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ORDINANCE 2024-03 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 SECTION 23.3-25 “PLANNED DEVELOPMENT DISTRICT,” PARAGRAPH (e). “MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT,” PROVIDING FOR TOWNHOUSES WITHIN THE SINGLE-FAMILY RESIDENTIAL (SF-R) ZONING DISTRICT AS PART OF A RESIDENTIAL ONLY MIXED USE URBAN PLANNED DEVELOPMENT; 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 3 “Zoning Districts,” to amend, Section 23.3-25 – Planned Development District to provide for townhouses within the single-family residential (SF-R) zoning district as part of a residential only mixed use urban planned development within the City of Lake Worth Beach; 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.

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Section 2: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Section 23.3-25 “Planned Development District,” Paragraph (e). “Mixed use urban planned development district,” is hereby amended to read as follows:

e) Mixed use urban planned development district.

1. *Location.* Urban planned developments may be located in any mixed use district, such as Mixed Use — East, Mixed Use — West, Mixed Use — Dixie Highway, Mixed Use — Federal Highway, Transit Oriented Development — East, Transit Oriented Development — West and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

2. *Minimum area required.* The minimum area required for an urban planned development district shall be one-half (0.5) acres.

3. *Permitted uses.* Permitted uses within a mixed use urban development are shown in [article 3](#) of these LDRs. An urban planned development may be residential alone or may be any mixture of residential, retail, commercial, office, personal services, institutional, and cultural and artisanal arts or other uses specifically listed with the use tables of [section 23.3-6](#) for the districts where the planned development is to be located.

4. *Required setbacks.* Required setbacks shall be as provided in these LDRs for the zoning district in which the planned development is to be located.

5. *Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to [article 4](#) of these LDRs.

6. *Landscaping/buffering.* Landscaping and buffering shall be provided as required by [section 23.6-1](#).

7. *Illumination.* Any source of illumination located within a commercial or industrial planned development district shall not exceed one (1) foot candle at or beyond the boundaries of such development.

8. *Outdoor storage.* All outdoor storage facilities are prohibited in any mixed use urban planned development district.

9. *Sustainability.* All mixed use urban planned development districts shall include provisions for sustainability features such as those listed in [section 23.2-33](#), City of Lake Worth Sustainable Bonus Incentive Program.

10. *Townhouses.* Residential only mixed use urban planned development districts located within a single-family residential (SF-R) zoning district, a project may utilize townhouses. Use of townhouses shall not, in and of itself, provide a bonus on density, intensity or height.

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

104
105 **Section 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
106 conflict herewith are hereby repealed to the extent of such conflict.

107
108 **Section 6:** Codification. The sections of the ordinance may be made a part of
109 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
110 accomplish such, and the word "ordinance" may be changed to "section", "division", or
111 any other appropriate word.

112
113 **Section 7:** Effective Date. This ordinance shall become effective 10 days after
114 passage.

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

- 118
119 Mayor Betty Resch
120 Vice Mayor Christopher McVoy
121 Commissioner Sarah Malega
122 Commissioner Kimberly Stokes
123 Commissioner Reinaldo Diaz
124

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

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128
129 The passage of this ordinance on second reading was moved by
130 _____, seconded by _____, and upon being put to a vote,
131 the vote was as follows:

- 132
133 Mayor Betty Resch
134 Vice Mayor Christopher McVoy
135 Commissioner Sarah Malega
136 Commissioner Kimberly Stokes
137 Commissioner Reinaldo Diaz
138

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

141
142 LAKE WORTH BEACH CITY COMMISSION

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145 By: _____
146 Betty Resch, Mayor

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ATTEST:

Melissa Ann Coyne, City Clerk