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**ORDINANCE 2024-18 - 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 3, “MIXED USE DISTRICTS,” SECTION 23.3-17 – MU-DH - MIXED USE – DIXIE HIGHWAY; 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 allow the development of two-unit townhouses and remove the definition of a townhouse complex; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 1 “Generally,” Section 23.3-6 “Use Tables” to correct inconsistencies for assisted living facilities and nursing home uses; and

**WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-17 “MU-DH – Mixed use – Dixie Highway,” to revise the minimum lot area and lot width for properties on the west side of Dixie Highway and correct the minimum area per unit; and

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

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

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

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

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

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

55  
56 **Section 3:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
57 Division 1 “Generally,” Section 23.3-6 “Use Tables” is hereby amended by adding the words  
58 shown in underline type and deleting the words struck through as indicated in **Exhibit B**.

59  
60 **Section 4:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”  
61 Division 3 “Mixed Use Districts,” Section 23.3-17 “MU-DH – Mixed use-Dixie Highway” is hereby  
62 amended by adding the words show in underline type and deleting the words struck through as  
63 indicated in **Exhibit C**.

64  
65 **Section 5:** Severability. If any section, subsection, sentence, clause, phrase or portion  
66 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent  
67 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and  
68 such holding shall not affect the validity of the remaining portions thereof.

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70 **Section 6:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict  
71 herewith are hereby repealed to the extent of such conflict.

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73 **Section 7:** Codification. The sections of the ordinance may be made a part of the City  
74 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and  
75 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

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77 **Section 8:** Effective Date. This ordinance shall become effective 10 days after  
78 passage.

79  
80 The passage of this ordinance on first reading was moved by \_\_\_\_\_,  
81 seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- 82  
83 Mayor Betty Resch  
84 Vice Mayor Sarah Malega  
85 Commissioner Christopher McVoy  
86 Commissioner Mimi May  
87 Commissioner Reinaldo Diaz

88  
89 The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_\_  
90 day of \_\_\_\_\_, 2024.

91  
92  
93 The passage of this ordinance on second reading was moved by \_\_\_\_\_,  
94 seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- 95  
96 Mayor Betty Resch  
97 Vice Mayor Sarah Malega  
98 Commissioner Christopher McVoy  
99 Commissioner Mimi May  
100 Commissioner Reinaldo Diaz  
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102           The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
103 \_\_\_\_\_, 2024.

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LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, MMC, City Clerk

**EXHIBIT A**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

**Sec. 23.1-12. – Definitions.**

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*Townhouse:* Also known as rowhouse, shall mean a residential structure consisting of at least ~~two~~ three (3) but no more than six (6) attached single-family dwelling units with a combined street frontage width of no more than one hundred twenty (120) feet wherein each dwelling unit has at least one (1) vertical wall extending from ground to roof dividing it from adjoining units and having separate and individual front and rear entrances. Each unit within the townhouse is separately owned, with the owner of such unit having title to the land on which the unit sits.

~~*Townhouse complex:* For the purpose of this chapter, shall mean a group of not less than four (4), or more than eight (8), townhouses connected by party walls.~~

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**EXHIBIT B**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 1, "Generally"*

**Sec. 23.3-6. – Use Tables.**

**Under separate cover.**

**EXHIBIT C**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

**Sec. 23.3-17. – MU-DH – Mixed Use – Dixie Highway.**

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d) *Development regulations for uses permitted by right*

|           |   |
|-----------|---|
| Lot Area  | East side of Dixie Highway - 6,500 square feet with max density 1 du per each 2,175 square feet net lot area                                    |
|           | West side of Dixie Highway – <del>6,500</del> 13,000 square feet with max density 1 du per each <del>1,450</del> 2,175 square feet net lot area |
|           | Max density <del>3020</del> dwelling units per gross acre of 43,560 square feet, minimum of <del>1,450</del> 2,175 square feet per unit         |
| Lot Width | 50 ft. on East side of Dixie Highway  |
|           | <del>50</del> 100 ft. on West side of Dixie Highway   |

*portion of table omitted for brevity.*

\*\*\*

1. *Minimum lot dimension.*

A. Minimum lot area:

\*\*\*

(2) West side of Dixie Highway: ~~thirteen thousand (13,000)~~ Six thousand five hundred (6,500) square feet.

B. Minimum lot width:

\*\*\*

(2) West side of Dixie Highway: ~~One hundred (100)~~ Fifty (50) feet.