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3 **ORDINANCE 2020-20 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 18 “UTILITIES,”**
5 **ARTICLE 7 “STORMWATER UTILITY”, SECTION 18-103. – “ON SITE**
6 **DRAINAGE” BY REQUIRING MAINTENANCE EASEMENTS FOR ZERO**
7 **LOT LINE LOTS; AMENDING CHAPTER 23 “LAND DEVELOPMENT**
8 **REGULATIONS, BY ADDING A NEW SECTION 23.2-37. –**
9 **“TEMPORARY USE PERMIT” TO CREATE AN APPROVAL PROCESS**
10 **FOR TEMPORARY USES; AMENDING ARTICLE 3 “ZONING**
11 **DISTRICTS,” DIVISION 1 “GENERALLY,” SECTION 23.3-6 “USE**
12 **TABLES” TO ESTABLISH TEMPORARY USES PERMITTED BY**
13 **ZONING DISTRICT; AMENDING ARTICLE 4, “DEVELOPMENT**
14 **STANDARDS,” SECTION. 23.4-1. – “SECONDARY (ACCESSORY)**
15 **DWELLING UNITS,” SECTION 23.4-6. – “HOME OCCUPATIONS,”**
16 **SECTION 23.4-10. – “OFF-STREET PARKING” TO CLARIFY**
17 **DEVELOPMENT STANDARDS RELATED TO ACCESSORY DWELLING**
18 **UNITS AND PARKING AS WELL AS PROVIDE ADDITIONAL**
19 **FLEXIBILITY FOR HOME OCCUPATION USES IN MIXED USE**
20 **DISTRICTS, AND ADDING A NEW SECTION 23.4-22 – “TEMPORARY**
21 **USES” TO ESTABLISH DEVELOPMENT REVIEW STANDARDS FOR**
22 **TEMPORARY USES; BY AMENDING ARTICLE 5 “SUPPLEMENTARY**
23 **REGULATIONS” SECTION 23.5-7. – “CONCURRENCY MANAGEMENT**
24 **AND PUBLIC FACILITY CAPACITY” TO REQUIRE MAINTENANCE**
25 **EASEMENTS ON ZERO LOT LINE LOTS; AND PROVIDING FOR**
26 **SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE**
27 **DATE**
28
29

30 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
31 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
32 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
33 municipal government, perform municipal functions, and render municipal services, and
34 may exercise any power for municipal purposes, except as expressly prohibited by law;
35 and
36

37 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
38 body of each municipality in the state has the power to enact legislation concerning any
39 subject matter upon which the state legislature may act, except when expressly prohibited
40 by law; and
41

42 **WHEREAS**, the City wishes to amend Chapter 18 “Utilities,” Article 7 “Stormwater
43 Utility”, Section 18-103. – On site drainage, to provide clarity related to access easement
44 requirements; and
45

46 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration
47 Division” 3, “Permits,” by adding a NEW Section 23.2-37. – Temporary Use Permit; to
48 create a new temporary use review permit process and review standards; and
49

50 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,”
51 Division 1 “Generally,” Section 23.3-6 Use Tables to establish permitted temporary uses
52 by zoning district; and

53
54 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
55 Standards,” Section 23.4-1. – Secondary (Accessory) Dwelling Unit, to clarify size and
56 construction standards for accessory dwelling units; and

57
58 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
59 Standards,” Section 23.4-6. – Home Occupations to allow for additional flexibility for home
60 occupations office uses in mixed use districts; and

61
62 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
63 Standards,” Section 23.4-10. – Off-street parking to clarify the parking for accessory
64 dwelling units and that the parking in-lieu fee is available only in the City’s core area; and

65
66 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
67 Standards,” to establish a new section, Section 23.4-22 – Temporary uses to establish
68 supplementary development standards for temporary uses; and

69
70 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplementary
71 Regulations” Sec. 23.5-7. - Concurrency management and public facility capacity to
72 provide clarity related to access easement requirements; and

73
74 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
75 agency, considered the proposed amendments at a duly advertised public hearing; and

76
77 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
78 planning agency, considered the proposed amendments at a duly advertised public
79 hearing; and

80
81 **WHEREAS**, the City Commission has reviewed the proposed amendments and
82 has determined that it is in the best interest of the public health, safety, and general
83 welfare of the City to adopt this ordinance.

