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4 **ORDINANCE 2023-06 - AN ORDINANCE OF THE CITY OF LAKE**
5 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
6 **DEVELOPMENT REGULATIONS,” BY AMENDING ARTICLE 1**
7 **“GENERAL PROVISIONS,” DIVISION 2, “DEFINITIONS,” SECTION**
8 **23.1-12 - DEFINITIONS; ARTICLE 2 “ADMINISTRATION,” DIVISION 3,**
9 **“PERMITS,” SECTION 23.2-27 - WAIVER; ARTICLE 2**
10 **“ADMINISTRATION,” DIVISION 3, “PERMITS,” SECTION 23.2-31 - SITE**
11 **DESIGN QUALITATIVE STANDARDS; ARTICLE 3 “ZONING**
12 **DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-**
13 **7 – SF-R - SINGLE-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING**
14 **DISTRICTS” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-8**
15 **– SF-TF 14 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL;**
16 **ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2, “RESIDENTIAL**
17 **DISTRICTS,” SECTION 23.3-10 – MF-20 - MULTI-FAMILY**
18 **RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2,**
19 **“RESIDENTIAL DISTRICTS,” SECTION 23.3-11 – MF-30 - MEDIUM**
20 **DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING**
21 **DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-**
22 **12 – MF-40 - HIGH DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 4**
23 **“DEVELOPMENT STANDARDS,” SECTION 23.4-1 – SECONDARY**
24 **(ACCESSORY) DWELLING UNIT; ARTICLE 4 “DEVELOPMENT**
25 **STANDARDS,” SECTION 23.4-10 – OFF-STREET PARKING; ARTICLE**
26 **4 “DEVELOPMENT STANDARDS,” SECTION 23.4-13 -**
27 **ADMINISTRATIVE USES AND CONDITIONAL USES; ARTICLE 4**
28 **“DEVELOPMENT STANDARDS,” SECTION 23.4.16. – MECHANICAL**
29 **SYSTEMS / EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES,**
30 **ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 –**
31 **SIGNS; ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION**
32 **23.5-3 – NONCONFORMITIES; AND PROVIDING FOR SEVERABILITY,**
33 **THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN**
34 **EFFECTIVE DATE**
35
36

37 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
38 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
39 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
40 municipal government, perform municipal functions, and render municipal services, and
41 may exercise any power for municipal purposes, except as expressly prohibited by law;
42 and
43

44 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
45 body of each municipality in the state has the power to enact legislation concerning any
46 subject matter upon which the state legislature may act, except when expressly prohibited
47 by law; and
48

49 **WHEREAS**, the City wishes to amend Chapter 23, Article 1 “General Provisions,”
50 to amend, Division 2 “Definitions,” to amend Section 23.1-12 – Definitions to create a
51 definition for street wall and revise the definition for pawn shop; and
52

53 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” to
54 amend, Division 3 “Permits,” to amend Section 23.2-27 – Waiver to establish a waiver
55 review process of limited specified land development regulations;
56

57 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” to
58 amend, Division 3 “Permits,” to amend Section 23.2-31 – Site Design Qualitative
59 Standards to create street wall regulations for the redevelopment of existing
60 nonconforming properties and auto-centric uses that cannot meet build-to line
61 requirements; and
62

63 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,”
64 Division 2 “Residential Districts,” Section 23.3-7 “SFR – Single-family residential,” Section
65 23.3-8 “SF-TF 14 – Single-family and two family residential,” Section 23.3-10 “MF-20 –
66 Multifamily residential,” Section 23.3-11 “MF-30 – Medium density multi-family
67 residential,” and Section 23.3-12 “MF-40 – High density multi-family residential,” to reduce
68 the minimum side setback requirement for lots over 50 feet to a minimum of five (5) feet
69 allowing additional flexibility in the placement of accessory structures and pools; and
70

71 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
72 Standards,” to amend Section 23.4-1 – Secondary (Accessory) Dwelling Unit to identify
73 minimum unit sizes and to allow relief requests from setback requirements; and
74

75 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
76 Standards,” to amend Section 23.4-10 – Off-Street Parking to clarify parking surface
77 materials for single-family and two-family dwelling units; and
78

79 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
80 Standards,” to amend Section 23.4-13 – Administrative Uses and Conditional uses to
81 clarify the review process for Pawn Shops; and
82

