

ORDINANCE 2020-11 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION," DIVISION 1 "IN GENERAL," SECTIONS 2-4, 2-7, 2-10.2 AND 2-11.3 RELATED TO APPLICATION FEES; AND AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 1, "GENERALLY," SECTIONS 23.1-5 AND 23.1-6 RELATED TO OFFICIAL MAPS; ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2, "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 2 "ADMINISTRATION" DIVISION 3, "PERMITS," SEC. 23.2-30. – SITE PLAN REVIEW; ARTICLE 3, "ZONING DISTRICTS" SEC. 23.3-2. –OFFICIAL ZONING MAP; ARTICLE 4, "DEVELOPMENT STANDARDS" - SECTION 23.4-4. – FENCES, WALLS AND GATES; ARTICLE 4, "DEVELOPMENT STANDARDS" SECTION 23.4-10 – OFF-STREET PARKING; ARTICLE 4, "DEVELOPMENT STANDARDS" SECTION 23.4-19 – OUTDOOR STORAGE; ARTICLE 6 "ENVIRONMENTAL REGULATIONS", SECTION 23.6-1(C)(3) LANDSCAPE REGULATIONS 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 Chapter 2, Division 1 "In General," Sections 2-4, 2-7, 2-10.2 and 2-11.3 addressing application fees to provide clarity and address a conflict; and

WHEREAS, the City wishes to amend Chapter 23, Division 1 "Generally," Sections 23.1-5 and 23.1-6, and Article 3, "Zoning Districts" SEC. 23.3-2. –Official Zoning Map to adopt a digital Future Land Use Map and Zoning District Map; and

WHEREAS, the City wishes to amend the definitions and landscape sections of Chapter 23 of its land development regulations to address inconsistencies and conflicts related lot coverage type and pervious and impervious surfaces; and

WHEREAS, the City wishes to amend Chapter 23, Article 2 “General Provisions,” Division 3, “Permits,” Section 23.2-30. Site Plan Review to provide clarity and consistency regarding major development and minor development site plan processing; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Sections 23.4-4 regarding fences, walls and gates section to provide clarity and consistency; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards, Section 23.4-19 regarding outdoor storage to provide clarity and consistency on where outdoor storage may occur and storm water pollution requirements; 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 2 “Administration,” Division 1, “In-General,” Sections 2-4, 2-7, 2-10.2 AND 2-11.3 related to application fees 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 Land Development Regulations,” Article 1, “*General Provisions*,” Division 1 “Generally,” Sections 23.1-5 AND 13.1-6 related to official maps 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 1, “*General Provisions*,” Division 2 “Definitions,” Section 23.1-12 - Definitions is 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 2, “*Administration*,” Division 3 “Permits,” Sec. 23.2-30. – Site Plan Review is 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 3, “Zoning Districts” Sec. 23.3-2. –Official Zoning Map; are hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit E**.

Section 7: Chapter 23 “Land Development Regulations,” Article 4, “Development Standards” Sec. 23.4-4. –Fences, Wall, and Gates; are hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit F**.

Section 8: Chapter 23 “Land Development Regulations,” Article 4, “Development Standards” *Section 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 G**.

Section 9: Chapter 23 “Land Development Regulations,” Article 4, “Development Standards” *Section 23.4-19 – Outdoor Storage*; are hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit H**.

Section 10: Chapter 23 “Land Development Regulations,” Article 6, “Environmental Regulations” Sec. 23.6-1. – Landscape Regulations; are hereby amended by adding the words shown in underlined type and deleting the words struck through as indicated in **Exhibit I**.

Section 11. 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 12. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 13. 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 14. 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	NAY	
Commissioner Herman Robinson	AYE	

The Mayor thereupon declared this ordinance duly passed on first reading on the 28th day of July, 2020.

The passage of this ordinance on second reading was moved by Commissioner Maxwell, seconded by Vice Mayor Amoroso, 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	ABSENT
Commissioner Herman Robinson	AYE

The Mayor thereupon declared this resolution duly passed and adopted on the 18th day of August, 2020.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Deborah Andrea, CMC, City Clerk

EXHIBIT A

Chapter 2

CODE OF ORDINANCES ARTICLE 2 "ADMINISTRATION"

DIVISION 1. – IN GENERAL

Sec. 2-4. - Changes and amendments to comprehensive plan.

