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3 **ORDINANCE 2022-xx - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 3 “ZONING DISTRICTS,”**
6 **DIVISION 2 “RESIDENTIAL DISTRICTS,” SECTION 23.3-7 “SFR –**
7 **SINGLE-FAMILY RESIDENTIAL,” SECTION 23.3-8 “SF-TF – SINGLE-**
8 **FAMILY AND TWO FAMILY RESIDENTIAL,” SECTION 23.3-10 “MF-20**
9 **– MULTIFAMILY RESIDENTIAL,” SECTION 23.3-11 “MF-30 – MEDIUM**
10 **DENSITY MULTI-FAMILY RESIDENTIAL,” AND SECTION 23.3-12 “MF-**
11 **40 – HIGH DENSITY MULTI-FAMILY RESIDENTIAL,” TO REDUCE THE**
12 **MINIMUM SIDE SETBACK REQUIREMENT FOR LOTS OVER 50 FEET**
13 **TO A MINIMUM OF FIVE (5) FEET; AND PROVIDING FOR**
14 **SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE**
15 **DATE**

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17 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
18 municipality having such power and authority conferred upon it by the Florida Constitution
19 and Chapter 166, Florida Statutes; and
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21 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
22 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
23 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
24 municipal government, perform municipal functions, and render municipal services, and
25 may exercise any power for municipal purposes, except as expressly prohibited by law;
26 and
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28 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
29 body of each municipality in the state has the power to enact legislation concerning any
30 subject matter upon which the state legislature may act, except when expressly prohibited
31 by law; and
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33 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
34 Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-
35 7 “SFR – Single-family residential,” Section 23.3-8 “SF-TF – Single-family and two family
36 residential,” Section 23.3-10 “MF-20 – Multifamily residential,” Section 23.3-11 “MF-30 –
37 Medium density multi-family residential,” and Section 23.312 “MF-40 – High density multi-
38 family residential,” to reduce the minimum side setback requirement for lots over 50 feet
39 to a minimum of five (5) feet allowing additional flexibility in the placement of accessory
40 structures and pools; and
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42 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
43 agency, considered the proposed amendments at a duly advertised public hearing; and
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45 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
46 planning agency, considered the proposed amendments at a duly advertised public
47 hearing; and
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49 WHEREAS, the City Commission finds and declares that the adoption of this
50 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
51 City, its residents and visitors.

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53 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
54 CITY OF LAKE WORTH BEACH, FLORIDA, that:

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

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59 **Section 2:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
60 Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family
61 residential,” is hereby amended to read as follows:
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63 **Sec. 23.3-7. SFR – Single-family residential.**

64 c) *Development regulations for uses permitted by right*

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66 *portion of table omitted for brevity.*

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth for primary structures, whichever is less. 5 ft. for accessory structures.
	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.
	Accessory	A. 10% lot width, minimum side setback of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width. B. Minimum rear setback of five (5) feet
	Bonus Height	N/A

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68 *portion of table omitted for brevity.*

69 3. *Minimum setbacks.*

70 B. Minimum side setback:

- 71 (1) Ten (10) percent of lot width, with a minimum of three (3) feet up to a
72 minimum of ten (10) feet for lots over one hundred (100) feet in width.
- 73 (2) Two-story buildings shall have side set back of five (5) feet minimum.
- 74 (3) Roof overhangs shall not project more than two (2) feet into the setback.
- 75 (4) Accessory structures and pools shall have a side setback of 10% of lot
76 width, with a minimum setback of three (3) feet up to a minimum of five
77 (5) feet for lots over 50 ft. in width.

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79 **Section 3:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
80 Districts,” Division 2 “Residential Districts,” Section 23.3-8 “SF-TF – Single-family and
81 two-family residential,” is hereby amended to read as follows:
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83 **Sec. 23.3-8. SF-TF – Single-family and two-family residential.**

84 c) *Development regulations for uses permitted by right.*

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portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth for primary structures, 5 ft. for accessory structures
	Side	10% of lot width, minimum of 3 feet up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.
	Accessory	A. <u>10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width.</u> B. <u>Minimum rear set back of five (5) feet</u>
High Rise	N/A	

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portion of table omitted for brevity.

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3. *Minimum setbacks.*

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B. Minimum side setback:

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(1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.

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(2) Two-story buildings shall have side set back of five (5) feet minimum.

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(3) Roof overhangs shall not project more than two (2) feet into the setback.

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(4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width.

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Section 4: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-10 “MF-20 – Multi-family residential,” is hereby amended to read as follows:

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Sec. 23.3-28. MF-20 – Multi-family residential.

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c) *Development regulations for uses permitted by right.*

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portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth. 5 ft. for accessory structures.
	Side	10% of lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. <u>10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width.</u> B. <u>Minimum rear set back of five (5) feet</u>
High Rise	N/A	

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portion of table omitted for brevity.

- 110 3. **Minimum setbacks.**
 111 B. Minimum side setback:
 112 (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum
 113 of ten (10) feet for lots over one hundred (100) feet in width.
 114 (2) Two-story buildings shall have a side set back of five (5) feet minimum.
 115 (3) Roof overhangs shall not project more than two (2) feet into the setback.
 116 (4) Accessory structures and pools shall have a side setback of 10% of lot width,
 117 with a minimum setback of three (3) feet up to a minimum of five (5) feet for
 118 lots over 50 ft. in width.
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 121 **Section 5:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
 122 Districts,” Division 2 “Residential Districts,” Section 23.3-11 “MF-30 – Medium density
 123 multi-family residential,” is hereby amended to read as follows:
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125 **Sec. 23.3-28. MF-30 – Medium density multi-family residential.**

126 c) *Development regulations for uses permitted by right.*

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 128 *portion of table omitted for brevity.*

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth. 5 ft. for accessory structures.
	Side	10% of lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. 10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width.
		B. Minimum rear set back of five (5) feet
	Bonus Height and Stories	For all stories above the second story, both the front façade and rear façade must be set back an additional distance beyond the minimum.
		A. Front façade for third story must have front setback of eight (8) to twelve (12) feet in addition to minimum.
		B. Rear façade for third floor must have rear setback of eight (8) to twelve (12) feet in addition to minimum.

129 *portion of table omitted for brevity.*

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 131 3. **Minimum setbacks.**
 132 B. Minimum side setback:
 133 (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum
 134 of ten (10) feet for lots over one hundred (100) feet in width.
 135 (2) Two-story buildings shall have a side set back of five (5) feet.
 136 (3) Roof overhangs shall not project more than two (2) feet into the setback.
 137 (4) Minimum street side setback: Ten (10) feet up to a maximum of twenty-two (22)
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(5) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width.

Section 6: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-10 “MF-40 – High density multi-family residential,” is hereby amended to read as follows:

149 **Sec. 23.3-28. MF-40 – High density multi-family residential.**

150 c) *Development regulations for uses permitted by right.*

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portion of table omitted for brevity.

Setback	Front	10 ft.
	Rear	15 ft. or 10% of lot depth when next to a residential district. 10 ft. in general. 5 ft. for accessory structure
	Side	Street lot side - 10 ft. minimum up to a maximum of 22 ft.
		Interior lot side - 10% of width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. <u>10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width.</u> B. Minimum rear set back of five (5) feet
	Bonus Height and Stories	For all stories above the second story, both the front façade and rear façade must be set back an additional distance beyond the minimum.
		A. Front façade for third story must have front setback of eight (8) to twelve (12) feet in addition to minimum.
		B. Rear façade for third floor must have rear setback of eight (8) to twelve (12) feet in addition to minimum.
		C. Façades facing major thoroughfares must have setbacks of eight (8) to twelve (12) feet in addition to minimum for third story and above.

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portion of table omitted for brevity.

155 **3. Minimum setbacks.**

156 **B. Minimum side setback:**

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- (1) Minimum street side setback: Ten (10) feet up to a maximum of twenty-two (22) feet.
- (2) Minimum interior side setback: Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (3) Two-story buildings shall have a side set back of at least five (5) feet.
- (4) Roof overhangs shall not project more than two (2) feet into the setback.

(5) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width.

Section 7: 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 8: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9: 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 10: 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 Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

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

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 Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

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

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LAKE WORTH BEACH CITY COMMISSION

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By: _____

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Betty Resch, Mayor

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ATTEST:

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Melissa Ann Coyne, City Clerk

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