83 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
84 Standards,” to amend Section 23.4-16 – Mechanical Systems/Equipment for Existing
85 Residential Structures to establish a minimum side setback to allow for maintenance of
86 mechanical equipment with trespass onto adjacent property; and
87

88 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental
89 Regulations,” to amend Section 23.5-1 – Signs to establish a review process for
90 changeable message signage for public and institutional uses outside of the City’s Major
91 Thoroughfares; and
92

93 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental
94 Regulations,” to amend Section 23.5-3 – Nonconformities to clarify when the street wall
95 feature shall be required for nonconforming structures/buildings; and
96

97 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
98 municipality having such power and authority conferred upon it by the Florida Constitution
99 and Chapter 166, Florida Statutes; and
100

101 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
102 agency, considered the proposed amendments at a duly advertised public hearing; and
103

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

107 **WHEREAS**, the City Commission finds and declares that the adoption of this
108 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
109 City, its residents and visitors.
110

111 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
112 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**
113

114 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
115 being true and correct and are made a specific part of this ordinance as if set forth herein.
116

117 **Section 2:** Chapter 23 “Land Development Regulations,” Article 1 “General
118 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by
119 adding the words shown in underline type as indicated in **Exhibit A**.
120

121 **Section 3:** Chapter 23 “Land Development Regulations,” Article 2
122 “Administration,” Division 3 “Permits,” Section 23.2-27 “Waiver” is hereby amended by
123 adding the words shown in underline type as indicated in **Exhibit B**.
124

125 **Section 4:** Chapter 23 “Land Development Regulations,” Article 2
126 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative
127 Standards” is hereby amended by adding the words shown in underline type and deleting
128 words struck through as indicated in **Exhibit C**.
129

130 **Section 5:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
131 Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SF-R - Single-Family
132 Residential” is hereby amended by adding the words shown in underline type and deleting
133 words struck through as indicated in **Exhibit D**.
134

135 **Section 6:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
136 Districts,” Division 2 “Residential Districts,” Section 23.3-8 “SF-TF 14 - Single-Family and
137 Two-Family Residential” is hereby amended by adding the words shown in underline type
138 and deleting words struck through as indicated in **Exhibit E**.
139

140 **Section 7:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
141 Districts,” Division 2 “Residential Districts,” Section 23.3-10 “MF-20 - Multi-Family
142 Residential” is hereby amended by adding the words shown in underline type and deleting
143 words struck through as indicated in **Exhibit F**.
144

145 **Section 8:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
146 Districts,” Division 2 “Residential Districts,” Section 23.3-11 “Medium Density Multi-Family
147 Residential” is hereby amended by adding the words shown in underline type and deleting
148 words struck through as indicated in **Exhibit G**.

149
150 **Section 9:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
151 Districts,” Division 2 “Residential Districts,” Section 23.3-12 “High Density Multi-Family
152 Residential” is hereby amended by adding the words shown in underline type and deleting
153 words struck through as indicated in **Exhibit H**.

154
155 **Section 10:** Chapter 23 “Land Development Regulations,” Article 4
156 “Development Standards,” Section 23.4-1 “Secondary (Accessory) Dwelling Unit” is
157 hereby amended by adding the words shown in underline type and deleting words struck
158 through as indicated in **Exhibit I**.

159
160 **Section 11:** Chapter 23 “Land Development Regulations,” Article 4
161 “Development Standards,” Section 23.4-10 “Off-Street Parking” is hereby amended by
162 deleting words struck through as indicated in **Exhibit J**.

163
164 **Section 12:** Chapter 23 “Land Development Regulations,” Article 4
165 “Development Standards,” Section 23.4-13 “Administrative Uses and Conditional Uses”
166 is hereby amended by adding the words shown in underline type as indicated in **Exhibit**
167 **K**.

168
169 **Section 13:** Chapter 23 “Land Development Regulations,” Article 4
170 “Development Standards,” Section 23.4-16 “Mechanical Systems/Equipment for Existing
171 Residential Structures” is hereby amended by adding the words shown in underline type
172 as indicated in **Exhibit L**.

173
174 **Section 14:** Chapter 23 “Land Development Regulations,” Article 5
175 “Supplemental Regulations,” Section 23.5-1 “Signs” is hereby amended by adding the
176 words shown in underline type as indicated in **Exhibit M**.

