

ORDINANCE 2025-29 - 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, PARAGRAPHS (f)(3) and (g), RELATED TO FEE-IN-LIEU OF PARKING AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE; 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," paragraph (f)(3) to correct and expand upon the fee-in-lieu of parking fund; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 "Development Standards," Section 23.4-10 – "Off-street parking," paragraph (g) to amend the requirements for electric vehicle charging infrastructure consistent with new legislation; 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 considered the proposed amendments at a duly advertised public hearing 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.

Section 2: Chapter 23 "Land Development Regulations, Article 4 "Development Standards," Section 23.4-10 "Off-street parking," paragraph (f)(3) is hereby amended by adding the words shown in underline type and deleting the words struck through as follows:

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~~ parking improvement fund to be allocated toward projects identified and approved by the commission as set forth herein ~~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. *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 as specified in the city's annual schedule of fees and charges for services.

C. 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 as specified in the city's annual schedule of fees and charges for services.

D. *Parking improvement fund.* All payment-in-lieu of parking fees collected shall be held within the Parking improvement trust account, which shall be managed separately and independently of other city funds. The fees shall be expended for parking infrastructure, improvements, maintenance, and operations within the Core.

Section 3: Chapter 23 "Land Development Regulations, Article 4 "Development Standards," Section 23.4-10 "Off-street parking," paragraph (g) is hereby amended by adding the words shown in underline type and deleting the words struck through as follows:

g) *Electric Vehicle Charging Infrastructure.* It is the purpose of the electric vehicle charging infrastructure to provide the availability of electric vehicle charging stations to residents and visitors of the city.

1. All new commercial or mixed-use developments with at least twenty-five (25) parking spaces, or existing commercial or mixed-use developments with at least twenty-five (25) parking spaces that enter into either the site plan or site plan amendment process ~~are subject to~~ may include the following:

A. ~~Four (4) percent of the total minimum required off-street parking spaces shall be designated and outfitted as e~~Electric vehicle charging spaces. Each required electric vehicle charging space at a minimum shall include the following:

- 1) A maintained and operational 240-volt "Level 2" charging station, with a cable retraction device and/or place to hang permanent cords and connectors sufficiently above the ground, and mounted at a height which places the connector a minimum of thirty-six (36) inches and a maximum of forty-eight (48) inches above the ground,
- 2) Wheel stops or concrete filled steel bollards to protect the aforementioned charging station,
- 3) Signage allowing only electric vehicles to park in such space and indicating that it is only for electric vehicle charging purposes,
- 4) The ability for all visitors to the site to access and use such space.

B. All spaces with electric vehicle charging infrastructure shall be located in close proximity to the building or facility entrance.

2. Any development that proposes more than twenty (20) percent of its required off-street parking to be outfitted as electric vehicle charging spaces, or operates any amount of charging stations as a primary use as determined by the development review official, shall be classified as containing an "Vehicle Fueling/Charging Service Station" use as defined in section 23.1-12 and is subject to the appropriate use approval process prior to the operation of such charging stations per section 23.3-6.
3. Charging stations in SFR, SF/TF-14, MH-7, MF-20, MF-30, or MF-40 zoning districts shall be for the exclusive use of the development's residents and guests that are visiting the development's residents, and shall not be made available to the general public.

Section 4: **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5: **Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: **Codification.** The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 7: **Effective Date.** This ordinance shall become effective 10 days after passage.

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

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

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

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

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

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

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LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk