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ORDINANCE 2025-30 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS", ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2 "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 3 "ZONING DISTRICTS," DIVISION 1, "GENERALLY," SECTION 23.3-6 USE TABLES; AND DIVISION 5, "INDUSTRIAL DISTRICTS," SECTION 23.3-24 - I-POC - INDUSTRIAL PARK OF COMMERCE; ARTICLE 4 "DEVELOPMENT STANDARDS" SECTION 23.4-10 OFF-STREET PARKING, AND SECTION 23.4-13 ADMINISTRATIVE USES AND CONDITIONAL USES; AND ARTICLE 5 "SUPPLEMENTAL REGULATIONS," SECTION 23.5-9 PUBLIC PURPOSE DEDICATION; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

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

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

WHEREAS, the City wishes to amend Chapter 23, Article 1 "General Provisions," Division 2 "Definitions," Section 23.1-12 - Definitions to create and modify definitions related to manufacturing or processing facilities with apparatus; and

WHEREAS, the City wishes to amend Chapter 23, Article 3 "Zoning Districts," Division 1 "Generally," Section 23.3-6 - "Use Tables," to create a manufacturing or processing facilities with apparatus use, clarify manufacturing or processing facilities without apparatus uses; and

WHEREAS, the City wishes to amend Chapter 23, Article 3 "Zoning Districts," Division 5 "Industrial Districts," Section 23.3-24 "I-POC-Industrial park of commerce," to permit and provide standards for manufacturing or processing facilities with and without apparatus, correct the Sustainable Bonus Incentive height, and provide for hours of operation; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 "Development Standards," Section 23.4-10 - "Off-street parking," to clarify the minimum parking space requirements for industrial uses and create standards for oversized vehicle spaces; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 "Development Standards," Section 23.4-13 - "Administrative and conditional uses," to revise the design and performance standards for manufacturing/processing/fabrication facilities and create additional regulations for manufacturing or processing facilities with apparatus; and

WHEREAS, the City wishes to amend Chapter 23, Article 5 "Supplemental Regulations," Section 23.5-9 - "Public purpose dedication," to clarify applicable reviewers and options for credit to a project; and

52 **WHEREAS**, the amendments to the existing regulations are to accommodate a new use
53 and to codify standard conditions of development that are utilized in the required conditional and
54 administrative use approvals for existing uses in the I-POC, Industrial Park of Commerce, zoning
55 designation and are not more burdensome or restrictive; and
56

57 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,
58 considered the proposed amendments at a public meeting; and
59

60 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
61 planning agency, considered the proposed amendments at a public meeting; and
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63 **WHEREAS**, the City Commission has considered the proposed amendments at a duly
64 advertised public hearing and has determined that it is in the best interest of the public health,
65 safety, and general welfare of the City to adopt this ordinance.
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67 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
68 **LAKE WORTH BEACH, FLORIDA, that:**
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70 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being
71 true and correct and are made a specific part of this ordinance as if set forth herein.
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73 **Section 2:** Chapter 23 “Land Development Regulations, Article 1 “General
74 Provisions,” Division 2 “Definitions”, Section 23.1-12 “Definitions” is hereby amended by adding
75 the words shown in underline type and deleting as indicated in Exhibit A.
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77 **Section 3:** Chapter 23 “Land Development Regulations, Article 3 “Zoning Districts,”
78 Division 1 “Generally,” Section 23.3-6 “Use Tables” is hereby amended by adding the words
79 shown in underline type and deleting the words struck through as indicated in Exhibit B.
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81 **Section 4:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
82 Division 5 “Industrial Districts,” Section 23.3-24 “I-POC – Industrial Park of Commerce” is hereby
83 amended by adding the words shown in underline type and deleting the words struck through as
84 indicated in Exhibit C.
85

86 **Section 5:** Chapter 23 Land Development Regulations, Article 4 “Development
87 Standards,” Section 23.4-10 “Off-street parking” is hereby amended by adding the words shown
88 in underline type and deleting the words struck through as indicated in Exhibit D.
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90 **Section 6:** Chapter 23 Land Development Regulations, Article 4 “Development
91 Standards,” Section 23.4-13 “Administrative and Conditional Uses” is hereby amended by adding
92 the words shown in underline type and deleting the words struck through as indicated in Exhibit
93 E.
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95 **Section 7:** Chapter 23 Land Development Regulations, Article 5 “Supplemental
96 Regulations,” Section 23.5-9 “Public purpose dedication” is hereby amended by adding the words
97 shown in underline type and deleting the words struck through as indicated in Exhibit F.
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99 **Section 8:** Severability. If any section, subsection, sentence, clause, phrase or portion
100 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
101 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
102 such holding shall not affect the validity of the remaining portions thereof.

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Section 9: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 10: 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 accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 11: Effective Date. This ordinance shall become effective 10 days after passage.