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178 **Section 15:** Chapter 23 “Land Development Regulations,” Article 5
179 “Supplemental Regulations,” Section 23.5-3 “Nonconformities” is hereby amended by
180 adding the words shown in underline type as indicated in **Exhibit N**.

181
182 **Section 16:** Severability. If any section, subsection, sentence, clause, phrase or
183 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
184 competent jurisdiction, such portion shall be deemed a separate, distinct, and
185 independent provision, and such holding shall not affect the validity of the remaining
186 portions thereof.

187
188 **Section 17:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
189 conflict herewith are hereby repealed to the extent of such conflict.

190
191 **Section 18:** Codification. The sections of the ordinance may be made a part of
192 the City Code of Laws and ordinances and may be re-numbered or re-lettered to

193 accomplish such, and the word "ordinance" may be changed to "section", "division", or
194 any other appropriate word.

195

196 **Section 19:** Effective Date. This ordinance shall become effective 10 days after
197 passage.

198

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

201

- 202 Mayor Betty Resch
- 203 Vice Mayor Christopher McVoy
- 204 Commissioner Sarah Malega
- 205 Commissioner Kimberly Stokes
- 206 Commissioner Reinaldo Diaz

207

208 The Mayor thereupon declared this ordinance duly passed on first reading on the
209 _____ day of _____, 2023.

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211

212 The passage of this ordinance on second reading was moved by
213 _____, seconded by _____, and upon being put to a vote,
214 the vote was as follows:

215

- 216 Mayor Betty Resch
- 217 Vice Mayor Christopher McVoy
- 218 Commissioner Sarah Malega
- 219 Commissioner Kimberly Stokes
- 220 Commissioner Reinaldo Diaz

221

222 The Mayor thereupon declared this ordinance duly passed on the _____ day of
223 _____, 2023.

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LAKE WORTH BEACH CITY COMMISSION

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By: _____
Betty Resch, Mayor

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ATTEST:

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Melissa Ann Coyne, City Clerk

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EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.1-12. – Definitions.

Extended stay hotel/motel (Extended stay lodging facility): A type of motel or hotel that offers lodging for extended periods up to sixty (60) days, and may include a kitchen.

Lodging Facility: As listed in Section 23.3-6 – Use Tables, shall include hotel or motel uses as defined in this section, but shall exclude extended stay lodging facilities.

Pawn shop: An establishment whose principal business is to lend money on security of personal property deposited with the establishment in pledge for the debt, redeemable by the pledger on the terms and conditions agreed to by the pawnbroker and as set forth in F.S. § 539.001, and with the implied power of sale on default. The term does not include a financial institution as defined in F.S. § 655.005, or any person who regularly loans money or any other thing of value on stocks, bonds or other securities. This use is classified as a single-destination commercial use with accessory money business services. The use table provisions in Section 23.3-6 imposing the greater restriction, and the review criteria in Section 23.4-13 are both applicable in determining the permitted use location.

Street wall: A decorative wall or portion of a wall installed at the build-to line to enhance the continuation of building walls along a street. Street walls are required to be designed in a manner to compliment the architecture of a site's existing structure/s.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.2-27. – Waiver.

- c) A waiver of limited land development regulations relating to site development requirements only, and excluding use regulations, may be requested to certain sections or subsections of Chapter 23 – Land Development Regulations where it is expressly stated in that section or subsection that a waiver may be requested to specified provisions for approval by the applicable review board. A variance per Section 23.2-26 shall be required for all other sections or subsections of Chapter 23 where is it not clearly indicated that a waiver or an administrative adjustment per Section 23.2-28 may be requested. The waiver shall meet the following review criteria:
1. The waiver requested is the smallest or minimum modification necessary.
 2. The waiver request shall not negatively impact adjacent property owners or protected land uses as described in Section 23.1-12.
 3. The applicable review board has determined that the waiver is appropriate in massing, scale, visual impact and does not create noise, light or other impacts greater than similar improvements permitted in the immediate area.
 4. The waiver request supports the goals, objectives and policies of the City's Comprehensive Plan.
 5. The waiver request is supportive of currently permitted uses, and shall not create or increase a nonconformity with regards to use as described in Section 23.5-3.

