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ORDINANCE 2024-17 - 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 2 “ADMINISTRATION,” DIVISION 3 “PERMITS,” SECTION 23.2-38 TEMPORARY USE PERMIT; 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, SECTION 23.4-13 ADMINISTRATIVE USES AND CONDITIONAL USES, AND SECTION 23.4-23 TEMPORARY 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 definitions for apparatus and manufacturing or processing facilities with apparatuses; and

WHEREAS, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-38 – “Temporary use permit” to correct code references and provide for a temporary manufacturing or processing facilities use; 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 structure use, clarify manufacturing or processing facilities without apparatus structure uses, and create a temporary manufacturing or processing facilities with apparatus structure use; 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 apparatus structures, 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

52 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
53 Section 23.4-13 – “Administrative and conditional uses,” to revise the design and performance
54 standards for manufacturing/processing/fabrication facilities and create additional regulations for
55 manufacturing or processing facilities with apparatus structures; and
56

57 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
58 Section 23.4-23 – “Temporary uses,” to allow for temporary additional hours of operation for
59 manufacturing or processing facilities with apparatus structures; and
60

61 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,”
62 Section 23.5-9 – “Public purpose dedication,” to clarify applicable reviewers and options for credit
63 to a project; and
64

65 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,
66 considered the proposed amendments at a duly advertised public hearing; and
67

68 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
69 planning agency, considered the proposed amendments at a duly advertised public hearing; and
70

71 **WHEREAS**, the City Commission has reviewed the proposed amendments and has
72 determined that it is in the best interest of the public health, safety, and general welfare of the City
73 to adopt this ordinance.
74

75 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
76 **LAKE WORTH BEACH, FLORIDA, that:**
77

78 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being
79 true and correct and are made a specific part of this ordinance as if set forth herein.
80

81 **Section 2:** Chapter 23 “Land Development Regulations, Article 1 “General
82 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by adding
83 the words shown in underline type as indicated in **Exhibit A**.
84

85 **Section 3:** Chapter 23 Land Development Regulations, Article 2 “Administration,”
86 Division 3 “Permits,” Section 23.2-38 “Temporary use permit” is hereby amended by adding the
87 words shown in underline type and deleting the words struck through as indicated in **Exhibit B**.
88

89 **Section 4:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
90 Division 1 “Generally,” Section 23.3-6 “Use Tables” is hereby amended by adding the words
91 shown in underline type and deleting the words struck through as indicated in **Exhibit C**.
92

93 **Section 5:** Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,”
94 Division 5 “Industrial Districts,” Section 23.3-24 “I-POC – Industrial Park of Commerce” is hereby
95 amended by adding the words shown in underline type and deleting the words struck through as
96 indicated in **Exhibit D**.
97

98 **Section 6:** Chapter 23 Land Development Regulations, Article 4 “Development
99 Standards,” Section 23.4-10 “Off-street parking” is hereby amended by adding the words shown
100 in underline type and deleting the words struck through as indicated in **Exhibit E**.
101

102 **Section 7:** Chapter 23 Land Development Regulations, Article 4 “Development
103 Standards,” Section 23.4-13 “Administrative and Conditional Uses” is hereby amended by adding
104 the words shown in underline type and deleting the words struck through as indicated in **Exhibit**
105 **F**.

106
107 **Section 8:** Chapter 23 Land Development Regulations, Article 4 “Development
108 Standards,” Section 23.4-23 “Temporary uses” is hereby amended by adding the words shown in
109 underline type as indicated in **Exhibit G**.

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111 **Section 9:** Chapter 23 Land Development Regulations, Article 5 “Supplemental
112 Regulations,” Section 23.5-9 “Public purpose dedication” is hereby amended by adding the words
113 shown in underline type and deleting the words struck through as indicated in **Exhibit H**.

114
115 **Section 10:** Severability. If any section, subsection, sentence, clause, phrase or portion
116 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
117 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
118 such holding shall not affect the validity of the remaining portions thereof.

119
120 **Section 11:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
121 herewith are hereby repealed to the extent of such conflict.

122
123 **Section 12:** Codification. The sections of the ordinance may be made a part of the City
124 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
125 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

126
127 **Section 13:** Effective Date. This ordinance shall become effective 10 days after
128 passage.

129
130 The passage of this ordinance on first reading was moved by _____,
131 seconded by _____, and upon being put to a vote, the vote was as follows:

- 132
133 Mayor Betty Resch
134 Vice Mayor Sarah Malega
135 Commissioner Christopher McVoy
136 Commissioner Mimi May
137 Commissioner Reinaldo Diaz

138
139 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
140 day of _____, 2024.