84
85 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
86 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

87
88 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
89 being true and correct and are made a specific part of this Ordinance as if set forth herein.

90
91 **Section 2:** Chapter 18 “Utilities,” Article 7 “Stormwater Utility”, Section 18-103.
92 – On site drainage of the City’s Code of Ordinances, is hereby amended by adding the
93 words shown in underlined type and deleting the words ~~struck through~~ as indicated in
94 **Exhibit A.**

95
96 **Section 3:** Chapter 23 Land Development Regulations,” Article 2
97 “Administration Division” 3, “Permits,” NEW Section 23.2-37. – Temporary Use Permit

98 related to temporary use permits is hereby amended by adding the words shown in
99 underlined type and deleting the words ~~struck through~~ as indicated in **Exhibit B**.

100
101 **Section 4:** Chapter 23 Land Development Regulations,” Article 3 “Zoning
102 Districts,” Division 1 “Generally,” Section 23.3-6 Use Tables related to permitted
103 temporary uses by zoning district; is hereby amended by adding the words shown in
104 underlined type and deleting the words ~~struck through~~ as indicated in **Exhibit C**.

105
106 **Section 5:** Chapter 23 Land Development Regulations,” Article 4 “Development
107 Standards,” Section 23.4-1. – Secondary (Accessory) Dwelling Unit related to accessory
108 dwelling units is hereby amended by adding the words shown in underlined type and
109 deleting the words ~~struck through~~ as indicated in **Exhibit D**.

110
111 **Section 6:** Chapter 23 “Land Development Regulations,” Article 4
112 “Development Standards,” Section 23.4-6. – Home Occupations related to home
113 occupations are hereby amended by adding the words shown in underlined type and
114 deleting the words ~~struck through~~ as indicated in **Exhibit E**.

115
116 **Section 7:** Chapter 23 “Land Development Regulations,” Article 4
117 “Development Standards,” Section 23.4-10. – Off-street parking related to parking
118 requirements for accessory dwelling units and the parking in-lieu fee is hereby amended
119 by adding the words shown in underlined type and deleting the words ~~struck through~~ as
120 indicated in **Exhibit F**.

121
122 **Section 8:** Chapter 23 “Land Development Regulations,” Article 4
123 “Development Standards,” related to the establishment of a new section, Section 23.4-22
124 – Temporary uses, is hereby amended by adding the words shown in underlined type and
125 deleting the words ~~struck through~~ as indicated in **Exhibit G**.

126
127 **Section 9:** Chapter 23 “Land Development Regulations,” Chapter 23, Article 5
128 “Supplementary Regulations” Sec. 23.5-7. - Concurrency management and public facility
129 capacity related to access easement requirements is hereby amended by adding the
130 words shown in underlined type and deleting the words ~~struck through~~ as indicated in
131 **Exhibit H**.

132
133 **Section 10:** Severability. If any section, subsection, sentence, clause, phrase or
134 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
135 competent jurisdiction, such portion shall be deemed a separate, distinct, and
136 independent provision, and such holding shall not affect the validity of the remaining
137 portions thereof.

138
139 **Section 11:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
140 conflict herewith are hereby repealed to the extent of such conflict.

141
142 **Section 12:** Codification. The sections of the ordinance may be made a part of
143 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
144 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
145 any other appropriate word.

147 **Section 13:** Effective Date. This ordinance shall become effective 10 days after
148 passage.

149
150
151 The passage of this ordinance on first reading was moved by Commissioner
152 Robinson, seconded by Commissioner Blockson, and upon being put to a vote, the vote
153 was as follows:

154		
155	Mayor Pam Triolo	AYE
156	Vice Mayor Andy Amoroso	AYE
157	Commissioner Scott Maxwell	AYE
158	Commissioner Carla Blockson	AYE
159	Commissioner Herman Robinson	AYE

160
161 The Mayor thereupon declared this ordinance duly passed on first reading on the
162 2nd day of February, 2021.

163
164
165 The passage of this ordinance on second reading was moved by
166 _____, seconded by _____, and upon being put to a vote,
167 the vote was as follows:

168	
169	Mayor Pam Triolo
170	Vice Mayor Andy Amoroso
171	Commissioner Scott Maxwell
172	Commissioner Carla Blockson
173	Commissioner Herman Robinson

174
175 The Mayor thereupon declared this ordinance duly passed on the _____ day of
176 _____, 2021.

177
178 LAKE WORTH BEACH CITY COMMISSION

179
180
181 By: _____
182 Pam Triolo, Mayor

183 ATTEST:

184
185
186
187 _____
188 Deborah Andrea, CMC, City Clerk
189

EXHIBIT A

Chapter 18

CODE OF ORDINANCES ARTICLE 7 “STORMWATER UTILITY”

Sec. 18-103. - On site drainage.

Prior to the issuance of a building permit for construction on property, a site drainage plan and drainage computations shall be submitted for approval by the director or designee. The drainage plan must indicate facilities which will totally contain on-site a three-year one-hour storm event and such facilities must be constructed prior to final inspection by the city. For zero lot line lots, a three (3) foot maintenance easement shall be provided on the non-zero side of each zero-lot-line lot to allow for maintenance of the adjoining property and whenever feasible on existing non-conforming lots as determined by the city engineer and the development review official.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Division 3 Permits

[NEW SECTION] Section 23.2-37. – Temporary Use Permit

- a. Applicability. The following temporary uses may not be commenced until the applicant obtains a Temporary Use Permit from the development review official. The permit specifies the specific use, the period of time for which it is approved, and any special conditions attached to the site-specific approval. The following uses may be permitted, subject to the issuance of a Temporary Use Permit:
1. Temporary uses identified and consistent with the supplementary standards in Section 23.4-22, including but not limited to: sales offices, construction field offices, off-site construction staging, temporary parking lots, and private farmer's markets.
 2. Pumpkins, Christmas trees, and other seasonal product sales or temporary farmer's market. No permit shall be required for seasonal product sales operated as part of a school or place of worship.
 3. Temporary storage or other uses related to emergency management. Such uses shall be operated by a governmental entity or organization engaged in recovery or emergency management efforts.
 4. Similar temporary uses which, in the opinion of the development review official, are compatible with the district and surrounding land uses.
- b. Approval authority. The development review official, in accordance with the procedures, standards and limitations of this section, shall approve or deny an application for a temporary use permit after review and comment by the site plan review team (if applicable). The development review official's decision on a temporary use permit is final, but may be appealed to the appropriate regulatory board by the applicant or affected party, pursuant to section 23.2-17. Special events shall require a special event permit and shall not require a temporary use permit unless otherwise specified herein.
- c. Review Process. A Temporary Use Permit application shall be reviewed administratively for consistency with the supplementary standards in Section 23.4-22 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.
- d. General procedures. An application for a temporary use permit shall be made in writing upon an application form approved by the Department for Community Sustainability, and shall be accompanied by applicable fees. The Department for Community Sustainability shall review the application in accordance with these LDRs and prepare a result letter that summarizes the application and the effect of the proposed use, compliance with the review criteria and supplementary standards, conditions of approve if applicable, and approve or deny the application as submitted.
- e. Additional requirements. Prior to approving any administrative use permit, the development review official shall ensure that the following requirements have been met:
1. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.
 2. Any previously imposed conditions of approval at the site have been met, if applicable.
 3. All buildings and structures used for a temporary use shall have an active applicable rental business license with the appropriate use and occupancy approval for the propose temporary use.
 4. A business license and registration of individual vendors with the City shall be required, if applicable and as determined by the development review official.

- 260 f. Approval Criteria. The development review official shall review temporary uses for consistency with
 261 the following standards:
- 262 1. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of the
 263 City's land development regulations and the zoning district in which it will be located except when
 264 the use is related to temporary construction activity or emergency management. The temporary
 265 use shall not impair the normal, safe, and effective operation of a permanent use on the same site.
 266 The temporary use shall not endanger or be materially detrimental to the public health, safety, or
 267 welfare or injurious to property or improvements in the vicinity of the temporary use, given the
 268 nature of the activity, its location on the site, and its relationship to parking and access points.
 - 269 2. Compliance with Other Regulations. A building permit or temporary certificate of occupancy may
 270 be required, as determined by the building official before any structure used in conjunction with the
 271 temporary use is constructed or modified. All structures and the site as a whole shall meet
 272 applicable building and fire code standards as well as any provisions of this code for such temporary
 273 use. Upon cessation of the temporary use, any structures associated with the temporary use shall
 274 be promptly removed and the site shall be returned to its previous condition (including the removal
 275 of all trash, debris, signage or other evidence of the temporary use).
 - 276 3. Duration. The duration of the temporary use shall be established at the time of approval of the
 277 Temporary Use Permit. In the event no time limit is established, the duration shall be for a period
 278 not to exceed ninety (90) days.
 - 279 4. Traffic Circulation. The temporary use shall not cause undue traffic congestion or accident
 280 potential, as determined by the city engineer, given anticipated attendance and the design of
 281 adjacent streets, intersections, and traffic controls.
 - 282 5. Off-Street Parking. Off-street parking shall be provided in accordance with the City's land
 283 development requirements, and it shall not create a parking shortage for any of the other existing
 284 uses on the site.
 - 285 6. Public Conveniences and Litter Control. Adequate on-site rest room facilities may be required.
 286 Adequate on-site solid waste containers may also be required. The applicant shall provide a written
 287 guarantee that all litter generated by the event or use shall be removed at no expense to the City.
 - 288 7. Appearance and Nuisances. The temporary use shall be compatible in intensity, appearance, and
 289 operation with surrounding land uses in the area, and it shall not unduly impair the usefulness,
 290 enjoyment, or value of adjacent properties due to the generation of excessive noise, dust, smoke,
 291 glare, spillover lighting or other forms of environmental or visual pollution. A mitigation plan for
 292 temporary uses, related to construction, emergency management, or for other temporary uses as
 293 determined by the development review official, shall be required prior to the issuance of a
 294 Temporary Use Permit when the use is in and/or adjacent to residential districts, in an effort to
 295 minimize compatibility issues.
 - 296 8. Signs. The development review official shall review all signage in conjunction with the issuance of
 297 the Temporary Use Permit. Such signage shall be in accordance with the requirements of this code.
 - 298 9. Other Conditions. The development review official may establish any additional conditions deemed
 299 necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby
 300 uses, including, but not limited to, restrictions on hours of operation, temporary arrangements for
 301 parking and traffic circulation, requirements for screening/buffering, and guarantees for site
 302 restoration and cleanup following the temporary use.
- 303
- 304 g. Revocation. The development review official or building official may revoke a Temporary Use
 305 Permit due to nuisance concerns, land use compatibility or life-safety issues, or for the following
 306 reasons:
- 307 1. The applicant has misrepresented any material fact on its application or supporting materials.
 - 308 2. The temporary use fails or ceases to comply with applicable standards or criteria for issuance
 309 of a permit.
 - 310 3. The operation of the temporary use violates any statute, law ordinance, or regulation.
 - 311 4. The operation of the temporary use constitutes a nuisance or poses a real or potential threat
 312 to the health, safety, or welfare of the public.
- 313

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Division 1 "Generally"

Sec. 23-3.6 – Use Tables.

Under separate cover

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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-1. - Secondary (accessory) dwelling unit.

b) Design standards. All secondary dwelling units shall conform to the following standards:

- 1. Existing development on lot. A single-family dwelling must currently exist on the lot or will be constructed in conjunction with the secondary unit.
- 2. Number of secondary units per parcel. Only one (1) secondary dwelling unit shall be allowed for each parcel.
- 3. Unit size. The habitable floor area for secondary units shall not exceed sixty (60) percent of the habitable floor area of the primary residence and shall be a minimum of 400 square feet.

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

6. *Minimum Housing Code.* All secondary dwelling units shall meet the City's established minimum housing code requirements.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-6. - Home occupations.

a) *Purpose.* It is the purpose of this section to provide for the orderly use of residential premises for certain customary home occupations and professional offices allowed as home occupations. This provision allows for a portion of a residential unit to support a home office space or professional office space that generates income for the owner/tenant. It is further the purpose to assure that none of the residential ambiance of a neighborhood or of a building is modified or in any way diminished by the presence of said home occupation.

b) Class I - Design and performance standards- customary home occupations.