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313 **EXHIBIT C**
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315 Chapter 23
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317 LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"
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319 *Article 2, "Administration," Division 3, "Permits"*
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321 **Sec. 23.2-31. – Site Qualitative Standards.**
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323 ***

324 l) Street wall. The purpose of the street wall is to complete the continuation of building
325 walls along a street when a proposed development is not able to meet the maximum
326 front setback (build-to) requirements from streets. Street walls shall not be utilized for
327 new construction, except for inherently auto-centric uses such as gas stations and
328 automobile drive-thrus. Utilization of a street wall in lieu of meeting front build-to line
329 requirements shall require a waiver approval as described in Section 23.2-27.c. Upon
330 substantial enlargement, substantial improvement or new construction for principal
331 buildings the following standards shall apply:

- 332 1. Breaks may be permitted in the street wall to provide pedestrian access to the
333 site and for the purpose of tree protection.
- 334 2. Parking facilities shall be permitted at the rear or interior side of the principal
335 structure, or street wall as approved by the appropriate review board. If parking
336 is located to the rear of the street wall, then the street wall shall screen the
337 parking area with a combination of wall and landscaping improvements.
- 338 3. For existing nonconforming structures, a street wall may be utilized to meet the
339 build-to line requirement provided that:
- 340 a. The expansion of existing structure to meet the build-to line is not feasible
341 as determined by the DRO.
- 342 b. The expansion of the structure is less than 25% of the existing building.
- 343 c. The expansion does not increase any nonconformities. The front building
344 line shall be maintained or modified to reduce the build-to line
345 nonconformity.
- 346 d. The street wall shall provide a base, middle, and top expressed with
347 materials finished and wrapped on all façades facing a right-of-way. Street
348 walls shall be designed in a manner to compliment the architecture of the
349 site's structure/s.
- 350 e. Street walls shall have visual breaks every 75 feet at a minimum. The
351 breaks shall be setbacks of either 8" or 12" or more to create reveal lines or
352 step backs on the façade and to add rhythm. The street wall shall be
353 articulated by architectural details. Such details may include openings,
354 canopies, awnings, changes in parapet height, material changes,
355 projections, recesses, or similar features. A physical half wall with a pergola

356 structure in combination with landscaping that creates a living green wall
357 effect shall be encouraged.

358 f. Use of durable, high-quality materials that are appropriate for the climate,
359 such as stone, steel, glass, precast concrete, or masonry. Such materials
360 and associated architectural features must wrap around all sides of the
361 street wall that are visible from the public realm. Traditional stucco may be
362 appropriate adjacent to historic districts. Street walls incorporating EIFS
363 (Exterior Insulation Finishing System) or other faux-stucco finish for more
364 than 10% of a street-facing façade do not meet this requirement.

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366 h) m) Community appearance criteria. The general requirements outlined in this section
367 are minimum aesthetic standards for all site developments, buildings, structures, or
368 alterations within the corporate limits of the city, except single-family residences.
369 However, additions to existing buildings and sites shall be subject to review by the
370 development review official for a determination regarding submission to the planning
371 and zoning board or historic resources preservation board for review. All site
372 development, structures, buildings or alterations to site development, structures or
373 buildings shall demonstrate proper design concepts, express honest design
374 construction, be appropriate to surroundings, and meet the following community
375 appearance criteria:

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378 m) n) Compliance with other requirements. The requirements of this section are in
379 addition to any other requirement of the Code of Ordinances of the city, such as the
380 building code. Approval by the decision-making body of a given set of plans and
381 specifications does not necessarily constitute evidence of applicant's compliance
382 with other requirements of the city code.

383

EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 3, "Zoning Districts"

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

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth for primary structures, whichever is less.
		5 ft. for accessory structures.
	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.
	<u>Accessory</u>	<u>A. 10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less</u>
<u>B. A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u>		
<u>C. Minimum 5 ft. rear setback.</u>		

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet up to a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have side set back of five (5) feet minimum.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 3, "Zoning Districts"

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

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

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth for primary structures; 5 ft. for accessory structures
	Side	10% of lot width, minimum of 3 feet up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.
Accessory	A. <u>10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less</u> B. <u>A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u> C. <u>Minimum 5 ft. rear setback.</u>	

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have side set back of five (5) feet minimum.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling units shall comply with the more restrictive of the requirements in Section 23.4-1 or the zoning district.

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4. Minimum facilities and living area per residential unit.

- A. The first dwelling unit on each lot shall contain at least a living room, kitchen, bedroom and bathroom, and shall have a minimum living area of eight hundred (800) square feet.
- B. The second dwelling unit on each lot shall contain at least a living room, kitchen, bedroom and bathroom, and shall have a minimum living area of four hundred (400) square feet.
- C. A secondary (accessory) dwelling unit shall comply with the development standards in Section 23.4-1. ~~The total habitable square footage of an accessory dwelling unit shall not exceed the habitable square footage of the principal residential use.~~

- 8. Accessory structures. All accessory structures shall not exceed forty (40) percent of the gross floor area of the principal structure or one thousand (1,000) square feet whichever is less, excluding approved prefabricated metal storage buildings totaling no more than one hundred forty-four (144) square feet. If a property has both accessory structure/s and a secondary (accessory) dwelling unit, then the total area requirements in Section 23.4-1 shall apply.

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 3, "Zoning Districts"

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

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

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth. 5 ft. for accessory structures.
	Side	10% of lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
Accessory	<u>A. 10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width.</u> <u>B. Minimum rear set back of five (5) feet</u>	

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have a side set back of five (5) feet minimum.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling units shall comply with the more restrictive of the requirements in Section 23.4-1 or the zoning district.

509 4. Minimum facilities and living area per dwelling unit.

510 A. Single-family and two-family structures:

- 511 (1) The first dwelling unit on each lot in case of duplex construction shall
512 contain at least a living room, kitchen, bedroom and bathroom, and shall
513 have a minimum living area of eight hundred (800) square feet.
514 (2) The second dwelling unit on each lot in the case of duplex construction
515 shall contain at least a living room, kitchen, bedroom and bathroom, and
516 shall have a minimum living area of four hundred (400) square feet.
517 (3) A secondary (accessory) dwelling unit shall comply with the development
518 standards in Section 23.4-1. The total habitable square footage of an
519 accessory dwelling unit shall not exceed the forty (40) percent of the
520 habitable square footage of the principal residential use or one thousand
521 (1,000) square feet whichever is less.

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524 8. Accessory structures. All accessory structures shall not exceed forty
525 (40) percent of the gross floor area of the principal structure or one
526 thousand (1,000) square feet whichever is less, excluding approved
527 prefabricated metal storage buildings totaling no more than one
528 hundred forty-four (144) square feet. If a property has both accessory
529 structure/s and a secondary (accessory) dwelling unit, then the total
530 area requirements in Section 23.4-1 shall apply.

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EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 “GENERAL PROVISIONS”

Article 3, “Zoning Districts”

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

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

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth. 5 ft. for accessory structures.
	Side	10% of lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. <u>10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less.</u> B. <u>A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u> C. <u>Minimum 5 ft. rear setback.</u>

portion of table omitted for brevity.

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3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have a side set back of five (5) feet.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Minimum street side setback: Ten (10) feet up to a maximum of twenty-two (22) feet.
- (5) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling units

570 shall comply with the more restrictive of the requirements in Section
571 23.4-1 or the zoning district.

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575 4. Minimum facilities and living area per dwelling unit.

576 A. Single-family and two-family structures:

577 (1) The first dwelling unit on each lot in the case of duplex construction shall contain
578 at least a living room, kitchen, bedroom and bathroom, and shall have a minimum
579 living area of eight hundred (800) square feet.

580 (2) The second dwelling unit on each lot in the case of duplex construction shall contain
581 at least a living room, kitchen, bedroom and bathroom, and shall have a minimum
582 living area of four hundred (400) square feet.

583 (3) A secondary (accessory) dwelling unit shall comply with the development standards
584 in Section 23.4-1.. ~~The total habitable square footage of an accessory dwelling unit~~
585 ~~shall not exceed the forty (40) percent of the habitable square footage of the~~
586 ~~principal residential use or one thousand (1,000) square feet whichever is less.~~

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589 8. Accessory structures. All accessory structures shall not exceed forty (40) percent of
590 the gross floor area of the principal structure or one thousand (1,000) square feet
591 whichever is less, excluding approved prefabricated metal storage buildings totaling
592 no more than one hundred forty-four (144) square feet. If a property has both
593 accessory structure/s and a secondary (accessory) dwelling unit, then the total area
594 requirements in Section 23.4-1 shall apply.

