

ORDINANCE 2020-07 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2, "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 2, "SITE DESIGN QUALITATIVE STANDARDS" - SECTION 23.2-31. - SITE DESIGN QUALITATIVE STANDARDS; ARTICLE 3 "ZONING DISTRICTS" DIVISION 3, "MIXED USE DISTRICTS," SECTION 23.3-18 - MU-W MIXED USE WEST; ARTICLE 3 "ZONING DISTRICTS", DIVISION 6, "PLANNED DEVELOPMENT", SECTION 23.3-25 - PLANNED DEVELOPMENT DISTRICT; ARTICLE 4 "DEVELOPMENT STANDARDS, SECTION 23.4-10 - OFF STREET PARKING; AND SECTION 23.4-13 - ADMINISTRATIVE USES AND CONDITIONAL USES; AND ARTICLE 5 "SUPPLEMENTAL REGULATIONS", DIVISION 3, "NONCONFORMITIES", SECTION 23.5-3 - NON-CONFORMITIES OF THE CITY'S CODE OF ORDINANCES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, 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"), a municipal corporation, 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 the Definitions section of its code to address inconsistencies and conflicts; and

WHEREAS, the City wishes to amend the Site Design Qualitative Standards for Vehicular fueling/charging section to address emerging technology and fueling options; and

WHEREAS, the City wishes to amend the Mixed Use West (MU-W) section to provide clarity and address a conflict; and

WHEREAS, the City wishes to amend the Planned Development District (PDD) section to provide clarity and consistency; and

WHEREAS, the City wishes to amend the Medium and High Intensity Conditional Uses to provide clarity and consistency; and

WHEREAS, the City wishes to amend the Off Street Parking section of the code to address alternative parking options and changes in demand;

WHEREAS, the City wishes to amend the Nonconformities section of the code to address non-conforming buildings and structures; 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 reviewed the proposed amendments 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 1, “General Provisions,” Division 2, “Definitions,” Sec. 23.1-12. – Definitions of the City’s Code of Ordinances, is hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit A**.

Section 3: Chapter 23 “Site Design Qualitative Standards,” Article 2, “Administration,” Division 3 “Permits,” Sec. 23.2-31 is hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit B**.

Section 4: Chapter 23 “Land Development Regulations,” Article 3, “Zoning Districts,” Division 3, “Mixed Use Districts,” Sec. 23.2-18. – MU-W – Mixed Use West; and Article 3, “Zoning Districts,” Division 6, “Planned Development,” Sec. 23.2-33. –PDD- Planned Development District - of the City’s Code of Ordinances, are hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit C**.

Section 5: Chapter 23 “Land Development Regulations,” Article 4, “Development Standards” Sec. 23.4-13. – Administrative Uses and Medium and High Intensity Conditional Uses; and Article 4, “Development Standards” Sec. 23.4-10 – Off

Street Parking, are hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit D**.

Section 6: Chapter 23 “Land Development Regulations,” Article 5, “Supplemental Regulations,” Division 3 “Nonconformities,” Sec. 23.5-3 – Nonconformities, is hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit E**.

Section 5. 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 6. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. 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 8. Effective Date. This ordinance shall become effective 10 days after passage.

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

Mayor Pam Triolo	AYE
Vice Mayor Andy Amoroso	AYE
Commissioner Scott Maxwell	AYE
Commissioner Omari Hardy	AYE
Commissioner Herman Robinson	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 2nd day of June, 2020.

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

Mayor Pam Triolo	AYE
Vice Mayor Andy Amoroso	AYE
Commissioner Scott Maxwell	AYE
Commissioner Omari Hardy	AYE
Commissioner Herman Robinson	AYE

The Mayor thereupon declared this ordinance duly passed on the 16th day of June, 2020.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Deborah Andrea, CMC, City Clerk

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 1, "General Provisions," Division 2, "Definitions"

Sec. 23.1-12. - Definitions.

Building height: The vertical distance measured from the minimum required floor or base flood elevation or of twelve (12) inches above the crown of the road, whichever is greater less, to (a) the highest point of a flat roof; (b) the deck line of mansard roof, (c) the average height between eaves and ridge for gable, hip, and gambrel roofs, or (d) the average height between high and low points for a shed roof or (e) the average height of a parapet. The measurement of height shall not include decorative architectural elements, chimneys, mechanical equipment, church steeples, stair and/or elevator overruns and architecturally integrated signage, which may extend an additional ten (10) feet but cannot cover cumulatively more than ten (10) percent of the roof surface. In no instance shall any part of a building exceed the overall height as described in the City's Charter provisions Sec. 11 – Building height limitation.

Parapet: That portion of a façade which extends above the roof line. A parapet may include a balustrade or protective railing up to 42 inches above the roof line ~~maximum building height~~, subject to City Charter limitations.

~~*Convenience store accessory to gasoline sales:* An establishment not exceeding two hundred fifty (250) square feet and incidental to the sale of gasoline as a principal use.~~

Stand alone retail: A single retail use occurring in a singular structure. See "single-destination retail uses."

Vehicle fueling/charging service station: A vehicle fueling/charging service station is an establishment whose principal business is the retail dispensing of automobile fuels and energy for vehicles, but whose business may also include the selling and installation of oil, grease, batteries, tires and other vehicle accessories. The following services may be rendered and sales made, and no other:

- (1) Fuel, energy, oil and grease sales;
- (2) Sales and servicing related to spark plugs, batteries, distributors and distributor parts;

- (3) Tire sales;
- (4) Tire servicing and repair, but not recapping or regrooving;
- (5) Replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, mufflers, shock absorbers, mirrors and the like;
- (6) Provision of water and supplements for radiator fluids, and the like;
- (7) Washing and polishing, limited to facilities for washing one (1) vehicle ~~car~~ at a time, and sale of vehicle ~~automotive~~ washing and polishing materials, but not the operation of vehicle ~~automobile~~-washing establishments;
- (8) Providing and preparing fuel pumps and lines;
- (9) Minor servicing and repair of carburetors;
- (10) Minor servicing of air conditioners;
- (11) Vehicular ~~Automotive~~-wiring repairs;
- (12) Brake repair;
- (13) Motor repairs not involved in removal of the motor from the vehicle ~~head or crankcase~~;
- (14) Greasing and lubrication;
- (15) Provision of air for tires;
- (16) Sales of cold drinks, candies, tobacco products and similar goods for ~~service station~~ customers, but only as accessory and incidental to the principal business operation;
- (17) Provision of road maps and other informational material for customers;
- (18) Provision of restroom facilities.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3 "PERMITS"

Sec. 23.2-31. - Site design qualitative standards.

- e) ~~Gasoline stations.~~ Gasoline stations must follow all criteria set forth in this section, including the following additional criteria:
1. ~~Symbolic colors of the exterior façades or roofs may not be used unless they are harmonious with the atmosphere in the neighborhood and the city as well as appropriate to the architectural style of the proposed building(s).~~
 2. ~~Exterior display of goods for sale or those designating a service will not be allowed. However, gasoline station displays of goods and tools or services may be displayed on the pump island, provided that the island is not considered by the board to be enlarged to take advantage of this provision, and provided that the goods and tools are such that they can be used or installed at the island. For example, an oil rack is acceptable but a tire display is not.~~
 3. ~~Areas used to store materials such as mufflers, tires, packing crates or cases, refuse and garbage shall be screened from adjacent property and from the public view.~~

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts," Division 3, MIXED USE DISTRICTS

Sec. 23.3-18. – MU-W – Mixed use west.

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

5. *Maximum impermeable surface.* The maximum impermeable surface shall be:

A. Sixty-five (65) percent for lots up to four thousand nine hundred ninety-nine (4,999) square feet;

B. Sixty-five (6560) percent for lots between five thousand (5,000) square feet and seven thousand four hundred ninety-nine (7,499) square feet; and

C. Sixty-five ~~Fifty-five~~ (6560) percent for lots seven thousand five hundred (7,500) square feet and greater.

Article 3, "Zoning Districts," Division 6, Planned Development

Sec. 23.3-25. – Planned Development District.

e) *Mixed use urban planned development.*

1. Location. Urban planned developments may be located in any mixed use district east of Interstate 95, 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.

f) *Amendments to approved planned development master plans.* Minor amendments to existing planned development master plans may be approved by the development review official ~~planning and preservation manager~~.

EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Article 4, "Development Standards"

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 there be provided on the building site, off-street parking facilities for the entire building as set forth in this section. A certificate of occupancy for the given structure or premises shall be prohibited until the required parking area has been improved, inspected and approved.
 2. Fractional measurements. When units or measurements determining the number of required off-street parking spaces result in the requirement of a fractional space, any such fraction of one-fourth ($\frac{1}{4}$) or greater shall require a full space.
 3. Parking prohibited. Parking is prohibited on lawns or landscaping areas in all zoning districts. Parking shall be confined to designated marked parking spaces in all districts except SF-R7 and SF TF-14 districts. In SF- R7 and SF TF-14 districts, parking is limited to driveways, carports, garages or marked parking spaces. ~~No vehicle in excess of three-quarter ton shall be parked in any residential district except when used for temporary construction or service purposes.~~
 4. Parking for the disabled. Required parking shall include parking spaces for disabled persons in accordance with the requirements of F.S. § 553.501 et seq., the "Florida Americans With Disabilities Accessibility Implementation Act" ("Florida ADAIA") and the Americans with Disabilities Act Accessibility Guidelines, as adopted by reference in 28 C.F.R., Part 36, Subparts A and D, and Title II of Pub. L. No. 101-336, which are also incorporated by reference into the Florida ADAIA.
 5. Uses not specifically mentioned. For any use not specifically mentioned in this section, the development review official zoning administrator shall identify a similar use that is specifically listed and apply the required parking standards accordingly.
 6. Joint use of off-street parking facilities. Nothing in this section shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operators, provided that the total of such spaces, when combined or used

together, shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this section. Such facilities shall be permanently maintained for such joint use, and shall not be discounted in whole or in part unless other suitable facilities conforming with this section are provided.

b) *Location.*

1. Unless otherwise specified herein, parking spaces for all residential uses shall be located on the same lot with the main building to be served. Such parking space may consist of a carport, garage or parking area as defined in this section. Parking beneath a building is expressly allowed and such space shall not be included as a "story" of the building.

A. Parking off of an alley.

- 1) Parking provided off of an alley shall maintain a twenty-foot back-out, which includes the width of the alley.
 - 2) If a building is located between a ROW and a vehicular area, foundation plantings shall be provided.
2. Parking spaces for all other single uses, in all districts except all ~~commercial~~ and the Industrial Park of Commerce – I-POC uses, shall be provided on the same lot or in conformance with the requirements for transitional parking lots (section 23.4-13).
3. Parking spaces for those properties in all ~~commercial~~ and mixed use districts with a mix of uses are allowed to provide required parking at an off-site location anywhere within four hundred (400) feet of the proposed use. Parking spaces for those properties in all industrial use districts are allowed to provide required parking at an off-site location anywhere within five hundred (500) feet of the proposed use. In each case, such parking lots shall be tied to the mixed use or commercial or industrial site by unity of title. Properties with the single use of residential must provide on-site parking.

c) *Access.*

1. All parking spaces shall have unobstructed on-site access to a paved public right-of-way.
2. All properties using State Roads 802, 805 and 5; and 6th Avenue South, 10th Avenue North, Worthmore Drive and Lake Osborne Drive as access to their on-site parking shall provide maneuvering space to permit vehicles to enter and leave the parking area in a forward motion.
3. No building permit shall be issued by the city for any on-site improvements where the building plans submitted show that the access to any on-site parking space requires the use of unimproved public right-of-way, unless and until:
 - A. The owner enters into an agreement with the city agreeing to the paving, at said owner's expense, of the unimproved right-of-way from paved street to street, and such owner posts a cash bond with the city in an amount determined by the city engineer to be sufficient to cover the actual costs of

improvements, including engineering fees, with said engineering fees refundable upon the city's acceptance of the improvements; or

- B. A petition, signed by a majority of the property owners abutting the unimproved public right-of-way and requesting the paving of the unimproved public right-of-way with the costs thereof to be assessed against the benefited properties, is presented to the city commission; a public hearing is held therefore; and, a contract is let for said project.
 - C. No certificate of occupancy shall be issued in either case until said improvements are completed and accepted for perpetual maintenance by the City of Lake Worth.
4. Single-family buildings, duplexes, multiple-family buildings of four (4) units or fewer and commercial businesses not exceeding one thousand (1,000) feet of gross floor area shall be exempt from the provisions of this section.
- d) *Material.* Each parking space shall be surfaced with a hard impermeable dustless material, either solid in area or in individual concrete strips or other approved materials, in accordance with City of Lake Worth standards. Required off-street parking for single family and two family dwelling units may utilize permeable materials, such as permeable pavers, gravel, stone, shell rock, and turf block, in lieu of impermeable material as long as it meets the following criteria:
 - 1. Appropriate stabilization must be established to keep permeable materials out of the ROW and storm water systems;
 - e) *Drainage.* All off-street parking facilities shall be drained so as not to cause any nuisance to adjacent private or public property.
 - f) *Minimum parking space requirements by use category.* See table below:

Principal Use	Minimum Number of Spaces	Additional Requirements
<i>Residential:</i>		
Single-family dwelling	2 spaces	1 space for 25' lots
Two-family dwelling	2 spaces per unit	1 space per unit for 25' lots
Accessory dwelling unit	1 space in addition to that required for the primary dwelling	
Mobile homes	2 spaces per mobile home	
Multi-family dwelling	1 space per bedroom with a max. of 2 spaces per unit; additional 0.5 guest space per efficiency and 1 bedroom unit; no additional guest spaces required for units containing 2 or more bedrooms	1 additional space if rental/sales office on-site. On-street parking may be counted towards required parking.

<i>Lodging, retirement homes, overnight medical facilities:</i>		
Hotels/motels	1 space per sleeping room; 2 additional spaces for office	Additional 50% of required parking to accommodate any accessory uses, such as restaurants, bars, conference centers, etc.
Bed and breakfast inns	1 space per sleeping room, plus 1 space for manager, owner or operator, plus 1 space for each employee	Available on-street parking spaces along the legal lot frontage of the property shall be the only credit to the required parking
Boarding houses, rooming houses, dormitories	1 space per sleeping room, plus 1 space for manager, owner or operator, plus 1 space for each employee	
Nursing Homes	1 space per 2 patient beds	1 space per 2 employees for on-site care providers
Hospitals	1.5 spaces per patient bed	
<i>Industrial, service facilities:</i>		
Vehicle service facilities	2 spaces per service bay plus 1 space per 200 square feet of non-service floor area	
Motor vehicle sales and service	1 space per 100 square feet of showroom floor area; 1 space per service bay	
Vehicle filling and service stations	Service stations: Min. 6 spaces, plus 1 additional space per service bay.	
	Filling stations: Min. 6 spaces.	
Industrial or manufacturing	1 space per 1000 square feet gross floor area or 1 space per employee, whichever is greater	
Mini-warehouses	1 space per 2,500 square feet rentable area, plus 1 space for non-resident manager or 2 spaces for on-site resident manager	

Warehouse or wholesale distribution	1 space per 500 square feet gross floor area	
Bus station	1 space per 300 square feet gross office and waiting area	
<i>Office, professional facilities:</i>		
Banks	1 space per 300 square feet gross floor area	
Business, professional, government, similar offices	1 space per 300 square feet gross floor area, but no less than 0.8 space per employee	
Medical clinics, dentist, doctor, similar offices	6 spaces for each doctor/dentist, plus 1 space per employee	
<i>Commercial, personal services:</i>		
Beauty, barber shops, similar personal services	1 space per 200 square feet gross floor area or 2 spaces for each beauty or barber chair, whichever is greater	
Convenience store	1 space per 100 square feet gross floor area	
Day care facilities	2 spaces or 1 space per employee, whichever is greater; plus 1 space for each 10 children	
General retail store	1 space per 200 square feet gross floor area	
Laundromats and self-service dry cleaning establishments	1 space for each 2 washing or dry cleaning machines	
Mortuaries	1 space per 50 square feet floor area used for services	
New vehicle sales and service	3 spaces per service bay; plus 1 space per 300 square feet non-service floor area or 1 space per employee, whichever is greater	
Shopping centers, supermarkets	1 space per 250 square feet gross leasable area	

Showroom-type establishments over 10,000 square feet, including furniture, appliance and household equipment, similar uses	1 space per 700 square feet gross floor area	
<i>Restaurants, bars, nightclubs:</i>		
Drive-in or drive-through restaurants	Drive-in: 1 space per 50 square feet gross floor area;	
	Drive-through: 1 space per 75 square feet gross floor area	
Drive-in or drive-through restaurants	Drive-in: 1 space per 50 square feet gross floor area;	
	Drive-through: 1 space per 75 square feet gross floor area	
Restaurants, bars, nightclubs, similar establishments	1 space per 75 square feet seating or service area	
<i>Recreational facilities:</i>		
Bowling alleys	2 spaces per bowling lane	Additional 50% of required parking to accommodate any accessory uses, such as restaurant or bar
Stadiums, sports arenas	1 space per 3 seats	
Theatres, auditoriums having fixed seating	1 space per 3 seats	
<i>Schools, places of worship and assembly:</i>		
Places of assembly, including private clubs, lodges and fraternal buildings, assembly halls, exhibition halls, convention centers, community centers, libraries, museums, dance halls, skating rinks, similar uses	1 space for each 4 seats provided for patron use or 1 space per 75 square feet gross floor area occupied by customers, patrons or members, whichever is greater	

Places of worship	1 space for each 5 fixed seats	For those using a multipurpose assembly area without fixed seats, 1 space per 75 square feet assembly area
Schools (public, private and parochial)		
Elementary schools:	1 space per classroom, plus 1 space for each non-instructional employee, plus 1 space per 100 square feet floor area used for assembly	
Junior High or middle schools:	1 space per classroom, plus 1 space for each non-instructional employee, plus 1 space per 100 square feet floor area used for assembly, plus 1 space for each 25 students	
Senior High schools:	6 spaces per classroom	If a sports stadium is included on site, each 24 linear inches of bleacher/bench seating shall be counted as 1 seat for the purpose of computing off-street parking. See "stadium/sports arenas" above.
Schools, other:	1 space per 75 square feet gross floor area to be occupied by students	

g) — *Core area parking requirements.*

1. —The core area shall mean the central most properties of the downtown, 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.
2. Minimum access, markings, materials and drainage shall be as provided in this section. Minimum parking space size and aisle width is as follows:

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

13. Minimum off-street parking space requirements are as follows:

A. *Residential uses:*

Single-family detached on lot less than fifty (50) ft wide - 1 space per unit.
Single-family detached on lot greater than fifty (50) ft wide - 2 spaces per unit.
Single-family attached less than 3 units - 1.5 spaces per unit.
Single-family attached 3 or more units - 1.25 spaces per unit.
Multi-family (efficiency) - 1.25 spaces per unit.
Multi-family (1 bedroom) - 1.5 spaces per unit.
Multi-family (2 bedroom) - 1.75 spaces per unit.
Multi-family (> 2 bedroom) - 2 parking spaces.

B. *Nonresidential uses:*

Professional Office—1 space per four hundred (400) gross net square feet of space.
Retail—1 space per five hundred (500) gross net square feet of space.
Restaurant—1 space per ~~two one~~ hundred fifty (2150) gross net square feet of dining space (including kitchen and seating areas).
Lodging Hotel—0.75 spaces per unit.
Commercial / Single Destination Retail / Stand Alone Retail-1 space per two hundred fifty (250) gross square feet of space.
Personal Services / Medical Related Office-1 space per two hundred fifty (250) gross square feet of space.
Vehicular-1 space per one hundred fifty (150) gross square feet of space.
Industrial-1 space per one thousand (1,000) gross square feet of space.
Institutional-1 space per two hundred (200) gross square feet of space.
Assembly-1 space per seventy five (75) gross square feet of space
Uses not specifically mentioned—for any use not specifically mentioned in this section, the requirements for off-street parking which is so mentioned and to which the said use is similar shall apply. Properties with multiple uses shall calculate the aggregate total of parking required for each use category prior to taking a twenty five (25) percent deduction. Uses that generate a high parking demand of greater than 6 spaces per 1,000 sf*, but do not exceed the 50 person threshold to qualify as assembly per the latest version of the Florida Building Code shall be required to provide 50% more parking than other uses in the same use category. (*Institute of Transportation Engineers (ITE) Peak Parking Generation Rate, 3rd Edition or later)

24. Exceptions. Parking is not required for:

- A. Changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.
 - B. Changes in use, remodeling, of existing buildings as designated as a contributing structure in one (1) of the city's historic districts (as determined by section 23.5-4.).
 - C. A bed and breakfast use proposed in a building designated as a contributing structure in a city historic district (as determined by section 23.5-4) is excluded from these off-street parking exceptions unless the bed and breakfast is to be established in a single family residence whereby parking shall be provided in accordance with these LDRs.
35. Fee-in-lieu of parking. All uses 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 fund to be allocated toward projects identified and approved by the commission as part of the Community Benefits Program.
- A. 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 of fifteen thousand dollars (\$15,000) ~~seven thousand five hundred dollars (\$7,500.00)~~ per space not provided.
 - B. 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) ~~ten (10)~~ 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 of fifteen thousand dollars (\$15,000) ~~seven thousand five hundred dollars (\$7,500.00)~~ per space not provided.
- 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 25 parking spaces, or existing commercial or mixed-use developments with at least 25 parking spaces that enter into either the site plan or site plan amendment process are subject to the following:
 - A. 4% of the total minimum required off-street parking spaces shall be designated and outfitted as electric vehicle charging spaces. Each required 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 36 inches and a maximum of 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 20% 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.

h) *Shared parking for mixed-use zoning.* It is the purpose of the shared parking subsection to provide flexible parking provisions for the city in the appropriate mixed-use zoning districts where mixed-use developments occur. Mixed-use developments typically do not experience peak parking demands at the same time so reduced parking may be provided in these instances.

1. Shared parking levels for mixed-use development. When any land or building is used for two (2) or more uses, the total requirement for off-street parking shall be the sum of the requirements of the various uses computed separately, minus twenty-five (25) percent of the total required. However, in no case, shall less than 0.8 of a space be provided for each employee and 1.0 space be provided for each dwelling unit.

2. Credit for onsite transit facilities in TOD districts. In the event onsite transit facilities are provided within two thousand (2,000) feet of a building, the parking required for that building shall be reduced by twenty-five (25) percent.

i) *Change of use or occupancy.* Where the use of a given structure is changed, off-street parking facilities must be provided for the new use according to the requirements set forth in this section 23.4-10.

1. If a portion or all of a structure or property is changed in use which requires to require a greater number of off-street parking spaces, then additional parking shall be documented provided for the new use in accordance with section 23.4-10 and any parking non-conformity recorded.

2. Any expansion, alteration, or improvement which increases the gross square footage or area of an existing structure by more than twenty five (25) percent

shall be accompanied by any corresponding increase in the number of parking or loading spaces necessary for the expansion to conform to the requirements of section 23.4-10.

3. ~~Changes in the use or occupancy of existing buildings located in the DT, MU-FH, MU-DH, MU-E, TOD-E and AI zoning districts or that have been designated as a contributing structure in one (1) of Lake Worth's historic districts (as determined by section 23.5-4) shall follow the requirements set forth in section 23.4-10 g), Core Area Parking Requirements.~~

j) *Minimum parking dimensions.*

1. The standard parking space is nine (9) feet in width and eighteen (18) feet in length in a perpendicular and/or angled configuration. Parallel parking spaces shall be nine (9) feet in width and twenty-two (22) feet in length.
2. Parking lot designs:
 - a. Parking space dimensions for other types of spaces are:
 - i. Compact Car Spaces at eight (8) feet x sixteen (16) feet.
 - ii. Handicapped Spaces at twelve (12) feet x eighteen (18) feet.
 - b. Drive aisle widths shall be a minimum of twelve (12) feet for any one-way isle and twenty (20) feet for all other isles.
 - c. For landscaping requirements in regard to parking and other vehicular use areas, see section 23.6-1(f)(3).
 - d. For lighting requirements, see section 23.4-3.
 - e. Up to a maximum of twenty five (25) ~~ten (10)~~ percent of total required spaces may be compact cars. All compact spaces must be clearly identified.
 - f. Alternative parking lot designs which incorporate one-way aisles, two-way aisles, and diagonal parking may be used in lieu of the standard (perpendicular, two-way aisle) parking lot design.

<u>Angle of Parking</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
<u>0 degrees-parallel</u>	<u>9'</u>	<u>22'</u>	<u>10' one-way</u> <u>20' two-way</u>
<u>+/- 45 degrees</u>	<u>9'</u>	<u>18'</u>	<u>10' one-way</u> <u>20' two-way</u>
<u>90 degrees</u>	<u>9'</u>	<u>18'</u>	<u>10' one-way</u> <u>20' two-way</u>

k) *On-street parking.*

1. *Applicability.* The minimum number of required off-street parking spaces for a use or project may be satisfied, in part, by the use of on-street parking spaces located within the public right-of-way abutting that same lot or parcel.

2. *Conditions.* The provision for on-street parking spaces to be used to meet the minimum number of required off-street parking spaces shall be subject to the following conditions:
 - a. The on-street parking provision is applicable to all existing or proposed development located within all ~~commercial and mixed use~~ and multi-family zoning districts and for all multi-family developments;
 - b. Only the on-street parking spaces located within the public right-of-way that abut the frontage of a use or project may be used to count toward meeting the minimum number of required off-street parking spaces. The on-street parking spaces must be located on the same side of the street as the subject use or project;
 - c. The design of the on-street parking spaces must be approved by the city public services department in order to satisfy parking demand according to subsection B.1. herein; and
 - d. On-street parking spaces utilized under this provision shall not be reserved, temporarily or permanently, for any given use.
 - e. No more than fifty (50) percent of the required off-street parking requirement may be met with on-street parking.

l) *Parking Alternates.*

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

Sec. 23.4-13. – Administrative Uses and Medium and High Intensity Conditional Uses.

a) *Purpose.* The following uses have been determined to carry the potential for substantial adverse impacts on neighboring properties and, therefore, are subject to development standards and regulations in addition to those required for the zoning district. All uses listed herein are subject to the requirements set forth under [section 23.2-28](#), Administrative Adjustments/administrative use permits or section 23.2-29, Conditional uses.

b) *Findings by review authority.* In addition to the standards of [section 23.2-28](#) or [section 23.2-29](#), the review authority, prior to recommending approval, or approving, as the case may be, of an administrative use or a conditional use for an automobile

filling station or automobile service station shall find that the standards of this section and sections [23.2-30](#), [23.2-31](#) and [23.2-32](#) have been met. See [Article 3](#), permitted use table.

c) *Standards.*

1. *Vehicular related services.*

A. *Regulations and Standards.*

(2) Vehicle fueling/charging service ~~Vehicle filling stations.~~

(a) *Purpose.* It is the purpose of this section to provide regulations and standards for the establishment of vehicle fueling/charging ~~automobile filling stations and automobile~~ service stations within designated zoning districts. Vehicle fueling/charging ~~automobile filling stations and automobile~~ service stations are intended primarily to serve the fuel and service needs of motorists. Vehicle fueling/charging ~~automobile filling stations and automobile~~ service stations shall be approved through the appropriate decision making authority by conditional use procedures.

(b) *Use regulations.* Uses permissible at an vehicle ~~automobile~~ service station do not include any sales or mechanical work not specifically listed below, nor do they include body work, the straightening of frames or body parts, steam cleaning, painting, welding, storage of vehicles ~~automobiles~~ not in operating condition, provision of parking services, or other work involving noise, glare, fumes, smoke, traffic congestion or other characteristics to an extent greater than normally found in uses permitted by right or with special approval in the district where the facility is located. ~~Activities allowed as part of station and automobile service station use:-~~

~~i. Provision of air for tires;~~

~~ii. Sales of cold drinks, candies, tobacco products and similar goods for service station customers, but only as accessory and incidental to the principal business operation;~~

~~iii. Provision of road maps and other informational materials for customers;~~

~~iv. Provision of restroom facilities;~~

~~v. Fuel, oil, and grease sales;~~

~~vi. Sales and servicing relating to spark plugs, batteries, distributors and distributor parts;~~

~~vii. Tire sales;~~

~~viii. Tire servicing and repair, but not recapping or re-grooving;~~

~~ix. Replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, mufflers, shock absorbers, mirrors and the like;~~

~~x. Provision of water and supplements for radiator fluids, and the like;~~

~~xi. Washing and polishing, limited to facilities for washing one (1) car at a time, and sale of automatic washing and polishing materials, but not the operation of automobile washing establishments;~~

~~xii. Providing and preparing fuel pumps and lines;~~

~~xiii. Minor servicing and repair of carburetors;~~

~~ixx. Minor servicing of air conditioners;~~

~~xx. Automotive wiring repairs~~

~~xxi. Brake repair;~~

~~xxii. Motor repairs not involved in the removal of the head or crankcase;~~

~~xxiii. Greasing and lubricating.~~

5. *Single Destination Retail Uses including Stand Alone Retail and Single Destination Commercial Uses. Convenience stores.*

A. *Purpose* . It is the purpose of this section to provide regulations and standards for single destination retail and single destination commercial convenience store establishments within designated zoning districts. These usesConvenience stores shall be approved through the appropriate decision making authority by conditional use procedures.

B. *Design and performance standards* .

(1) Minimum site area: Ten thousand (10,000) square feet.

(2) Minimum lot width: One hundred (100) feet.

~~(3) Minimum distances. All convenience stores shall be located a minimum of one thousand (1,000) feet from any existing convenience store. Distance shall be measured from property line to property line, without regard to intervening structures or objects.~~

(34) Landscape requirements. The site must be provided with a minimum five-foot-wide perimeter planting area. Site landscaping shall comply with adopted landscape regulations.

(45) Buffering. A fence or wall shall be erected at a height of not less than six (6) feet when the parking area(s), pay phones or other common area(s) is within twenty-five (25) feet of a residential district, in addition to the landscaping

requirements outlined in subsection (5), above. All fences and walls shall be constructed of concrete, masonry or metal. Metal fences shall be open weave chain link, vinyl coated type combined with a shrub hedge or ornamental in nature. Walls shall be finished with a graffiti-resistant paint.

(56) Pay telephones, ATMs and vending machines. Vending machines or any facility dispensing cash or merchandise shall be confined to space built into the building or enclosed in a separate structure compatible with the main building. Pay phones must be attached to the building or within ten (10) feet of the main entrance. Where appropriate and feasible, such facilities shall not be visible from a side street.

~~(67) Variances for minimum site area and minimum distance separation between convenience stores shall not be granted.~~

(7) Establishments must front one of the city's major thoroughfares.

(8) Outdoor display of more than three (3) individual items is strictly prohibited.

(9) Establishments must have at least twenty-five (25) percent clear glazing and fenestration along frontages and entrances clearly identifiable.

(10) Display windows must have engaging and pedestrian friendly vignettes. Covering of display windows with posters, paper, advertisements, written signs and similar shall be strictly prohibited. Vacant buildings shall have approved vignettes covering windows until an active business is established and operating.

(11) All sales transactions, except during city approved special events, shall take place within the building.

(12) Walk up sales windows shall be treated as a drive through facility and be regulated as such.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Article 5, "Supplemental Regulations," Division 3 "NONCONFORMITIES"

Sec. 23.5-3. – Nonconformities.

d) *Nonconforming buildings and structures.* A nonconforming building or structure is a building or structure properly constructed according to the law existing at the time of permit but which does not presently conform to the property development regulations of these LDRs for minimum site area or dimensions, minimum setback requirements, maximum building or structure height, maximum lot coverage, minimum floor area, parking or loading or for other characteristics of buildings or structures regulated in these LDRs, or for its location on the lot. A nonconforming building or structure may continue to exist in a nonconforming state so long as it otherwise conforms to law, subject to the following provisions:

1. Nonconforming buildings and structures may be enlarged, expanded or extended subject to these LDRs, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure, or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.

2. Should the structure or building be deteriorated or destroyed ~~by any means~~ to an extent of more than fifty (50) percent of the assessed value of the structure or building as determined by the building official, it shall not be reconstructed except in conformity with the provisions of these LDRs.

3. Should the structure or building be deteriorated or destroyed ~~by any means~~ to an extent of less than fifty (50) percent but more than thirty-three (33) percent of its assessed value as determined by the building official, it may be restored only upon issuance of a variance pursuant to [section 23.2-26](#) for the particular building or structure nonconformity. A variance shall not supersede a condemnation order of the building official and such variance shall not obviate the necessity of obtaining other needed waivers or variances from the city.

4. Should such building or structure be moved to a new site, or to a new location on the same lot or site, it shall conform to the current land development regulations relevant at the time of the relocation.