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

- Mayor Betty Resch
- Vice Mayor Sarah Malega
- Commissioner Christopher McVoy
- Commissioner Mimi May
- Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on first reading on the _____ day of _____, 2025.

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

- Mayor Betty Resch
- Vice Mayor Sarah Malega
- Commissioner Christopher McVoy
- Commissioner Mimi May
- Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2025.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, 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.

Apparatus: Technical equipment, machinery, or structure used to assist in the mechanical or chemical transformation of materials or substances into new products such as cranes, conveyor belts, construction hoppers, and silos.

Manufacturing or processing facilities with apparatus: Establishments that utilize specialized equipment and structures, including apparatus, to transform materials or substances mechanically or chemically into new products.

Medium-Intensity industrial uses: These are industrial uses that typically generate moderate volumes of customer traffic, to include the following and those that are substantially similar or related:

Fabrication, manufacturing, processing facilities without apparatus, excluding retail displays and sales

Use area: The portion of property physically occupied or used by the principal and accessory land uses for which the required parking is calculated. The use area does not include areas required for other on-site improvements that generally support the use of the site.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”

Article 3, “Zoning Districts” Division 1, “Generally”

Sec. 23.3-6. – Use tables.

Note: amended text is shown below as underlined for new text and stricken text for deleted text. Uses or sections with modified text are also highlighted

TYPE/USE	SF-R	SF-TF 14	MH-7	MF- 20	MF- 30	MF- 40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU- FH	MU- DH	MU- W Lake & 10th	TOD-E	TOD- W	NC	BAC	AI	I-POC
Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review).																				
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INDUSTRIAL																				
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High Intensity Industrial Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses.																				
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Fabrication Services/Manufacturing/ or Processing without apparatus, excluding retail display and sales																				C
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Factory or Manufacturing																				C
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Manufacturing or Processing facilities with apparatus																				C
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Organic/Green/All Natural Composting Fertilizer Manufacturing or Processing facilities without apparatus																			C	C
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Medium Intensity Industrial Uses—Use area less than 7,500 sq. ft. and/or medium intensity impact uses.																				
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Fabrication Services/Manufacturing/Processing/Assembly without apparatus, excluding retail display and sales																			C	A
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EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 5, "Industrial Districts"

Sec. 23.3-24. – I-POC – Industrial park of commerce.

b) *Use restrictions.* Uses permitted both by right and as administrative or conditional uses shall also comply with the applicable regulations in Article 4, Development Standards. Refer to the permitted use table at section 23.3-6 for a complete list of uses.

3. *Principal uses permitted by either administrative or conditional use.*

L. Manufacturing or processing facilities with or without apparatus, subject to the following requirements:

(1) Such uses and uses accessory thereto shall meet all local, state, and federal requirements for health, safety, and environmental concerns, including, as applicable, those imposed by the Florida Department of Environmental Protection.

(2) For such uses, office space is considered an accessory use.

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Height	Primary	30 ft. (not to exceed 2 stories) *Additional 15 ft. of height under Sustainable Bonus Incentive Program (not to exceed 4 stories)
	Accessory	24 ft. (not to exceed 2 stories)
	<u>Apparatus</u>	<u>24 ft. (not to exceed 2 stories)</u> <u>*Additional 60 ft. of height under Sustainable Bonus Incentive Program (not to exceed 84 feet)</u>

portion of table omitted for brevity.

3. *Maximum height of buildings and structures.*

B. Up to an additional ~~Additional five (5)~~ fifteen (15) feet in height shall be granted is available under the Sustainable Bonus Incentive Program (not to exceed four (4) stories).

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D. Apparatus: Twenty-four (24) feet. Up to an additional sixty (60) ft. of height is available under the Sustainable Bonus Incentive Program (not to exceed 84 feet).

e) Hours of operation. Operations may begin at 6:00 a.m. and shall end by 8:00 p.m., daily, unless otherwise specified in LDR Section 23.4-13.

EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-10. – Off-street parking.

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

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

B. Nonresidential uses:

Industrial — One (1) space per one thousand (1,000) gross square feet of ~~space~~ use area.

j) *Minimum parking dimensions.*

2. *Parking lot designs:*

a. Parking space dimension for other types of spaces are:

iv. Oversized vehicles at ten (10) feet x thirty (30) feet.

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EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-13. – Administrative uses and conditional uses.

c) Standards.

7. Manufacturing/processing/fabrication facilities.

B. Design and performance standards.

(1) Height: Maximum height of any industrial/manufacturing structure excluding office not to exceed ~~thirty-five (35)~~ thirty (30) feet including silos or building façades, unless otherwise allowed within this section.

~~(2) Silos: The number of silos shall not exceed four (4) silos within the site area and shall be effectively screened.~~

~~(23) Outdoor storage: Outdoor storage, commercial vehicle parking, display and sale of products shall be shielded from all public rights-of-way. See section 23.4-19 for additional outdoor storage regulations.~~

~~(34) All production and processing shall be restricted to an enclosed building, unless otherwise allowed within this section.~~

~~(45) Buffering requirements shall apply as required by existing ordinances but may be increased based on a site-specific review basis.~~

~~(56) Noise levels shall not be in excess of sixty-five (65) decibels measured from the property line adjacent to residential uses.~~

~~(67) Minimum area per business/tenant on a multiple tenant/business site shall not be less than eight hundred (800) square feet for manufacturing or processing and five hundred (500) square feet for fabrication services.~~

(7) Hours of operation: Operations may begin at 5:00 a.m. and shall end by 8:00 p.m., Monday through Saturday; however, a waiver to amend the hours of operation may be requested at time of Conditional Use or Site Plan application subject to Section 23.2-27.c) and upon findings by the Planning and Zoning Board or Historic Resources Preservation Board, as applicable, that particular circumstances justify such a change in the hours of operation.

(8) Hours of operation shall avoid adverse impact to existing traffic patterns for drop-off and pick-up times for schools, day cares, and other substantially similar uses.

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353 (9) Parking shall be provided in accordance with section 23.4-10; however, a
354 waiver to reduce the required parking may be requested at time of Conditional Use or
355 Site Plan application subject to Section 23.2-27.c) and upon findings by the Planning
356 and Zoning Board or Historic Resources Preservation Board, as applicable, that
357 particular circumstances justify such a reduction to the required parking.

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359 C. *Recycling facility.* In addition to the requirements in subsection 7.B. above, the
360 following regulations shall apply to recycling facilities:

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364 ~~(3) Operations may begin at 6:00 a.m. and shall end by 8:00 p.m., Monday~~
365 ~~through Saturday.~~

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367 ~~(4)~~(3) All delivery vehicles entering and leaving the site shall be outfitted with
368 material containment devices to ensure dust and other debris do not collect on
369 public or private rights-of-way or adjacent properties.

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372 D. Manufacturing or processing facilities with apparatus. In addition to the requirements in
373 subsection 7.B. above, the following regulations shall apply to manufacturing or
374 processing facilities with apparatus:

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376 (1) Number: A site meeting the minimum lot area of 13,000 square feet may have
377 up to four (4) apparatus. Each additional apparatus shall require an additional 5,000
378 square feet of site area, with a maximum total of eight (8) apparatus within the site
379 area.

380
381 (2) Height: Maximum height of any apparatus shall not to exceed twenty-four (24)
382 feet. Up to an additional 60 ft. of height is available under the Sustainable Bonus
383 Incentive Program (not to exceed 84 feet).

384
385 (3) Outdoor storage regulated: Outdoor storage areas shall be screened from
386 surrounding public rights-of-way and adjacent properties by opaque fencing, wall,
387 berm, or combination thereof with landscape installed at a minimum height of three (3)
388 feet to grow and be maintained at a height of six (6) feet above grade.

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390 (4) Production and processing: Production and processing may be allowed outside
391 of an enclosed building only if and to the extent requested as part of a Conditional Use
392 or Site Plan application and approved by the Planning and Zoning Board or Historic
393 Resources Preservation Board, as applicable.

394
395 (5) Nuisances: Adequate provisions and systems shall be installed to address
396 odors, dust, vermin, noise, and contaminated runoff.

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398 (6) Location: Manufacturing or processing facilities with apparatus shall be located
399 a minimum of two hundred and eighty (280) feet from any residential land use, school
400 (public or private, including pre-k through 12th grade), house of worship, and/or child
401 care facility. The measurement shall be taken from property line to property line.
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(7) Landscape requirements. The site must be provided with a minimum five-foot (5) wide perimeter planting area with large shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained at a minimum of six (6) feet in height within the required planting area.

(8) Accessibility requirements: In conjunction with a conditional use application, travel routes diagram, truck turning radii, and applicable transportation agency approval letter shall be provided prior to the site plan process.

(9) A traffic management plan is required for all properties with more than two (2) apparatus.

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-9. – Public purpose dedication.

c) *Application.* A property that has previously or will be dedicating right-of-way or other property to the city when requested or required by the city may file an application with the ~~director of community sustainability~~ Development Review Official for public property credit as part of the site plan approval for the property.

4. If the application is approved, in accordance with the standards below, the density or intensity of the dedicated property shall be applied to the remainder of the property.

B. Credit may be applied to the required applicant payment under the Sustainable Bonus Incentive Program. ~~considered for the following requirements should a project further the policies, goals and objectives of the city's comprehensive plan and adopted city master plans:~~

- ~~i. Utilities; and,~~
- ~~ii. Development fees~~