(a) There is hereby fixed a service charge of fifteen dollars (\$15.00) for copying the comprehensive plan, excluding the land use map. There is hereby fixed a fee of five dollars (\$5.00) for copying the land use map. (b) There is hereby fixed a service charge. A fee of not less than of one thousand five hundred dollars (\$1,500.00) two thousand dollars (\$2,000) shall be established by resolution in the City's adopted fee schedule for any request to amend the City's comprehensive plan pursuant to section 163.3187(1)(c), Florida Statutes, and a service charge of five hundred dollars (\$500.00) for any other request to amend the comprehensive plan, which amount shall be paid at the time of the filing of such petition regardless of whether such petition has ever previously been filed. The sum shall be a flat application fee plus the cost of advertising and the same, or any part thereof, shall not be refundable.

Sec. 2-7. - Voluntary annexation; service charge.

There is hereby A fixed a service charge of five hundred dollars (\$500.00) plus the costs of advertising for each petition for voluntary annexation shall be established by resolution in the City's adopted fee schedule. The service charge and advertising fees may be waived by the City Manager or designee on a case-by-case basis to incentivize annexation within the City's future annexation area.

Sec. 2-10.2. - Zoning confirmation fees.

Whenever the city receives a request for zoning confirmation or information, a service fee of thirty-five dollars (\$35.00) as established by resolution in the City's adopted fee schedule shall be charged for each request. Each request must be submitted in writing, with the required fee, at least seven (7) business days before the city's response.

Sec. 2-10.3. - Historic status confirmation fees.

Whenever the city receives a request for historic status confirmation or information about the historic status of a particular property, a service fee of thirty-five dollars (\$35.00) as established by resolution in the City's adopted fee schedule shall be charged for each request. Each request must be submitted in writing, with the required fee, at least seven (7) business days before the city's response.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 1, "General Provisions," Division 1, "Generally"

Sec. 23.1-5. - Comprehensive plan and future land use map.

The comprehensive plan and future land use map " (FLUM)" of the City of Lake Worth are the official statements of policy of the city with regard to the use and development of land within the city. All use or development of land undertaken pursuant to these regulations shall be consistent with the comprehensive plan and the future land use map.

- a) FLUM adoption procedure and policy. The boundaries of the future land use designations including any duly enacted amendments are set forth and administered in a digital data format within a geographic information system (GIS) under the direction of the Development Review Official (DRO) or designee that together with all explanatory matter and data therein shall constitute the City's official FLUM. The FLUM shall be available for viewing by the public upon the City's webpage. The City Clerk or designee shall certify, upon validation by the DRO or designee, a signed paper copy of official FLUM from time to time and upon request as consistent with Comprehensive Plan Policy 1.1.2.1. The digital GIS data shall supersede any paper map copies in the event of a conflict. The City's development review official (DRO) or designee shall have the authority to correct errors in the map data if they are discovered. No other changes of any nature shall be made to the official FLUM or matters shown thereon except in conformity with the procedures set forth in these LDRs and the City's Comprehensive Plan.

Sec. 23.1-6. - Official zoning map.

The official zoning map is established and incorporated into these regulations by this reference. The official zoning map designates the boundaries of all zoning districts as adopted by the city commission pursuant to the procedures of these regulations. The official zoning map, as amended from time to time, shall be maintained in accordance with the provisions of Sec. 23.3-2. - Official zoning map. kept on file and made available for public reference in the office of the city clerk. See also Article 3, Zoning Districts.

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.1-12. - Definitions.

Building lot coverage: The area of a lot covered by the impervious surface associated with the footprint(s) of all buildings on a particular lot. Exceptions: Structured parking garages are exempt from building lot coverage- calculations unless habitable space is provided above or on top of the structured parking, then that portion of the parking garage would be included in the calculation.

* * *

Impermeable / impervious surface: All surfaces on a lot incapable of being penetrated by water under normal circumstances, wherein moisture runs off the surface instead of penetrating the material to be absorbed in the underlying soil. Impermeable materials include, but are not limited to, asphalt, concrete, pavers and compacted shell rock and roofs. Impermeable surfaces shall have a minimum of a one (1) foot setback from the side property line and rear property lines.

* * *

Landscaping: Any of the following or combination thereof: materials such as, but not limited to, grass, living ground covers, shrubs, vines, hedges, trees or palms. A landscape area shall contain a maximum of 50% mulch or rock in planting beds.