141
142
143 The passage of this ordinance on second reading was moved by _____,
144 seconded by _____, and upon being put to a vote, the vote was as follows:

- 145
146 Mayor Betty Resch
147 Vice Mayor Sarah Malega
148 Commissioner Christopher McVoy
149 Commissioner Mimi May
150 Commissioner Reinaldo Diaz

151

152 The Mayor thereupon declared this ordinance duly passed on the _____ day of
153 _____, 2024.

154

LAKE WORTH BEACH CITY COMMISSION

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By: _____
Betty Resch, Mayor

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161 ATTEST:

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165 _____
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.

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 apparatuses: Establishments that utilize specialized equipment and structures to transform materials or substances mechanically or chemically into new products. Such uses include but are not limited to asphalt facilities, concrete batching facilities, and fertilizer manufacturing facilities.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

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

Sec. 23.2-38. – Temporary use permit.

a) *Applicability.*

1. Temporary uses identified and consistent with the supplementary standards in section 23.4-232, including but not limited to: sales offices, construction field offices, off-site construction staging, temporary parking lots, ~~and~~ private farmer's markets, and manufacturing or processing facilities with apparatuses.

c) *Review process.* A temporary use permit application shall be reviewed administratively for consistency with the supplementary standards in section 23.4-232 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.

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EXHIBIT C

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 D

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.

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

L. Manufacturing or processing facilities with apparatus structures, 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.

c) Development regulations for uses permitted by right

portion of table omitted for brevity.

Height	<u>Apparatus Structure</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>
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portion of table omitted for brevity.

3. Maximum height of buildings and structures.

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

D. Apparatuses: Twenty-four (24) feet. Additional sixty (60) ft. of height shall be granted 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., Monday through Saturday, unless otherwise specified in LDR Section 23.4-13 and/or LDR Section 23.4-23. Pursuant to sections 23.2-38 and 23.4-23, facilities may request to temporarily alter the hours of operation.

EXHIBIT E

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.

EXHIBIT F

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: A site meeting the minimum lot area of 13,000 square feet may have up to ~~The number of silos shall not exceed~~ four (4) silos. Each additional silo shall require an additional 5,000 square feet of site area, with a maximum total of eight (8) silos within the site area and shall be effectively screened.
- (3) 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.
- (4) All production and processing shall be restricted to an enclosed building, unless otherwise allowed within this section.
- (5) Buffering requirements shall apply as required by existing ordinances but may be increased based on a site-specific review basis.
- (6) Noise levels shall not be in excess of sixty-five (65) decibels measured from the property line adjacent to residential uses.
- (7) 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.
- (8) Hours of operation: Operations may begin at 5:00 a.m. and shall end by 8:00 p.m., Monday through Saturday.
- (9) 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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(10) A traffic management plan is required for all properties with more than two (2) silos.

C. *Recycling facility.*

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

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

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

(1) Height: Maximum height of any silo or structure specific to manufacturing facilities or processing with apparatus structures shall not to exceed twenty-four (24) feet. Additional 60 ft. of height shall be granted under the Sustainable Bonus Incentive Program (not to exceed 84 feet).

(2) Outdoor storage regulated. Outdoor storage areas shall be screened from surrounding public rights-of-way and adjacent properties by opaque fencing, wall, berm, or combination thereof with landscape installed at a minimum height of three (3) feet to grow and be maintained at a height of six (6) feet above grade. See section 23.4-19. A. for additional outdoor storage regulations.

(3) Production and processing: Production and processing shall be allowed outside of an enclosed building.

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

(5) Location: Manufacturing or processing facilities with apparatus structures shall be located a minimum of four hundred (400) feet from any residential land use, school (public or private, including pre-k through 12th grade), house of worship, and/or child care facility. The measurement shall be taken from use area to the nearest exterior wall of a residential building, school, house of worship, or child care facility.

(6) 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.

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(7) 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.

EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-23. – Temporary uses.

b) *Temporary use requirements.*

7. Manufacturing or processing facilities with apparatuses. Manufacturing or processing facilities with apparatuses may request to temporarily alter their hours of operation from the hours established in sections 23.3-24 and 23.4-13, subject to the following standards and requirements:

A. Applicants shall provide documentation and justification to support the request to operate outside of the standard hours of operation.

B. A facility may not request temporary additional hours of operation more than eight (8) times per month.

C. Each request for temporary additional hours of operation shall encompass no more than two (2) calendar days.

D. Each request for temporary additional hours of operation shall require a new temporary use permit, unless approved as a blanket temporary use permit by the appropriate board.

EXHIBIT H

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 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. Multi-Modal Mobility;
- iii. Infrastructure;
- iv. Complete Streets;
- v. Net Zero;
- vi. Open Space;
- vii. Recreation Space;
- viii. Wetlands;
- ix. Native Habitat;
- x. Stormwater Management; and,
- xi. Development fees and other improvements as deemed appropriate by the Development Review Official.

C. Credit may be considered towards the qualifying sustainability features or improvements for the sustainable bonus incentive program through a duly performed appraisal by a licensed entity.