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3 **ORDINANCE 2022-20 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 3 “ZONING DISTRICTS,”**
6 **DIVISION 7 “PUBLIC DISTRICTS,” SECTION 23.3-26 “P-PUBLIC” AND**
7 **SECTION 23.3-27 “PROS – PUBLIC RECREATION AND OPEN SPACE,”**
8 **FOR CONSISTENCY WITH THE USE TABLES IN SECTION 23.3-6 AND**
9 **CLARIFYING THE APPROVAL PROCESS FOR USES IN THE PUBLIC**
10 **DISTRICTS; AMENDING ARTICLE 3 “ZONING DISTRICTS,” DIVISION 8**
11 **“CONSERVATION DISTRICT” SECTION 23.3-28 “C –**
12 **CONSERVATION” FOR CONSISTENCY WITH THE USE TABLES IN**
13 **SECTION 23.3-6, CORRECTING A SCRIVENER’S ERROR AND**
14 **MODIFYING THE APPROVAL PROCESS TO REQUIRE CONDITIONAL**
15 **USE APPROVAL FOR NEW USES; AND AMENDING ARTICLE 3**
16 **“ZONING DISTRICTS,” DIVISION 1 “GENERALLY” SECTION 23.3-6**
17 **“USE TABLES” BY REMOVING THE “P,” “PROS” AND “C” ZONING**
18 **DISTRICTS FROM ALL USE CATEGORIES IN THE USE TABLE**
19 **EXCEPT FROM THE “TEMPORARY USES” CATEGORY; AND**
20 **PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND**
21 **AN EFFECTIVE DATE**
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23 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
24 municipality having such power and authority conferred upon it by the Florida Constitution
25 and Chapter 166, Florida Statutes; and
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27 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
28 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
29 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
30 municipal government, perform municipal functions, and render municipal services, and
31 may exercise any power for municipal purposes, except as expressly prohibited by law;
32 and
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34 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
35 body of each municipality in the state has the power to enact legislation concerning any
36 subject matter upon which the state legislature may act, except when expressly prohibited
37 by law; and
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39 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
40 Regulations,” Article 3 “Zoning Districts,” Division 7 “Public Districts,” Section 23.3-26 “P-
41 Public,” and Section 23.3-27 “PROS – Public Recreation and Open Space” for
42 consistency with the use tables in Section 23.3-6 and clarifying the approval process for
43 uses in the public districts; and
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45 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
46 Regulations,” Article 3 “Zoning Districts,” Division 8 “Conservation District,” Section 23.3-
47 28 “C- Conservation,” for consistency with the use tables in Section 23.3-6, correcting a
48 scrivener’s error and modifying the approval process to require conditional use approval
49 for new uses; and
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51 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
52 Regulations,” Article 3 “Zoning Districts,” Division 1 “Generally,” Section 23.3-6 “Use
53 Tables,” to remove the P, PROS, and C zoning districts from all use categories in the use
54 tables in this section except from the “Temporary Uses” category; and

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

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

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63 **WHEREAS**, the City Commission finds and declares that the adoption of this
64 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
65 City, its residents and visitors.

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

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

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73 **Section 2:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
74 Districts,” Division 7 “Public Districts,” Section 23.3-26 “P- Public,” is hereby amended to
75 read as follows:
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77 **Sec. 23.3-26. P—Public.**

78 a) *Intent.* The "public district" designates locations for public schools and municipal facilities
79 including City Hall, City Hall Annex, Lake Worth Public Library, Pine Crest Cemetery and
80 the reclaimed landfill site at the southern city limits. It also provides for publicly owned utility
81 facilities. Because of the diverse variety of uses permitted in the "public district" and the
82 mapping of the district throughout the city, all uses are permitted as conditional uses. The
83 P public district implements the P public land use category of the Lake Worth
84 Comprehensive Plan.

85 b) *Use restrictions.* Uses permitted by right and as conditional uses shall be subject to the
86 applicable provisions of Article 4, Development Standards. ~~Refer to the permitted use table~~
87 ~~at section 23.3-6 for a complete list of uses.~~

88 1. *Principal uses permitted by right in P public district.* No uses are permitted by right
89 in the P public district. All principal uses shall be subject to conditional use review.

90 2. *Principal uses permitted as ~~either administrative or conditional~~ uses in P public*
91 *district.*

92 A. Office uses - low to high intensity.

93 B. Institutional uses - low to high intensity.

94 C. Public uses, including recreational facilities - low to high intensity.

95 D. Cultural & Artisanal uses, including radio and television broadcasting studios &
96 assembly uses such as a performing arts theater - low to high intensity.

