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ORDINANCE 2024-08 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-10 “OFF-STREET PARKING,” 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 4 “Development Standards,” Section 23.4-10 – Off-Street Parking; and

WHEREAS, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; 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 finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

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.

Section 2: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-10 – Off-Street Parking is hereby amended as follows:

Sec. 23.4-10. Off-street parking.

- a) *General provisions.* The following standards shall apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes:
 - 1. Except as otherwise provided in this section, no building shall be erected or moved into a district nor shall any building be enlarged by more than twenty-five (25) percent or increased in capacity by adding dwelling units, guest rooms, floor area or seats, unless

54 there be provided on the building site, off-street parking facilities for the entire building
55 as set forth in this section. A certificate of occupancy for the given structure or premises
56 shall be prohibited until the required parking area has been improved, inspected and
57 approved.

- 58 2. *Fractional measurements.* When units or measurements determining the number of
59 required off-street parking spaces result in the requirement of a fractional space, any
60 such fraction of one-fourth (¼) or greater shall require a full space.
- 61 3. *Parking prohibited.* Parking is prohibited on lawns or landscaping areas in all zoning
62 districts. Parking shall be confined to designated marked parking spaces in all districts
63 except SF-R and SF TF-14 districts. In SF-R and SF TF-14 districts, parking is limited
64 to driveways, carports, garages or marked parking spaces.
- 65 4. *Parking for the disabled.* Required parking shall include parking spaces for disabled
66 persons in accordance with the requirements of F.S. § 553.501 et seq., the "Florida
67 Americans With Disabilities Accessibility Implementation Act" ("Florida ADAIA") and the
68 Americans with Disabilities Act Accessibility Guidelines, as adopted by reference in 28
69 C.F.R., Part 36, Subparts A and D, and Title II of Pub. L. No. 101-336, which are also
70 incorporated by reference into the Florida ADAIA.
- 71 5. *Uses not specifically mentioned.* For any use not specifically mentioned in this section,
72 the development review official shall identify a similar use that is specifically listed and
73 apply the required parking standards accordingly.
- 74 6. *Joint use of off-street parking facilities.* Nothing in this section shall be construed to
75 prevent collective provision for, or joint use of, off-street parking facilities for two (2) or
76 more buildings or uses by two (2) or more owners or operators, provided that the total
77 of such spaces, when combined or used together, shall not be less than the sum of the
78 requirements of the several individual uses computed separately in accordance with
79 this section. Such facilities shall be permanently maintained for such joint use, and shall
80 not be discounted in whole or in part unless other suitable facilities conforming with this
81 section are provided.

82 b) *Location.*

- 83 1. Unless otherwise specified herein, parking spaces for all residential uses shall be
84 located on the same lot with the main building to be served. Such parking space may
85 consist of a carport, garage or parking area as defined in this section. Parking beneath
86 a building is expressly allowed and such space shall not be included as a "story" of the
87 building.
 - 88 A. *Parking off of an alley.*
 - 89 1) Parking provided off of an alley shall maintain a twenty-foot back-out, which
90 includes the width of the alley.
 - 91 2) If a building is located between a ROW and a vehicular area, foundation
92 plantings shall be provided.
 - 93 2. Parking spaces for all other single uses, in all districts except the Industrial Park of
94 Commerce - I-POC, shall be provided on the same lot or in conformance with the
95 requirements for transitional parking lots (section 23.4-13).
 - 96 3. Parking spaces for those properties in mixed use districts with a mix of uses are allowed
97 to provide required parking at an off-site location anywhere within four hundred (400)
98 feet of the proposed use. Parking spaces for those properties in industrial use districts
99 are allowed to provide required parking at an off-site location anywhere within five
100 hundred (500) feet of the proposed use. In each case, such parking lots shall be tied to
101 the mixed use or industrial site by unity of title. Properties with the single use of
102 residential must provide on-site parking.

103 c) *Access.*

- 104 1. All parking spaces shall have unobstructed on-site access to a paved public right-of-
105 way.

- 106 2. All properties using State Roads 802, 805 and 5; and 6th Avenue South, 10th Avenue
 107 North, Worthmore Drive and Lake Osborne Drive as access to their on-site parking shall
 108 provide maneuvering space to permit vehicles to enter and leave the parking area in a
 109 forward motion.
- 110 3. No building permit shall be issued by the city for any on-site improvements where the
 111 building plans submitted show that the access to any on-site parking space requires the
 112 use of unimproved public right-of-way, unless and until:
- 113 A. The owner enters into an agreement with the city agreeing to the paving, at said
 114 owner's expense, of the unimproved right-of-way from paved street to street, and
 115 such owner posts a cash bond with the city in an amount determined by the city
 116 engineer to be sufficient to cover the actual costs of improvements, including
 117 engineering fees, with said engineering fees refundable upon the city's acceptance
 118 of the improvements; or
- 119 B. A petition, signed by a majority of the property owners abutting the unimproved
 120 public right-of-way and requesting the paving of the unimproved public right-of-way
 121 with the costs thereof to be assessed against the benefited properties, is presented
 122 to the city commission; a public hearing is held therefore; and, a contract is let for
 123 said project.
- 124 C. No certificate of occupancy shall be issued in either case until said improvements
 125 are completed and accepted for perpetual maintenance by the City of Lake Worth.
- 126 4. Single-family buildings, duplexes, multiple-family buildings of four (4) units or fewer and
 127 commercial businesses not exceeding one thousand (1,000) feet of gross floor area
 128 shall be exempt from the provisions of this section.
- 129 d) *Material.* Each parking space shall be surfaced with a hard impermeable dustless material,
 130 either solid in area or in individual concrete strips or other approved materials, including but
 131 not limited to impervious materials and permeable paving materials in accordance with City
 132 of Lake Worth Beach standards. Required off-street parking for single-family and two-family
 133 dwelling units may also utilize semi-pervious surface materials including gravel and other
 134 small stone material in lieu of impermeable or permeable paving material as long as it meets
 135 the following criteria:
- 136 1. Appropriate stabilization shall be established to keep small stone like materials out of
 137 the ROW, alley, and storm water systems;
- 138 2. All semi-permeable driveway and parking surfaces shall be maintained to ensure
 139 permeable qualities and to prevent ponding of water.
- 140 e) *Drainage.* Drainage systems for off-street parking facilities shall be designed and installed in
 141 a manner acceptable to the city engineer. When necessary, walls, swales, planting areas, or
 142 other mitigation measures as determined by the city engineer shall be installed to protect
 143 adjoining properties and their occupants from any nuisance. Paved parking surfaces,
 144 including but not limited to driveways and parking lots, shall have a one (1) foot setback from
 145 the side property line and rear property if not alley accessed.
- 146 f) *Minimum parking space requirements by use category.*
- 147 1. Minimum off-street parking space requirements are as follows:
- 148 A. Residential uses:
- 149 Single-family detached on lot less than fifty (50) feet wide - One (1) space per unit.
 150 Single-family detached on lot greater than fifty (50) feet wide - Two (2) spaces per
 151 unit.
 152 Accessory dwelling unit - One (1) space in addition to that required for the primary
 153 dwelling.
 154 Single-family attached less than three (3) units - One and one-half (1.5) spaces
 155 per unit.
 156 Single-family attached three (3) or more units - One and twenty-five hundredths
 157 (1.25) spaces per unit.
 158 Multi-family (efficiency) one and twenty-five hundredths (1.25) spaces per unit.

159 Multi-family (one-bedroom) - One and one-half (1.5) spaces per unit.
160 Multi-family (two-bedroom) - One and seventy-five hundredths (1.75) spaces per
161 unit.
162 Multi-family (> 2 bedroom) - Two (2) parking spaces.

163 B. Nonresidential uses:

164 Office—One (1) space per four hundred (400) gross square feet of space.
165 Retail—One (1) space per five hundred (500) gross square feet of space.
166 Restaurant—One (1) space per one hundred fifty (150) gross square feet of dining
167 space (including kitchen and seating areas).
168 Lodging—Seventy-five hundredths (0.75) spaces per unit.
169 Commercial/Single Destination Retail/Stand Alone Retail—One (1) space per two
170 hundred fifty (250) gross square feet of space.
171 Personal Services/Medical Related Office—One (1) space per two hundred fifty
172 (250) gross square feet of space.
173 Vehicular—One (1) space per one hundred fifty (150) gross square feet of space.
174 Industrial—One (1) space per one thousand (1,000) gross square feet of space.
175 Institutional—One (1) space per two hundred (200) gross square feet of space.
176 Assembly—One (1) space per seventy-five (75) gross square feet of space.
177 Properties with multiple uses shall calculate the aggregate total of parking required
178 for each use category prior to taking a twenty-five (25) percent deduction. Uses
179 that generate a high parking demand of greater than six (6) spaces per one
180 thousand (1,000) square feet*, but do not exceed the fifty (50) person threshold to
181 qualify as assembly per the latest version of the Florida Building Code shall be
182 required to provide fifty (50) percent more parking than other uses in the same use
183 category.

184 (*Institute of Transportation Engineers (ITE) Peak Parking Generation Rate, 3rd
185 Edition or later)

186 2. *Exceptions.* Parking is not required for:

- 187 A. Changes in use or occupancy or remodeling of existing buildings which do not
188 increase floor area or number of overall existing dwelling units, located outside of
189 the single-family residential SF-R zoning district.
- 190 B. Changes in use, remodeling, of existing buildings as designated as a contributing
191 structure in one (1) of the city's historic districts (as determined by section 23.5-4).
- 192 C. A bed and breakfast use proposed in a building designated as a contributing
193 structure in a city historic district (as determined by section 23.5-4) is excluded
194 from these off-street parking exceptions unless the bed and breakfast is to be
195 established in a single-family residence whereby parking shall be provided in
196 accordance with these LDRs.