1. *Limited use.* The home occupation shall be conducted within the residential premises and only by the person who is licensed to do so and is a resident(s) of the premises. The individual(s) so licensed shall not engage any employees to assist in the home occupation.
2. *Pedestrian and automobile traffic.* The home occupation shall not generate pedestrian or automobile traffic beyond what would normally be expected in a residential district.
3. *Maximum area of use.* No individual home occupation shall occupy more space than twenty (20) percent of the total floor area of a residence exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided however, in no event shall such all home occupations occupy more than forty (40) percent of the total floor area of the residence or one thousand (1,000) square feet, whichever is less.
4. *No signs or advertisements.* No signs, banners or flyers shall be permitted to advertise the accessory use of the premises for an occupational purpose.
5. *Limited equipment.* No chemical, electrical or mechanical equipment shall be used except that which is normally used for domestic, household or home office purposes. No electrical or mechanical equipment which causes outside interference may be installed or used. No equipment or process shall be used in a home occupation which creates fumes, glare, noise, odors, vibration, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence.
6. *Stock in trade.* No goods shall be sold on or from the building site. Stock or inventory is permitted insofar as will fit within the allowable area of the residence being utilized as a home occupation and does not create a health or safety hazard. No outdoor storage of materials or equipment related to the home occupation shall be permitted on the premises. Deliveries may not exceed that which would be utilized by a private residence and shall not be disruptive to the immediate neighborhood
7. *Parking.* The vehicle used for the home occupation is limited to a passenger car, van, or pickup truck. The vehicle may not be more than twenty (20) feet in overall length and not more than seven (7) feet in overall height. Any vehicles used solely in connection with such home occupation must have separate off-street parking facilities in addition to those provided for the residence, except as otherwise regulated by city ordinances.
8. *Residential character.* There shall be no alteration in the residential character or appearance of the premises in connection with such home occupation.
9. *Neighborhood impact.* A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates

- 406 any interference in audio or video reception, or causes any perceivable vibration on adjacent
407 properties is not permitted.
- 408 10. *Three (3) home occupations per residence.* No more than three (3) home occupations shall be
409 permitted at any given residence at one (1) time. Each home occupation must maintain the
410 required applicable business tax receipts and use and occupancy certificates.
- 411 c) Class II - Design and performance standards – professional office home occupations.
- 412 1. Limited use. The professional home office occupation shall be conducted within the residential
413 premises and only by the person, who is licensed to do so and is a resident(s) of the premises.
414 The individual(s) so licensed may engage employees to assist in the professional home
415 occupation based on specific parameters. Professional home office occupations may only be
416 established within mixed-use districts as an office use excluding medical and personal/grooming
417 services. Stock in trade accessory to office is permitted for online sales and off-premise sales as
418 limited herein.
- 419 2. Pedestrian and automobile traffic. The professional home office occupation may generate
420 pedestrian or automobile traffic commensurate and routinely experienced within a mixed-use
421 district and that of a traditional professional office.
- 422 3. Maximum area of use. No individual professional home occupation shall occupy more space than
423 fifty (50) percent of the total floor area of a residence exclusive of any open porch, attached
424 garage, or similar space not suited for or intended to be occupied as living quarters.
- 425 4. No signs or advertisements. No signs, banners or flyers shall be permitted to advertise the
426 professional home occupation on the premises for any purpose.
- 427 5. Limited equipment. No chemical, electrical or mechanical equipment shall be used except that
428 which is normally used for professional office purposes. No electrical or mechanical equipment
429 which causes outside interference may be installed or used. No equipment or process shall be
430 used in the professional home occupation which creates fumes, glare, noise, odors, vibration, or
431 electrical interference detectable to the normal senses off the lot, if the occupation is conducted
432 in a single-family residence or outside the dwelling unit if conducted in other than a single-family
433 residence.
- 434 6. Stock in trade. The sale of goods within the residential premises is permitted only as accessory
435 to the principal professional home office occupation use. Stock or inventory is permitted inasmuch
436 as will fit within the allowable area of the residence being utilized as a professional home
437 occupation and does not create a health or safety hazard. No outdoor storage of materials or
438 equipment related to the professional home occupation shall be permitted on the premises.
439 Deliveries may not exceed that which would be utilized by a private residence and shall not be
440 disruptive to the immediate neighborhood.
- 441 7. Parking. The vehicle used for the professional home office occupation is limited to a passenger
442 car, van, or pickup truck. The vehicle may not be more than twenty (20) feet in overall length and
443 not more than seven (7) feet in overall height. Any vehicles used solely in connection with such
444 professional home occupation must have separate off-street parking facilities in addition to those
445 provided for the residence, except as otherwise regulated by city ordinances. Professional home
446 office occupation uses that are permitted to accommodate more than two (2) employees and/or
447 more than one (1) customer at a time shall be required to provide additional parking or have
448 access to public or guest parking within two hundred (200) feet of building or residence used for
449 such purpose.
- 450 8. Residential character. There shall be no alteration in the residential character or appearance of
451 the premises in connection with such professional home occupation.
- 452 9. Neighborhood impact. A professional home office occupation shall not create any nuisance,
453 hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors,
454 or other noxious emissions. Use of electrical or mechanical equipment that causes fluctuations in
455 line voltage, creates any interference in audio or video reception, or causes any perceivable
456 vibration on adjacent properties is not permitted.
- 457 10. Three (3) professional home office occupations per residence. No more than three (3)
458 professional home office occupations shall be permitted at any given residence at one (1) time.