97 E. Vehicular & Industrial uses in support of governmental & school/educational
98 operations, including warehouse (indoor storage) and repair and maintenance
99 facilities - low to high intensity.

100 ~~E.D.~~ Heavy utility facilities.

101 ~~G E.~~ Light utility facilities.

102 ~~H.F.~~ Marinas.

103 ~~I.G.~~ Power plants generation facilities & substations.

104 ~~J.H.~~ Public safety facilities, including fire stations and police stations.

105 ~~K. I.~~ Water towers.

106 ~~L. J.~~ Essential services.

107 ~~M. K.~~ Communication towers.

108 ~~L.~~ Radio and television broadcasting studios

109 N. Cemetery

110 O. Community facilities such as community centers, nature centers, community
111 gardens, libraries, museums, and ballroom, banquet, and meeting rooms.

112 P. Outdoor Markets & Mobile Food Vending Courts

113 3. *Accessory uses permitted as either administrative or conditional uses in P public*
114 *district. Any use accessory to and customarily incidental to a permitted principal use,*
115 *including commercial, retail and educational uses, permitted as either an*
116 *administrative if less than 2,500 sf, or as a conditional use if greater than 2,500 sf.*

117 c) *Development regulations for P public district sites which lie adjacent to land zoned for*
118 *residential use. P public district sites which lie adjacent to any parcel zoned with a district*
119 *with the term "residential" in its name shall be subject to minimum development regulations*
120 *as set forth below, or by higher development regulations if determined necessary pursuant*
121 *to conditional use review and approval. All new public buildings shall use green/sustainable*
122 *building design and obtain LEED certification.*

123 1. *Minimum lot dimension for P public district.*

124 A. Minimum lot area: Six thousand five hundred (6,500) square feet.

125 B. Minimum lot width: Fifty (50) feet.

126 2. *Maximum height of buildings in P public district.*

127 A. Principal building: Sixty-five (65) feet.

128 B. Garages and other accessory buildings: Twenty-five (25) feet.

129 3. *Minimum setbacks for building in P public district.*

130 A. Minimum front setback: Twenty (20) feet.

131 B. Minimum side setback:

132 (1) From street side lot lines: Twenty (20) feet.

133 (2) From interior side lot lines adjacent to land zoned in any district other than
134 a district with the term "residential" in its name: none.

135 (3) From interior side lot lines adjacent to land zoned in any district with the
136 term "residential" in its name: Ten (10) feet.

137 C. Minimum rear setback: Ten (10) feet.

- 138 D. Buildings in excess of thirty-five (35) feet in height shall provide an additional
139 front and rear setback of between eight (8) and twelve (12) feet to the minimum
140 required front and rear setbacks.
- 141 4. *Floor area ratio.* The maximum FAR is 2.0.
- 142 5. *Maximum impermeable surface for use in P public district.* The maximum permitted
143 impermeable surface for nonresidential uses in the P public district shall be sixty-
144 five (65) percent.
- 145 d) *Development regulations for P public district sites which do not lie adjacent to land zoned*
146 *for residential use.* P public district sites which do not lie adjacent to any parcel zoned with
147 a district with the term "residential" in its name shall be subject to minimum development
148 regulations as set forth in the most restrictive adjacent district.
- 149 e) *Supplemental regulations for the P public district.* ~~Uses permitted by right and uses~~
150 ~~permitted as either administrative or conditional~~ All uses shall be subject to applicable
151 provisions of Article 4, Development Standards.

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153 **Section 3:** Chapter 23 "Land Development Regulations," Article 3 "Zoning
154 Districts," Division 7 "Public Districts," Section 23.3-27 "PROS—Public recreation and
155 open space," is hereby amended to read as follows:
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157 **Sec. 23.3-27. PROS—Public recreation and open space.**

- 158 a) *Intent.* The public recreation and open space district designate locations for parks and
159 other outdoor open space areas intended for active and passive use. The district
160 implements the public recreation and open space land use category in the Lake Worth
161 Comprehensive Plan.
- 162 b) *Use restrictions.* Uses permitted by right and as conditional uses shall be subject to the
163 applicable provisions of Article 4, Development Standards. ~~Refer to the permitted use table~~
164 ~~at section 23.3-6 for a complete list of uses.~~
- 165 1. *Principal uses permitted by right in PROS district.*
- 166 A. Parks and other outdoor open space areas intended for passive use.
- 167 B. Essential services.
- 168 2. *Principal uses permitted as ~~either administrative or conditional~~ uses.*
- 169 A. Public uses - medium to high intensity.
- 170 B. Institutional uses - medium to high intensity.
- 171 C. Cemetery.
- 172 D. Gymnastic studios / training facilities & gym/studio for dance or fitness
- 173 E. Ballroom, banquet and meeting rooms
- 174 F. Governmental Administrative Office
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- 176 3. *Accessory uses permitted by right.* Any use accessory to and customarily incidental
177 to a principal use permitted by right.
- 178 4. *Accessory uses permitted as either administrative or conditional uses in PROS*
179 *district.* Any use accessory to and customarily incidental to a principal use permitted

as a conditional use shall be permitted as either an administrative use if less than 2,500 sf, or as a conditional use if greater than 2,500 sf.

c) *Development regulations.*

1. Height: Thirty-five (35) feet.
2. Setback: Twenty (20) feet from all lot lines.
3. Floor area ratio: Maximum FAR of 0.1.

Section 4: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 8 “Conservation District,” Section .3-28 “C—Conservation,” is hereby amended to read as follows:

Sec. 23.3-28. C—Conservation.

a) *Intent.* The C conservation district is intended to provide standards for the protection and preservation of areas having natural beauty and to mitigate the effects of development on the environment. A conservation area designation can be applied to a tract of land to provide protected status in order to ensure that natural features or biota are safeguarded. A conservation area may be a nature reserve, a park, a land reclamation project or other area.

b) *Use restrictions.* Uses permitted by right and as either administrative or conditional uses shall be subject to the applicable provisions of Article 4, Development Standards. ~~Refer to the permitted use table at section 23.3-6 for a complete list of uses.~~

1. *Permitted uses by right.* No uses are permitted by right in the C – conservation district. ~~P-public district~~. All uses shall be subject to conditional use review.

2. *Principal u*~~Uses permitted as either administrative or conditional uses.~~

- A. Botanical research and education.
- B. Marine uses, kayak, canoe and other non-motorized watercraft.
- C. Marine research and education.
- D. Marinas and associated uses.
- E. Limited dockage.
- F. Nature, foot and bicycle trails.
- G. Public and private nature preserves.
- H. Public parks.
- I. Water conservation areas, reservoirs and control structures.
- J. Accessory structures not exceeding five hundred (500) square feet.
- K. Accessory uses in support of the intent of the district that facilitate public access to the conservation area, including nature and welcome centers.

c) *Prohibited uses.* The following uses are prohibited in the CON conservation district:

1. Wheeled or tracked vehicles, prop (agitation) dredging and airboats are prohibited. Government and emergency vehicles are exempt.
2. Any use which has an adverse impact upon the habitat, bird roosting areas, archaeological sites, endangered or threatened wildlife species causing the

221 deterioration of the habitat, physical alteration of the environment, or prohibiting the
222 propagation or causing the extermination thereof is prohibited.

223 d) *Development regulations.*

- 224 1. Height: Thirty-five (35) feet.
- 225 2. Setback: Twenty (20) feet from all lot lines.

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228 **Section 5:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
229 Districts,” Division 1 “Generally,” Section 23.3-6 “Use Tables,” is hereby amended to
230 remove the P, PROS, and C zoning districts from all use categories in the use tables
231 except from the “Temporary Uses” category.

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234 **Section 6:** Severability. If any section, subsection, sentence, clause, phrase or
235 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
236 competent jurisdiction, such portion shall be deemed a separate, distinct, and
237 independent provision, and such holding shall not affect the validity of the remaining
238 portions thereof.

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240 **Section 7:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
241 conflict herewith are hereby repealed to the extent of such conflict.

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243 **Section 8:** Codification. The sections of the ordinance may be made a part of
244 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
245 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
246 any other appropriate word.

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248 **Section 9:** Effective Date. This ordinance shall become effective 10 days after
249 passage.

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251 The passage of this ordinance on first reading was moved by Commissioner
252 Malega, seconded by Vice Mayor McVoy, and upon being put to a vote, the vote was as
253 follows:

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255	Mayor Betty Resch	AYE
256	Vice Mayor Christopher McVoy	AYE
257	Commissioner Sarah Malega	AYE
258	Commissioner Kimberly Stokes	AYE
259	Commissioner Reinaldo Diaz	AYE

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261 The Mayor thereupon declared this ordinance duly passed on first reading on the
262 6th day of December, 2022.

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

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Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega
Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk