2024-03 1 2 ORDINANCE 2024-03 - AN ORDINANCE OF THE CITY OF LAKE 3 WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 SECTION 23.3-4 25 "PLANNED DEVELOPMENT DISTRICT," PARAGRAPH (e). "MIXED 5 **USE URBAN PLANNED DEVELOPMENT DISTRICT," PROVIDING FOR** 6 7 TOWNHOUSES WITHIN THE SINGLE-FAMILY RESIDENTIAL (SF-R) ZONING DISTRICT AS PART OF A RESIDENTIAL ONLY MIXED USE 8 9 URBAN RESIDENTIAL PLANNED DEVELOPMENT; AND PROVIDING SEVERABILITY, CONFLICTS, CODIFICATION 10 FOR AND AN **EFFECTIVE DATE** 11 12 WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State 13 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the 14 15 "City"), enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and 16 may exercise any power for municipal purposes, except as expressly prohibited by law; 17 and 18 19 WHEREAS, as provided in Section 166.021(3), Florida Statutes, the governing 20 body of each municipality in the state has the power to enact legislation concerning any 21 22 subject matter upon which the state legislature may act, except when expressly prohibited 23 by law; and 24 WHEREAS, the City wishes to amend Chapter 23, Article 3 "Zoning Districts," to 25 amend, Section 23.3-25 – Planned Development District to provide for townhouses within 26 the single-family residential (SF-R) zoning district as part of a residential only mixed use 27 28 urban planned development within the City of Lake Worth Beach; and 29 WHEREAS, the City of Lake Worth Beach, Florida (the "City"), is a duly constituted 30 31 municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and 32 33 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning 34 agency, considered the proposed amendments at a duly advertised public hearing; and 35 36 37 WHEREAS, the Historic Resources Preservation Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public 38 hearing; and 39 40 WHEREAS, the City Commission finds and declares that the adoption of this 41 ordinance is appropriate, and in the best interest of the health, safety and welfare of the 42 City, its residents and visitors. 43 44 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE 45 CITY OF LAKE WORTH BEACH, FLORIDA, that: 46 47 The foregoing "WHEREAS" clauses are ratified and confirmed as 48 Section 1: being true and correct and are made a specific part of this ordinance as if set forth herein. 49 50

51 Section 2: Chapter 23 "Land Development Regulations," Article 3 "Zoning 52 Districts," Section 23.3-25 "Planned Development District," Paragraph (e). "Mixed use 53 urban planned development district," is hereby amended to read as follows: 54

e) Mixed use urban planned development district.

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1. Location. Urban planned developments may be located in any mixed use district, such as Mixed Use — East, Mixed Use — West, Mixed Use — Dixie Highway, Mixed Use — Federal Highway, Transit Oriented Development — East. Transit Oriented Development — West and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

2. *Minimum area required*. The minimum area required for an urban planned development district shall be one-half (0.5) acres.

3. *Permitted uses.* Permitted uses within a mixed use urban development are shown in article 3 of these LDRs. An urban planned development may be residential alone or may be any mixture of residential, retail, commercial, office, personal services, institutional, and cultural and artisanal arts or other uses specifically listed with the use tables of section 23.3-6 for the districts where the planned development is to be located.

4. Required setbacks. Required setbacks shall be as provided in these LDRs for the zoning district in which the planned development is to be located.

5. Parking and loading space requirements. Parking and loading spaces shall be provided pursuant to article 4 of these LDRs.

6. Landscaping/buffering. Landscaping and buffering shall be provided as required by section 23.6-1.

7. Illumination. Any source of illumination located within a commercial or industrial planned development district shall not exceed one (1) foot candle at or beyond the boundaries of such development.

8. Outdoor storage. All outdoor storage facilities are prohibited in any mixed use urban planned development district.

9. Sustainability. All mixed use urban planned development districts shall include provisions for sustainability features such as those listed in section 23.2-33, City of Lake Worth Sustainable Bonus Incentive Program.

95 10. Townhouses. Residential only mixed use urban planned development districts located within a single-family residential (SF-R) zoning district, a project may 96 utilize townhouses. Use of townhouses shall not, in and of itself, provide a bonus on 97 density, intensity or height. 98

Section 4: Severability. If any section, subsection, sentence, clause, phrase or 99 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of 100 competent jurisdiction, such portion shall be deemed a separate, distinct, and 101 independent provision, and such holding shall not affect the validity of the remaining 102 portions thereof. 103

Section 5: Repeal of Laws in Conflict. All ordinances or parts of ordinances in 105 conflict herewith are hereby repealed to the extent of such conflict. 106

108 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 109 accomplish such, and the word "ordinance" may be changed to "section", "division", or 110 any other appropriate word. 111

Section 7: Effective Date. This ordinance shall become effective 10 days after 113 114 passage.

The passage of this ordinance on first reading was moved by _____, seconded by 116 117 , and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch 119
- 120 Vice Mayor Christopher McVoy
- **Commissioner Sarah Malega** 121
- **Commissioner Kimberly Stokes** 122
- **Commissioner Reinaldo Diaz** 123
- The Mayor thereupon declared this ordinance duly passed on first reading on the 125 126 day of _____, 2024.
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- The passage of this ordinance on second reading was moved by 129 , seconded by , and upon being put to a vote, 130
- the vote was as follows: 131
- Mayor Betty Resch 133
- Vice Mayor Christopher McVoy 134
- **Commissioner Sarah Malega** 135
- **Commissioner Kimberly Stokes** 136
- **Commissioner Reinaldo Diaz** 137 138
- The Mayor thereupon declared this ordinance duly passed on the day of 139 140 . 2024.

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142	LAKE WORTH BEACH CITY COMMISSION
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145	Ву:
146	Betty Resch, Mayor

Betty Resch, Mayor

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148	ATTEST:
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152	Melissa Ann Coyne, City Clerk
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