intensity Curves in use in 1970. For zero lot line lots, a three (3)  
672 foot maintenance easement shall be provided on the non-zero side of each zero-lot-line lot to  
673 allow for maintenance of the adjoining property and whenever feasible on existing non-  
674 conforming lots as determined by the city engineer and the development review official.