* * *

Landscape screen (or "landscape hedge"): A line, or row, or group of plant material planted installed and maintained at a minimum height of 24" so as to form a continuous buffer acting as a visual screen that may include shrub hedging or decorative landscaping. to adjacent property.

* * *

Lot coverage: That area of the lot area covered by the impervious surfaces associated with the footprint(s) of all buildings and improved surfaces on a particular lot, inclusive of including structured parking garages, driveways, walkways, patios, pool decks, screen enclosures, equipment pads, hardscapes and including or other impervious surfaces any surface covered by impervious or semi-pervious materials. Exception: Swimming pools are exempt from lot coverage calculations. For semi-pervious surfaces, two (2) square feet of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the purpose of calculating lot coverage.

* * *

Maximum lot coverage: The total area of a particular lot covered with an impervious or semi-pervious surface material. Includes but is not limited to building footprints, structures, driveways, screen enclosures, terraces, patios and pavement. For semi-pervious surfaces, two (2) square feet of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the purpose of calculating development regulation requirements for permitted, administrative or conditional uses.

* * *

Open space: That area of a lot which is unencumbered by buildings, other structures, areas defined as impermeable/impervious surface, driveways, or automobile parking areas, except for garden walls and fences and recreational equipment as provided herein. Such space is to be generally maintained in a natural or cultural living landscape and shall include the water surface area of swimming pools. Open space shall be considered pervious in the lot coverage and maximum lot coverage calculations, and shall not be included in the calculation of impervious area for the purposes of maximum lot coverage.

* * *

Pervious / permeable surface: Any surface that is capable of being penetrated by water, with a percolation rate that is generally equivalent to the ground percolation rate. For semi-pervious surface materials, two (2) square feet of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the purpose of calculating development regulation requirements for permitted, administrative or conditional uses. Percolation (perc) rate of the semi-pervious material must be fifty (50) percent relative to the ground perc rate. Semi pervious material may include but is not limited to pervious pavers, pervious concrete, grasscrete and substantially similar materials. [Note: Deleted text moved to definition for semi-pervious surface.]

* * *

Permeable paving materials: Paving materials with a percolation rate of at least fifty (50) percent relative to the ground percolation rate that are specifically designed to be semi-pervious and also provide a stable surface. Permeable paving materials include but are not limited to pervious pavers, pervious concrete, porous asphalt, grasscrete and substantially similar materials.

* * *

Semi-pervious surface: A surface covered by materials with a percolation rate of at least fifty (50) percent relative to the ground percolation rate. Semi-pervious surface may include but are not limited to permeable paving material and other semi-pervious

materials such as gravel, small stone, and other substantially similar materials. For semi-pervious surfaces, two (2) square feet of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the purpose of calculating development regulations. The semi-pervious surface credit shall not reduce the required open space and landscape area requirements.

* * *

Swimming pools: Any pool which is constructed, used or maintained to provide recreational facilities for swimming, bathing or wading and which is capable of containing water to a depth greater than eighteen (18) inches and ~~all buildings, equipment, and appurtenances thereto,~~ and The water surface area of a swimming pool shall not be included in the calculation of impervious area for the purposes of maximum lot coverage.

EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 “ADMINISTRATION”

Article 2, “Administration” Division 3. “Permits”

Sec. 23.2-30. – Site plan review

a) *Intent.* The intent of the site plan review provisions is to establish standards for development and provide review procedures which ensure compliance with these qualitative standards and with other regulations of these LDRs. Site plans shall be prepared in accordance with the qualitative site design requirements in section 23.2-31. Site plan review and approval shall be required for the following:

1. Construction of all new structures, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.
2. Modification of existing structures, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.
3. Occupancy of an existing structure, where a change of occupancy requires additional parking, a site plan shall be required. Where a change of use does not require additional parking, an application so stating and signed by the development review official must be attached to the certificate of occupancy application file prior to the issuance of a certificate of occupancy.
4. Modifications to parking, landscaping, open space, and impervious area that impact greater than five percent (5%) of the site, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.
5. Reconfiguration or modification of on-site circulation, except principal and accessory structures associated with the use of a lot or parcel for single-family detached or two-family dwelling units.

In the case of a site plan that is part of a master development plan for a planned development district, the procedures in section 23.3-25 shall apply.