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

- 201 A. *Location.* Only properties located in the core area are eligible to utilize the fee-in-
202 lieu of parking option. The core area is more particularly described as: Those
203 properties which are bounded on the west by "A" Street and on the east by
204 Golfview Road, and on the north by 2nd Avenue North, and on the south by 1st
205 Avenue South.
- 206 B. *Payments-in lieu.* For any uses that elect to not provide any or all of the required
207 number of off-street parking spaces described in this section, the owner or
208 developer must make a payment to the city in the amount of ~~fifteen thousand~~
209 ~~dollars (\$15,000) per space not provided.~~ as specified in the City's annual Schedule
210 of Fees and Charges for Services.

- 211 C. Any changes in use, remodeling, building expansion or new construction that have
 212 the net effect of increasing parking demand by more than twenty-five (25) percent
 213 as calculated by the required parking in this section, must provide parking as
 214 required by this section unless a payment-in-lieu of parking is made to the city in
 215 the amount of ~~fifteen thousand dollars (\$15,000.00) per space not provided as~~
 216 specified in the City's annual Schedule of Fees and Charges for Services.
- 217 g) *Electric Vehicle Charging Infrastructure.* It is the purpose of the electric vehicle charging
 218 infrastructure to provide the availability of electric vehicle charging stations to residents and
 219 visitors of the city.
- 220 1. All new commercial or mixed-use developments with at least twenty-five (25) parking
 221 spaces, or existing commercial or mixed-use developments with at least twenty-five (25)
 222 parking spaces that enter into either the site plan or site plan amendment process are
 223 subject to the following:
- 224 A. Four (4) percent of the total minimum required off-street parking spaces shall be
 225 designated and outfitted as electric vehicle charging spaces. Each required space
 226 at a minimum shall include the following:
- 227 1) A maintained and operational 240-volt "Level 2" charging station, with a cable
 228 retraction device and/or place to hang permanent cords and connectors
 229 sufficiently above the ground, and mounted at a height which places the
 230 connector a minimum of thirty-six (36) inches and a maximum of forty-eight
 231 (48) inches above the ground,
 232 2) Wheel stops or concrete filled steel bollards to protect the aforementioned
 233 charging station,
 234 3) Signage allowing only electric vehicles to park in such space and indicating
 235 that it is only for electric vehicle charging purposes,
 236 4) The ability for all visitors to the site to access and use such space.
- 237 B. All spaces with electric vehicle charging infrastructure shall be located in close
 238 proximity to the building or facility entrance.
- 239 2. Any development that proposes more than twenty (20) percent of its required off-street
 240 parking to be outfitted as electric vehicle charging spaces, or operates any amount of
 241 charging stations as a primary use as determined by the development review official,
 242 shall be classified as containing an "Vehicle Fueling/Charging Service Station" use as
 243 defined in section 23.1-12 and is subject to the appropriate use approval process prior
 244 to the operation of such charging stations per section 23.3-6.
- 245 3. Charging stations in SFR, SF/TF-14, MH-7, MF-20, MF-30, or MF-40 zoning districts
 246 shall be for the exclusive use of the development's residents and guests that are visiting
 247 the development's residents, and shall not be made available to the general public.
- 248 h) *Shared parking for mixed-use zoning.* It is the purpose of the shared parking subsection to
 249 provide flexible parking provisions for the city in the appropriate mixed-use zoning districts
 250 where mixed-use developments occur. Mixed-use developments typically do not experience
 251 peak parking demands at the same time so reduced parking may be provided in these
 252 instances.
- 253 1. *Shared parking levels for mixed-use development.* When any land or building is used
 254 for two (2) or more uses, the total requirement for off-street parking shall be the sum of
 255 the requirements of the various uses computed separately, minus twenty-five (25)
 256 percent of the total required. However, in no case, shall less than eight-tenths (0.8) of
 257 a space be provided for each employee and one (1.0) space be provided for each
 258 dwelling unit.
- 259 2. *Credit for onsite transit facilities in TOD districts.* In the event onsite transit facilities are
 260 provided within two thousand (2,000) feet of a building, the parking required for that
 261 building shall be reduced by twenty-five (25) percent.

- 262 i) *Change of use or occupancy.* Where the use of a given structure is changed, off-street
 263 parking facilities must be provided for the new use according to the requirements set forth in
 264 this section.
 265 1. If a portion or all of a structure or property is changed in use which requires a greater
 266 number of off-street parking spaces, then additional parking shall be documented for
 267 the new use in accordance with section 23.4-10 and any parking non-conformity
 268 recorded.
 269 2. Any expansion, alteration, or improvement which increases the gross square footage or
 270 area of an existing structure by more than twenty-five (25) percent shall be
 271 accompanied by any corresponding increase in the number of parking or loading spaces
 272 necessary for the expansion to conform to the requirements of section 23.4-10.
 273 j) *Minimum parking dimensions.*
 274 1. The standard parking space is nine (9) feet in width and eighteen (18) feet in length in
 275 a perpendicular and/or angled configuration. Parallel parking spaces shall be nine (9)
 276 feet in width and twenty-two (22) feet in length.
 277 2. Parking lot designs:
 278 a. Parking space dimensions for other types of spaces are:
 279 i. Compact Car Spaces at eight (8) feet x sixteen (16) feet.
 280 ii. Handicapped Spaces at twelve (12) feet x eighteen (18) feet.
 281 b. Drive aisle widths shall be a minimum of twelve (12) feet for any one-way isle and
 282 twenty (20) feet for all other isles.
 283 c. For landscaping requirements in regard to parking and other vehicular use areas,
 284 see section 23.6-1(f)(3).
 285 d. For lighting requirements, see section 23.4-3.
 286 e. Up to a maximum of twenty-five (25) percent of total required spaces may be
 287 compact cars. All compact spaces must be clearly identified.
 288 f. Alternative parking lot designs which incorporate one-way aisles, two-way aisles,
 289 and diagonal parking may be used in lieu of the standard (perpendicular, two-way
 290 aisle) parking lot design.

Angle of Parking	Stall Width	Stall Depth	Aisle Width
0 degrees-parallel	9'	22'	10' one-way 20' two-way
±45 degrees	9'	18'	10' one-way 20' two-way
90 degrees	9'	18'	10' one-way 20' two-way

- 291 k) *On-street parking.*
 292 1. *Applicability.* The minimum number of required off-street parking spaces for a use or
 293 project may be satisfied, in part, by the use of on-street parking spaces located within
 294 the public right-of-way abutting that same lot or parcel.
 295 2. *Conditions.* The provision for on-street parking spaces to be used to meet the minimum
 296 number of required off-street parking spaces shall be subject to the following conditions:
 297 a. The on-street parking provision is applicable to all existing or proposed
 298 development located within all mixed use and multi-family zoning districts
 299 b. Only the on-street parking spaces located within the public right-of-way that abut
 300 the frontage of a use or project may be used to count toward meeting the minimum
 301 number of required off-street parking spaces. The on-street parking spaces must
 302 be located on the same side of the street as the subject use or project;
 303 c. The design of the on-street parking spaces must be approved by the city public
 304 services department in order to satisfy parking demand according to subsection
 305 B.1. herein; and
 306

- 307 d. On-street parking spaces utilized under this provision shall not be reserved,
- 308 temporarily or permanently, for any given use.
- 309 e. No more than fifty (50) percent of the required off-street parking requirement may
- 310 be met with on-street parking.

311 l) *Parking alternates.*

- 312 1. For the purposes of these land development regulations the following may be
- 313 substituted for on site parking spaces.
- 314 a. The provision of four (4) bicycle rack spaces shall count as one (1) parking space;
- 315 b. The provision of two (2) motorcycle or scooter spaces shall count as one (1)
- 316 parking space;
- 317 c. The provision of one (1) transit vehicle or bus space shall count as four (4) parking
- 318 spaces.
- 319 2. Alternate parking spaces including compact spaces shall count toward no more than
- 320 twenty-five (25) percent of the overall on site parking requirement.
- 321

322 **Section 3:** Severability. If any section, subsection, sentence, clause, phrase or portion
 323 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
 324 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
 325 such holding shall not affect the validity of the remaining portions thereof.

327 **Section 4:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
 328 herewith are hereby repealed to the extent of such conflict.

330 **Section 5:** Codification. The sections of the ordinance may be made a part of the City
 331 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
 332 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

334 **Section 6:** Effective Date. This ordinance shall become effective 10 days after
 335 passage.

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

- 340 Mayor Betty Resch
- 341 Vice Mayor Sarah Malega
- 342 Commissioner Christopher McVoy
- 343 Commissioner Mimi May
- 344 Commissioner Reinaldo Diaz

346 The Mayor thereupon declared this ordinance duly passed on first reading on the ____ day
 347 of _____, 2024.

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

- 353 Mayor Betty Resch
- 354 Vice Mayor Sarah Malega
- 355 Commissioner Christopher McVoy
- 356 Commissioner Mimi May
- 357 Commissioner Reinaldo Diaz

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

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LAKE WORTH BEACH CITY COMMISSION

363

364

365

By: _____

366

Betty Resch, Mayor

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ATTEST:

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Melissa Ann Coyne, MMC, City Clerk

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