459 Each professional home office occupation must maintain the required applicable business tax
460 receipts and use and occupancy certificates.

461 11. *Hours of Operation.* A professional home office occupation may be conducted between the hours
462 of 8 am to 6 pm, Monday through Saturday.

463 12. *Employees.* The number of employees including the owner/licensee is limited to one (1) for the
464 first three hundred (300) sq. ft. of space allocated for the professional home office occupation and
465 one hundred fifty (150) sq. ft of space allocated for each additional employee.

466 13. *Clients/Customers.* The professional home office occupation may not have more than one (1)
467 client, customer and/or visitor at a time for each three hundred (300) sq. ft. of space allocated for
468 the professional home occupation.

469 14. *Office Area.* Professional home office occupation owner/license must provide a drawing to scale
470 that demarcates the area of residence for the use.

471 15. *Level of Review.* A professional home office occupation shall be approved either as an
472 administrative use or conditional use depending on size and other applicable review criteria.

473 16. *Authorization Requirements.* Each professional home office occupation application must be
474 accompanied by a lease, if applicable, and a notarized letter of approval from the governing
475 homeowner's association or similar entity, if within a multi-tenant building.

476 17. *Homeowner Associations.* These provisions shall not supersede the requirements of a
477 homeowner's or condominium association's rules if those rules are more restrictive. However, in
478 the event the association rules are less restrictive, they shall not supersede the provisions of this
479 section.

480 18. *Conditions of Approval.* Appropriate conditions of approval may be placed on all professional
481 home office occupations to ensure the peaceful enjoyment of other residents living near the use
482 or within the same building and to maintain the overall residential character of the property.

483

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-10. - Off-street parking.

e) ~~Drainage. All off-street parking facilities shall be drained so as not to cause any nuisance to adjacent private or public property.~~ Drainage systems for off-street parking facilities shall be designed and installed in a manner acceptable to the city engineer. When necessary, walls, swales, planting areas, or other mitigation measures as determined by the city engineer shall be installed to protect adjoining properties and their occupants from any nuisance. Paved parking surfaces, including but not limited to driveways and parking lots, shall have a one (1) foot setback from the side property line and rear property if not alley accessed.

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

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

A. *Residential uses:*

- Single-family detached on lot less than fifty (50) ft wide - 1 space per unit.
- Single-family detached on lot greater than fifty (50) ft wide - 2 spaces per unit.
- Accessory dwelling unit - 1 space in addition to that required for the primary dwelling.

3. Fee-in-lieu of parking. All uses on properties in the core area which do not provide the required number of off-street parking spaces shall pay a fee-in-lieu of parking to the city. The fee shall be held in the community benefits fund to be allocated toward projects identified and approved by the commission as part of the Community Benefits Program.

A. Location. Only properties located in the core area are eligible to utilize the fee-in-lieu of parking option. The core area is more particularly described as: Those properties which are bounded on the west by "A" Street and on the east by Golfview Road, and on the north by 2nd Avenue North, and on the south by 1st Avenue South.

B.A. Payments-in lieu. For any uses that elect to not provide any or all of the required number of off-street parking spaces described in this section, the owner or developer must make a payment to the city in the amount of fifteen thousand dollars (\$15,000) per space not provided.

C. ~~B.~~ Any changes in use, remodeling, building expansion or new construction that have the net effect of increasing parking demand by more than twenty-five (25) percent as calculated by the required parking in this section, must provide parking as required by this section unless a payment-in-lieu of parking is made to the city in the amount of fifteen thousand dollars (\$15,000) per space not provided.

EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

[NEW SECTION] Section 23.4-22 - TEMPORARY USES

Temporary uses have characteristics that require certain restrictions in order to ensure compatibility with other uses in the zoning district in which they are proposed. All temporary uses are required to obtain a temporary use permit pursuant to the procedures of Section 23.2-37. Temporary uses are subject to the corresponding standards and limitations of this section. Renewal of a Temporary Use Permit, as allowed within this section, is subject to approval by the development review official. It shall be the responsibility of the applicant to demonstrate that the conditions of the original approval still exist.

a. Temporary Uses by District.

Section 23.3-6 Use Tables depicts the temporary uses permitted in each zoning districts in accordance with all standards and regulations in the City's code.

b. Temporary Use Requirements.

All temporary uses shall meet all applicable provisions of the City Code of Ordinances, in addition to the following requirements.

1. Business Offices, Temporary. A temporary building for use as a business office is permitted on a 90-day basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. All temporary business offices shall be shown on the Site Plan for approval of the permanent facility. Any temporary parking associated with the temporary business office shall follow procedures of the temporary parking lot use herein.
2. Construction Field Offices. A temporary building for use as a construction field office is permitted on a 12-month basis unless it is renewed by the respective business. Renewals may be requested and considered in association with an active building permit.
 - A. One temporary building per construction site shall be permitted if associated with an active building permit. A site plan shall be required as part of a temporary use permit application to ensure the proposed field office is located to minimize impacts on adjacent properties owners, including addressing traffic, parking and drainage issues.
 - B. Any temporary parking associated with the construction field office shall follow the standards and procedures of the temporary parking lot use herein.
3. Construction Staging, Off-Site. This section applies to the temporary use of property outside of the right-of-way for activities related to the construction of public and private improvements. Temporary facilities allowed in conjunction with a staging site may include a construction field office, portable restroom facilities, vehicle or equipment storage, layout yards, contractor parking, storage of construction materials or product, and other uses as approved by the development review official. Off-site construction staging facilities may be located in all zoning districts where they are directly associated with construction of public and private improvements in the area, subject to the following requirements and limitations:
 - A. Off-site construction staging facilities are permitted on a 12-month basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. An unlimited number of renewals may be applied for and considered.
 - B. Such facilities shall be located within 1,500 feet of the boundary of the construction project.
 - C. At the expense of the agency or contractor, notification to all property owners within 200 feet of the subject site shall be required 15 days prior to any action by the development review official.
 - D. Stormwater and Driveway Permits must be obtained from the applicable City departments. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

- 587 E. A minimum of a five (5) foot landscaped buffer shall be required adjacent to residential properties.
 588 Screening from non-residential properties and rights-of-way shall be adequate to prevent the
 589 blowing of dust onto adjacent properties and rights-of-way, reduce noise, and to substantially block
 590 the views of site and equipment.
- 591 G. Hours of operation shall be consistent with the construction hours of operation as otherwise
 592 established by City ordinance or herein.
- 593 H. Any temporary parking or construction field offices associated with the construction staging area
 594 shall follow the respective standards of the temporary parking lot use below. Outdoor storage of
 595 commercial vehicles greater than 8,000 lbs shall be permitted upon issuance of an associated
 596 temporary use permit and building permit. Such parking and storage of large vehicles and shall
 597 be adequately screened as generally consistent with the outdoor storage requirements of this
 598 code as determined by the development review official.
- 599 I. Following completion of the associated project, the site must be returned to its pre-construction or
 600 better state as determined by the development review official. All buildings, driveway access, curb
 601 and gutter, debris, and product must be removed, and the area must be sodded with grass or
 602 Florida friendly ground cover as approved the development review official within forty-five (45)
 603 days of removal.
- 604
- 605 4. Parking Lot, Temporary. A temporary parking lot may be approved, for a period not to exceed twelve
 606 (12) months, when parking in excess of what was installed when a facility first opened is necessary
 607 to accommodate business or unanticipated patronage. A temporary parking lot required as part of
 608 another Temporary Use Permit may be approved in accordance with the period of time established
 609 for such temporary use. All temporary parking lots are subject to the following requirements and
 610 limitations:
- 611 A. Location. Temporary parking lot are permitted in any zoning district, except Single Family
 612 Residential and are not permitted fronting the major thoroughfares of Lake Avenue and Lucerne
 613 Avenue.
- 614 B. Site Plan of proposed parking configuration, buffers and screening, on-site circulation and right-
 615 of-way access shall be required.
- 616 C. Stormwater and Driveway Permits shall be required and approved by both the building official
 617 and the city engineer. The stormwater water permit application shall include the surface material
 618 of the parking lot and demonstrate compliance with NPDES requirements for construction parking
 619 facilities. Curbs, gutters, or other improvements may be required where necessary to comply
 620 with drainage regulations. The stormwater permit and driveway permit should address the
 621 prevention of dust blowing onto adjacent properties and the tracking of sediments and mud onto
 622 public rights-of-way.
- 623 D. Entrance to the lot from any public right-of-way shall be pursuant to standard safe driveway
 624 separation requirements in this code or shall be approved by the city engineer to ensure public
 625 safety. The entrances of the lot from a public right-of-way shall be paved with an all-weather
 626 surface and/or NPDES compliance surface as approved by the city engineer to mitigate
 627 stormwater runoff pollutants and to prevent the blowing of dust onto adjacent properties and the
 628 tracking of sediments and mud onto public rights-of-way.
- 629 E. At the end of the permit approval period, the area shall meet the following:
- 630 a. The area shall no longer be used for the parking of vehicles, except as permitted below.
 631 All paving material, driveway access, and curb and gutter must be removed, and the area
 632 must be sodded with grass or Florida Friendly ground cover as approved by the
 633 development review official within forty-five (45) days of removal.
- 634 b. A temporary parking lot approved for the purposes of accommodating unanticipated
 635 patronage may be retained if brought up to full compliance with all standards of the City's
 636 Code of Ordinances. If no site plan is approved within two months of the expiration of the
 637 temporary approval, the temporary parking lot shall be removed in accordance with the
 638 standards above.
- 639
- 640 5. Residential Sales Offices and Model Homes. A temporary residential sales office or model home must
 641 be located within the legal subdivision for which lots are being sold or on the subject property. In
 642 addition, the following standards and requirements shall be met:

- 643 A. A Temporary Use Permit with a conditional Certificate of Occupancy to operate the model home /
644 sales office will expire after twelve (12) months unless it is renewed by the builder, upon which the
645 burden shall fall to demonstrate to the development review official that the conditions of approval
646 still exist. An unlimited number of applications to renew the Temporary Use Permit may be applied
647 for and considered.
- 648 B. The design and construction of the model home or sales office must be consistent with the
649 character of the subject neighborhood. A model home or temporary sales office may construct a
650 monument sign no larger than sixteen (16) square feet and no taller than four feet in height, subject
651 to the requirements of this code.
- 652 C. The model home shall be constructed in such a manner that it can be converted, without structural
653 changes, to a single-family, two-family, or multi-family residence (as allowed by the zoning district).
654 Such conversion shall occur no later than after the issuance of certificates of occupancy to 80
655 percent (80%) of the associated residential units or when use as a sales office or model home has
656 ceased.
- 657 D. A temporary building for use as a sales office is permitted on a six-month basis only if a model
658 home has not been constructed. The temporary sales office is subject to the renewal policy outlined
659 for model homes but shall be removed once the model home has been constructed.
- 660
- 661 6. Seasonal Product Sales or a Temporary Farmer's Market shall require a business license and
662 registration of individual vendors with the City.

EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTARY REGULATIONS"

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670 **Sec. 23.5-7. - Concurrency management and public facility capacity.**

- 671 1. Drainage. Adequately accommodate run-off from a three-year frequency one-hour storm duration,
672 as recorded in the FDOT Rainfall Intensity Curves in use in 1970. For zero lot line lots, a three (3)
673 foot maintenance easement shall be provided on the non-zero side of each zero-lot-line lot to
674 allow for maintenance of the adjoining property and whenever feasible on existing non-
675 conforming lots as determined by the city engineer and the development review official.