- b) *Determination if site plan review required.* Prior to issuance of a building permit or a certificate of occupancy, the development review official shall determine if site plan review pursuant to the provisions of this section is required. If site plan review is required, the development review official shall notify the applicant of this determination.
- c) *Determination of type of site plan review procedure application.* Applications shall be submitted to the department for community sustainability. The development

review official shall review development applications to determine if they require site plan review or approval as minor or major developments. If the application constitutes a major development, notice of the review by the appropriate board shall be given by publication, posting and courtesy mailing in accordance with the notice provision of this article. The development review official's determination shall be based on the following criteria:-

1. Major development shall include one or more of the following:

- a. All development including new structure(s) or use area having more than seven thousand five hundred (7,500) square feet of floor area.
- b. An increase of more than twenty-five (25%) percent of existing or approved parking spaces, or more than ten (ten) parking spaces.
- c. Amendments to existing development or site plans, previously approved as a minor development, where the combined total of all site development (existing and proposed) meets or exceeds the thresholds for review as a major development.
- d. Amendments to existing development or site plans, previously approved as a major development, that change a phasing plan or developer control that would substantially impact the approval.
- e. Amendments to existing development or site plans, previously approved as a major development, that significantly change the approved building design as determined by the development review official, increase the building height of a structure by one or more stories, or modify the approved site plan by more than ten percent (10%) for one or more of the following:
 - 1) density.
 - 2) intensity (FAR)
 - 3) impervious surface or parking area, or
 - 4) landscape area.

2.4. Minor development shall include all development that is not determined to be major development, which may include but is not limited to the following:

- a. Addition of awnings, canopies or ornamental structures; addition or modification of pool location or size; redesign and different location of pools; ; addition or modification of landscape areas or impervious areas; parking spaces and drives and driveways; modifications in stairs or elevations of decks, porches, terraces and fencing; or similar types of improvements;
- b. Addition of up to twenty (20) parking spaces An increase of up to twenty-five (25%) percent of existing or approved parking spaces, or more than ten (10) parking spaces;
- e. Attached or detached additions to buildings which do not increase the floor area by more than five thousand (5,000) square feet; and-
- ed. New structures having less than seven thousand five hundred (7,500) square feet of floor area.-

c. All development including new structure(s) or use area less than seven thousand five hundred (7,500) square feet in total, which are not determined to be major development by the development review official because it does not have the potential to negatively impact the surrounding neighborhood.

2. —Major development shall include all development which is not determined to be minor development or that has the potential to negatively impact the surrounding neighborhood by the development review official.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Sec. 23.3-2. - Official zoning map.

- a) *Adoption procedure and policy.* The boundaries of each of the hereinafter designated zoning districts are set forth and shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these LDRs. The boundaries of the designated zoning districts are set forth and administered in a digital data format within a geographic information system (GIS) under the direction of the Development Review Official (DRO) or designee that together with all explanatory matter and data therein shall constitute the City's official zoning map. The zoning map shall be available for viewing by the public upon the City's webpage. The City Clerk or designee may certify, upon validation by the DRO or designee, a paper copy of official zoning map or portions of the map as a true and accurate copy of the official zoning map.

The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city under the following words:-

"This is to certify that this is the Official Zoning Map as referred to in Chapter 23 of the City of Lake Worth Code of Ordinances."

If, in accordance with the provisions of these LDRs and applicable Florida Statutes, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made to on the official zoning map data promptly after the amendment has been approved by the city commission, together with an entry on the official zoning map as follows:

"On the date shown on the revision table, located below the following change(s) was made on the Official Zoning Map," (by official action of the City Commission)."

Such entry shall be signed by the mayor and attested by the city clerk. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the official zoning map. No amendment to these LDRs which involves matters portrayed on the official zoning map shall become effective until after such change and entry has been made on said map. The City Clerk shall keep records on file which identify the official action by which zoning map amendments are made, including the adopting ordinance. The DRO or designee shall have the authority to correct errors in the map data if they are discovered. No other changes of any nature shall be made on the official zoning map or matters shown thereon except in conformity with the procedures set forth in these LDRs. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these LDRs and punishable as provided under section 1-6 of the Lake Worth Code of Ordinances.

Regardless of the existence of purported copies of the official zoning map which may, from time to time, be made or published, the official zoning map which shall be located in a safe deposit vault in the office of the city clerk shall be final authority as to

the current zoning status of land and water areas, buildings, and other structures in the city.