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EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 3, "Zoning Districts"

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

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

portion of table omitted for brevity.

Setback	Front	10 ft.
	Rear	15 ft. or 10% of lot depth when next to a residential district. 10 ft. in general. 5 ft. for accessory structure
	Side	Street lot side - 10 ft. minimum up to a maximum of 22 ft.
		Interior lot side - 10% of width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. <u>10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less.</u> B. <u>A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u> C. <u>Minimum 5 ft. rear setback.</u>

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Minimum street side setback: Ten (10) feet up to a maximum of twenty-two (22) feet.
- (2) Minimum interior side setback: Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (3) Two-story buildings shall have a side set back of at least five (5) feet.

629 (4) Roof overhangs shall not project more than two (2) feet into the
630 setback.

631 (5) Accessory structures and pools shall have a side setback of 10% of lot
632 width, with a minimum setback of three (3) feet up to a minimum of five
633 (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling
634 units shall comply with the more restrictive of the requirements in
635 Section 23.4-1 or the zoning district.

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638 4. Minimum living area per dwelling unit.

639 A. Single-family and two-family structures:

640 (1) The first dwelling unit on each lot in the case of duplex construction shall
641 contain at least a living room, kitchen, bedroom and bathroom, and shall
642 have a minimum living area of eight hundred (800) square feet.

643 (2) The second dwelling unit on each lot in the case of duplex construction
644 shall contain at least a living room, kitchen, bedroom and bathroom, and
645 shall have a minimum living area of four hundred (400) square feet.

646 (3) A secondary (accessory) dwelling unit shall comply with the
647 development standards in Section 23.4-1. The total habitable square
648 footage of an accessory dwelling unit shall not exceed the forty (40)
649 percent of the habitable square footage of the principal residential use
650 or one thousand (1,000) square feet whichever is less.

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655 8. Accessory structures. All accessory structures shall not exceed forty (40) percent
656 of the gross floor area of the principal structure or one thousand (1,000) square
657 feet whichever is less, excluding approved prefabricated metal storage
658 buildings totaling no more than one hundred forty-four (144) square feet. If a
659 property has both accessory structure/s and a secondary (accessory) dwelling
660 unit, then the total area requirements in Section 23.4-1 shall apply.

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EXHIBIT I

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-1. – Secondary (Accessory) Dwelling Unit.

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- 672 a) *Purpose.* It is the purpose of this section to provide regulations and standards for
673 the establishment of a secondary dwelling unit within designated residential zoning
674 districts that permit this use, and on properties that minimum lot requirements.
- 675 b) *Design standards.* All secondary dwelling units shall conform to the following
676 standards:
- 677 1. *Existing development on lot.* A single-family dwelling must currently exist on
678 the lot or will be constructed in conjunction with the secondary unit.
- 679 2. *Number of secondary units per parcel.* Only one (1) secondary dwelling unit
680 shall be allowed for each parcel.
- 681 3. *Unit size.*
- 682 (a) The habitable floor area for secondary units shall not exceed sixty (60)
683 percent of the habitable floor area of the primary residence with a
684 maximum unit size of 1,000 sf unless a waiver is granted to this
685 subsection for the purpose of providing affordable / workforce housing,
686 or to allow for an accommodation for accessibility. However, in no case
687 shall a waiver related to these purposes allow the size of the secondary
688 dwelling unit to exceed the size of the principal structure. See Section
689 23.2-27. and
- 690 (b) The minimum unit size shall be a minimum of four hundred (400) square
691 feet for an efficiency, six hundred (600) square feet for 1 bedroom,
692 seven-hundred and fifty (750) square feet for 2 bedrooms, and nine
693 hundred (900) square feet for 3 bedrooms.
- 694 4. *Accessory Structure/s Maximum Total Area.* The total area of all accessory
695 structures for properties with both detached accessory structure/s and a
696 secondary dwelling unit shall not exceed 60% of the total area of the primary
697 building, including any attached structures having a roof.
- 698
- 699 54. *Setbacks for detached secondary dwelling units.* The side-yard setback for
700 detached single story structures containing a secondary dwelling unit shall
701 not be less than three (3) feet. The rear-yard setback for detached single
702 story structures containing a secondary dwelling unit shall not be less than
703 five (5) feet. Secondary units higher than one (1) story shall provide side yard
704 setbacks of five (5) feet and rear yard setbacks of ten (10) feet. If any portion
705 of a secondary dwelling unit is located in front of the main building, then the
706 front and side yard setbacks shall be the same as a main building in the
707 zoning district. The distance between buildings on the same lot must be a

708 minimum of ten (10) feet. Secondary dwelling units are not eligible for
709 variances or waivers for setbacks or minimum building separation.

710 6. In zoning districts where secondary dwelling units are currently permitted, a
711 waiver of land development regulations related to the construction of an
712 accessory dwelling unit may be granted as part of a certificate of
713 appropriateness to allow for the conversion of a contributing accessory structure
714 in a designated historic district or landmark accessory structure to a secondary
715 dwelling unit, or to allow for a larger newly constructed secondary dwelling unit
716 in support of preservation of all sides of a contributing or landmark principal
717 structure. See applicable waiver sections 23.2-27 and 23.5-4 of these LDRs.

718
719 7. Secondary dwelling units shall comply with the more restrictive of either the
720 requirements in this section or the regulating zoning district unless otherwise
721 stated.

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723 ~~5.~~ 8. Design. The design of the secondary unit shall relate to the design of the
724 primary residence by use of the similar exterior wall materials, window types,
725 door and window trims, roofing materials and roof pitch, and shall be compatible
726 in architectural style.

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728 ~~6.~~ 9. Minimum housing code. All secondary dwelling units shall meet the city's
729 established minimum housing code requirements.

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EXHIBIT J

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-10. – Off-Street Parking.

d) *Material.* Each parking space shall be surfaced with a hard ~~impermeable~~ dustless material, either solid in area or in individual concrete strips or other approved materials, including but not limited to impervious materials and permeable paving materials in accordance with City of Lake Worth Beach standards. Required off-street parking for single-family and two-family dwelling units may also utilize ~~semi-pervious surface materials including~~ shell rock (not compacted), gravel, and or other small stone material in lieu of impermeable or permeable paving material as long as it meets the following criteria:

1. Appropriate stabilization shall be established to keep small stone like materials out of the ROW, alley, and storm water systems;
2. All semi-permeable driveway and parking surfaces shall be maintained to ensure permeable qualities and to prevent ponding of water.

f) Minimum parking space requirements by use category.

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

A. Residential uses:

Multi-family (efficiency) one and twenty-five hundredths (1.25) spaces per unit.

Multi-family (one-bedroom) - One and one-half (1.5) spaces per unit.

Multi-family (two-bedroom) - One and seventy-five hundredths (1.75) spaces per unit.

Multi-family (> 2 bedroom) - Two (2) parking spaces per unit.

The total required residential parking shall be reduced by 25% for developments that provide no less than 15% of all proposed units as income restricted affordable or workforce housing units in accordance with Section 23.2-39. This reduction may not be combined with other parking reduction provisions of these LDRs, and at least one (1) parking space per residential dwelling unit is also required.

EXHIBIT K

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-13. – Administrative Uses and Conditional Uses.

c) *Standards.*

19. *Money business services.*

A. *Purpose.* It is the purpose of this section to provide regulations and standards for money business services such as payment instrument seller, foreign currency exchanger, check casher, or money transmitter. These uses shall be approved through the appropriate decision-making authority. Principal uses shall be reviewed through the conditional use permit process. These uses may also occur as accessory to single destination commercial only provided the development standards are met for both the principal and accessory use.

B. *Design and performance standards.*

1) *Separation Distance:*

(a) A minimum separation distance of four hundred (400) feet for accessory uses from other money business establishments.

(b) A minimum separation distance of one thousand (1,000) feet for principal uses from other money business establishments.

(c) Distance shall be measured in a straight line from the nearest portion of the money business licensed premises to the nearest property line of the protected land use. For the purposes of such measurement, the nearest exterior wall of the licensed premises, or the nearest wall of the unit containing the use in a multi-tenant structure, or the nearest point on an outside area which is a part of the licensed premises (if any), shall be used. This minimum distance requirement shall not apply when the money business use and the protected land use are located in the same multi-tenant center.

2) *Operational Standards:*

(a) Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. on Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.

- 824 (b) No temporary or promotional signage shall be permitted on
825 windows or doors except as expressly permitted in section 23.5-
826 1, signs.
- 827 (c) Interior and exterior video surveillance for security purposes is
828 required and surveillance recordings shall be maintained for a
829 minimum of fourteen (14) days.
- 830 (d) The site shall meet appropriate Crime Prevention through
831 Environmental Design (CPTED) standards as feasible.
- 832 (e) Except, pawn shops shall comply with the more restrictive of F.S.
833 § 539.001, the standards in this section, and the standards in
834 LDR Section 23.4-13(c)(5) for single destination commercial
835 uses.

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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. However, in no case shall mechanical equipment be located less than 18” from a property line to allow for its maintenance. Equipment located in the 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.

EXHIBIT M

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-1. – Signs.

e) *Special regulations by type of sign.* The following types of signs shall be constructed or erected in accordance with the following specific regulations in addition to all other applicable regulations set forth in this section. Special regulations for the core area are the only exception to the regulations provided below.

16. *Changeable copy signs.*

i. Changeable copy shall be allowed for the following uses along the major thoroughfares of the city. Changeable copy signs may also be allowed on roadways with lower functional classifications for institutional and public uses only with a waiver per Section 23.2-27.c. if approved by the applicable review board.

1. Hotels and motels
2. Institutional and Public uses
3. Gas and service stations
4. Movie theaters and playhouses
5. Menu board signs for restaurants

EXHIBIT N

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 “SUPPLEMENTAL REGULATIONS”

Sec. 23.5-3. – Nonconformities.

d) Nonconforming buildings and structures. A nonconforming building or structure is a building or structure properly constructed according to the law existing at the time of permit but which does not presently conform to the property development regulations of these LDRs for minimum site area or dimensions, minimum setback requirements, maximum building or structure height, maximum lot coverage, minimum floor area, parking or loading or for other characteristics of buildings or structures regulated in these LDRs, or for its location on the lot. A nonconforming building or structure may continue to exist in a nonconforming state so long as it otherwise conforms to law, subject to the following provisions:

1. Nonconforming buildings and structures may be enlarged, expanded or extended subject to these LDRs, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure, or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.
2. Should the structure or building be deteriorated or destroyed to an extent of more than fifty (50) percent of the assessed value of the structure or building as determined by the building official, it shall not be reconstructed except in conformity with the provisions of these LDRs. However, a waiver of land development regulations may be granted as part of a certificate of appropriateness for a property within a designated historic district or landmark property. See sections 23.2-27 and 23.5-4 of these LDRs.

6. A street wall may be utilized to meet the build-to line (front building line) requirements for existing buildings and structures as provided for in Section 23.2-31 and Section 23.2-27. Further, these nonconforming buildings and structures may be permitted to expand up to 25% of the building area as provided for in Section 23.2-31 if the proposed expansion does not increase all other nonconformities. A substantial improvement or permitted expansion (maximum 25%) of these buildings and structures shall maintain or reduce the front building line nonconformity.

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943 e) Nonconforming uses of buildings and structures. A nonconforming use of a major
944 building or structure is an activity primarily occurring within such building or structure,
945 but which may also include the use of surrounding premises including land or nearby
946 minor buildings. Such activity shall have been lawfully permitted at the time of its
947 inception. The decision of the development review officer as to whether a
948 nonconforming use is a nonconforming use of land or a nonconforming use of a
949 building or structure, as each is described in this section, shall be final unless reversed
950 by the planning and zoning board or historic resources preservation board, as
951 applicable. Such nonconforming use may be continued so long as it remains otherwise
952 lawful, subject to the following provisions:

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5. When a nonconforming use of a structure or building ceases for six (6) consecutive months, or for eighteen (18) months during any three-year period, and is not replaced by a permitted use, the structure or building shall not thereafter be used except in conformance with the regulations of the district in which it is located. The issuance or existence of a required license, permit or other governmental authorization to conduct such nonconforming use shall not mean that the use has not ceased, but the lack of such license, permit or authority shall create a rebuttable presumption that the use has ceased. Documentation of Aactions or activities of the owner of a property actively attempting to lease or rent the property, or documentation demonstrating that a business owner or property owner intended, but was prevented by no actions of their own to continuously operate said use shall be considered shall not be considered a use of the property in determining whether a nonconforming use of a structure or building has ceased.