- b) *Replacement of official zoning map.* The data that comprises the official zoning map shall be protected in a manner consistent with City policies and best practices for data protection. In the unlikely event that the official zoning map data becomes damaged, or destroyed and is not recoverable, lost or difficult to interpret because of the nature or number of changes and additions, the city commission may by resolution adopt a new official digital zoning map which shall supersede the prior official zoning map. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words:-

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on August 20, 1990, as part of Chapter 23 of the City of Lake Worth Code of Ordinances."

Unless the prior official zoning map data has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, including official copies certified by the City Clerk, shall be preserved, ~~together~~ with all available records pertaining to its adoption or amendment to reconstruct the map data.

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-4 – Fences, walls and gates.

a) *General provisions.* For the purpose of this section, fences, walls, and gates shall be constructed to meet the requirements and standards contained in this section.

b) *Design.* All fences, gates and/or walls adjacent to a major thoroughfare shall be designed in a manner that complements, supports and harmonizes with the proposed and/or existing architecture. For sites with a mix of uses, the most restrictive requirements shall apply.

c) *Materials.* Except as may be otherwise provided in these LDRs, walls or fences may be constructed of the following; stone; brick, coral rock; flagstone; concrete block or reinforced concrete stuccoed on both sides; precast concrete; ornamental or architectural concrete block; cedar; bamboo; cypress or redwood; treated wood (not on walls); chain link (black or dark green vinyl coated); aluminum; wrought iron; galvanized steel; glass block; porcelain or glass tile; and, vinyl, fiberglass or similar material. Use of materials that are not specifically mentioned require the approval of the zoning administrator or designee but shall not be limited to those listed above unless otherwise prohibited in these LDRs. The following uses and materials shall be expressly prohibited in all zoning districts:

1. No fence or wall shall be electrically charged.
2. Barbed wire, razor wire, chicken wire, sharp or protruding objects shall not be permitted on any fence or wall for any residential use or in any residential district or in any mixed use district.
3. No materials intended for temporary use are permitted for permanent use.
4. The following shall be prohibited from use on any wall: rubble, concrete test cylinders, scrap metal of any kind, broken glass, or any other sharp particles.
5. Chain link that is not vinyl coated (black or dark green) and/or with barbs.

d) *Single-family and two-family residential uses.*

1. *Height limitations.*
 - A. On the front property line and on that portion of the side property line from the front property line to the front building setback line, a fence or wall shall have a maximum height of four (4) feet from the natural grade of the lot. (See definitions.)
 - B. On the rear property line adjacent to an alley, a fence or wall shall have a maximum height of eight (8) feet from the natural grade of the lot.

- C. On the rear property line (not adjacent to an alley) and on that portion of the side property line from the rear property line to the front building setback line, a fence or wall shall have a maximum height of six (6) feet from the natural grade of the lot.
 - D. Along side and rear property lines adjacent to roadways (except alleys) a fence shall have a maximum height of six (6) feet and must be set back a minimum of thirty (30) inches from the property line providing a landscape screen maintained at a minimum height of 24" (see definitions). Walls along side and rear property lines adjacent to roadways (except alleys) shall have a maximum height of six (6) feet and must be set back a minimum of five (5) feet from the property line providing a landscape screen. (See definitions.)
 - E. Decorative accents, such as column caps or finials, may extend an additional six (6) inches above the allowable wall or fence height.
2. *Wall construction.* Regulations in these LDRs which apply to fences regarding height, location and appearance shall apply to wall construction unless otherwise noted in these LDRs.
3. *Fences.*
- A. All fences unless otherwise provided herein, shall be symmetrical in appearance and conforming to a definite pattern and uniform design. The same shall be kept in good repair. The finished side of all fences shall be constructed to face toward the adjacent property, street, or alley. All fences shall comply with height limitations and follow the slope of the natural grade.
 - B. Chain link fences are not permitted in front of the front building setback line or on portions of a property abutting public rights-of-way except alleys. Replacement of existing chain link fences shall comply with current standards.
 - C. Chain link fences shall be coated in black or dark green vinyl and shall not have any exposed metal barbs.
 - D. All fencing must meet historical guidelines within the historic districts.
4. *Gates and gateposts.*
- A. Gates and gateposts shall not exceed a height of two (2) feet above the allowable fence height for the location.
 - B. Gateposts not exceeding three (3) feet in any horizontal dimension may be erected or constructed in connection with the erection or construction of a wall, fence, or in connection with an existing or proposed hedge.
 - C. Electronic security gates and keypad/call boxes shall be located a minimum of 25 feet from the property line/right-of-way to prevent stacking of automobiles into the public right-of-way. The minimum stacking distance may be increased in the event the city engineer determines traffic safety so

requires. Such increase shall be based on a gate queuing analysis performed by a certified traffic engineer to be provided by the applicant.

D. Gated complexes/communities shall provide for separate resident and visitor entries, where feasible, to allow efficient movement of automobiles from the public right-of-way onto the premises.

5. *Waterfront setback.* No solid opaque fencing of any type shall be erected within fifteen (15) feet of the bulkhead or mean high water line of any properties adjacent to waterfronts.
6. *Entrance arbor, trellis, pergola, or arch.*
 - A. One (1) entrance arbor, trellis, pergola or arch shall be allowed at the front of a property or two (2) shall be allowed for dual frontage properties.
 - B. Overall height of any entrance feature shall not exceed eight (8) feet in height.
 - C. Overall width of entrance feature shall not exceed ten (10) percent of the overall width of the property frontage or ten (10) feet, whichever is less.

ed) *Multi-family residential uses.*

1. *Height limitations.*
 - A. On the front property line and on that portion of the side property line from the front property line to the front building setback line, a fence or wall shall have a maximum height of six (6) feet from the natural grade of the lot. (See definitions.)
 - B. On the rear property line and on that portion of the side property line from the rear property line to the front building setback line, a fence or wall shall have a maximum height of six (6) feet from the natural grade of the lot.
 - C. Along side and rear property lines adjacent to roadways (except alleys) a fence shall have a maximum height of six (6) feet and must be set back a minimum of thirty (30) inches from the property line providing a landscape screen maintained at a minimum height of 24" (see definitions). Walls along side and rear property lines adjacent to roadways (except alleys) shall have a maximum height of six (6) feet and must be set back a minimum of five (5) feet from the property line providing a landscape screen. (See definitions.)
 - D. Decorative accents, such as column caps or finials, may extend an additional six (6) inches above the allowable wall or fence height.
2. *Wall construction.* Regulations in these LDRs which apply to fences regarding height, location and appearance shall apply to wall construction unless otherwise noted in these LDRs.
3. *Fences.*
 - A. All fences unless otherwise provided herein, shall be symmetrical in appearance and conforming to a definite pattern and uniform design. The same shall be kept in good repair. The finished side of all fences shall be constructed to face toward the adjacent property, street, or alley. All fences

shall comply with height limitations and follow the slope of the natural grade.

- B. Chain link fences are not permitted in front of the front building setback line or on portions of a property abutting public rights-of-way except alleys. Replacement of existing chain link fences shall comply with current standards. Chain link fences or portion thereof visible from a right-of-way including alleys shall require a landscape screen of shrub hedging or other continuous decorative landscaping on the side of the fence facing the public right-of-way that is a minimum height of 24" at installation and shall be maintained at no less than $\frac{3}{4}$ of the total height of the fence.
 - C. Chain link fences shall be coated in black or dark green vinyl and shall not have any exposed metal barbs.
 - D. All fencing must meet historical guidelines within the historic districts.
4. *Gates and gateposts.*
- A. Gates and gateposts shall not exceed a height of two (2) feet above the allowable fence height for the location.
 - B. Gateposts not exceeding three (3) feet in any horizontal dimension may be erected or constructed in connection with the erection or construction of a wall, fence, or in connection with an existing or proposed hedge.
 - C. Electronic security gates and keypad/call boxes shall be located a minimum of 25 feet sufficiently back from the property line/right-of-way so as to not cause to prevent stacking of automobiles in the public right-of-way. The minimum queuing distance may be increased in the event the city engineer determines traffic safety so requires. Such increase shall be based on a gate queuing analysis from a certified traffic consultant to be provided by the applicant.
 - D. Gated complexes/communities should provide for separate resident and visitor entries, where feasible, to allow efficient movement of automobiles off of from the public right-of-way and onto the premises.
5. *Piers.*
- A. Piers shall not exceed a height of two (2) feet above the allowable fence height for the location.
 - B. The total width of all piers along a property frontage shall not exceed twenty (20) percent of the overall length of the property frontage.
6. *Entrance arbor, trellis, pergola, or arch.*
- A. One (1) entrance arbor, trellis, pergola or arch shall be allowed at the front of a property or two (2) shall be allowed for dual frontage properties.
 - B. Overall height of any entrance feature shall not exceed eight (8) feet in height.
 - C. Overall width of entrance feature shall not exceed ten (10) percent of the overall width of the property frontage or ten (10) feet, whichever is less.

7. *Waterfront setback.* No solid opaque fencing of any type shall be erected within fifteen (15) feet of the bulkhead or mean high water line of any properties adjacent to waterfronts.

f) e) *Commercial / Vehicular / Non-residential uses*

1. All fences, walls, and hedges shall have a maximum height of six (6) feet. Except as otherwise provided herein, all fences and walls shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes and hedges within the front setback area shall be a maximum of thirty (30) inches in height from the edge of the street or alley surface.
2. Where outdoor storage areas are permitted, they shall be screened and visually shielded from a street, alley, or abutting property by a masonry wall, opaque ornamental fence, or dense hedge of at least six (6) feet, but no more than eight (8) feet in height, except for that portion thereof located in the visibility triangle, in which case the provisions of subsection m, visibility triangle, shall apply. All screening material is subject to approval by the building official and shall be installed in a professional manner.
3. Chain link fences are not permitted in front of the front building setback line or on a portion of a property abutting public rights-of-way except alleys. Replacement of existing chain link fences shall comply with current standards. Chain link fences or portion thereof visible from a right-of-way including alleys shall require a landscape screen of shrub hedging or other continuous decorative landscaping on the side of the fence facing the public right-of-way that is a minimum height of 24" or 1/3 of the height of the fence at installation whichever is greater and shall be maintained at no less than 3/4 of the total height of the fence.
5. Electronic security gates and keypad/call boxes shall be located a minimum of 25 feet from the property line/right-of-way to prevent stacking of automobiles in the public right-of-way. The minimum queuing distance may be increased in the event the city engineer determines traffic safety so requires. Such increase shall be based on a gate queuing analysis performed by a certified traffic consultant to be provided by the applicant.
6. Gated complexes/communities shall provide for separate resident and visitor entries, where feasible, to allow efficient movement of automobiles from the public right-of-way onto the premises.

g) f) *Industrial uses*

1. Chain link fences are not permitted in front of the front building setback line or on property abutting public rights-of-way except alleys. Replacement of existing chain link fences shall comply with current standards. Chain link fences or portion thereof visible from rights-of-way including alleys shall require a landscape screen of shrub hedging on the side of the fence facing the public right-of-way that is a minimum height of 24" or 1/2 of the height of the fence at installation whichever is greater and shall be maintained at a height equal to the height of the fence.
2. Any area in the industrial district used as open storage shall be completely enclosed by an opaque fence or wall so as to protect surrounding property from debris damage caused by wind or storm. The above required fences or walls

shall be at least six (6) feet, but no more than eight (8) feet in height and shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes. All screening material is subject to approval by the ~~zoning administrator~~ development review official or designee and shall be installed in a professional manner.

3. Electronic security gates and keypad/call boxes shall be located a minimum of 25 feet from the property line/right-of-way to prevent stacking of automobiles in the public right-of-way. The minimum stacking distance may be increased at the City's discretion. Such increase shall be based on a gate queuing analysis performed by a certified traffic consultant to be provided by the applicant.
4. Specialty uses that require additional screening may utilize the industrial fence provisions as approved through an administrative adjustment process based on consistency with the City's design guidelines as applicable and balancing the need for screening uses from public rights-of-way, creating attractive and safe pedestrian corridors and site security requirements.

h) *Park / Public recreation / School (Elementary/Intermediate/Secondary)*

1. All fences, walls, and hedges shall have a maximum height of six (6) feet. All fences and walls shall be set back to the minimum building setback line on the front of the lot. Hedges within the front setback area shall be a maximum of thirty (30) inches in height from the edge of the street or alley surface. Exception: as otherwise provided herein.
2. Where outdoor storage areas are permitted, they shall be screened and visually shielded from a street, alley, or abutting property by a masonry wall, opaque ornamental fence, or dense hedge of at least six (6) feet, but no more than eight (8) feet in height, except for that portion thereof located in the visibility triangle, in which case the provisions of subsection g, visibility triangle, shall apply. All screening material is subject to approval by the building official and shall be installed in a professional manner.
3. Chain link fences are not permitted in front of the front building setback line or on the portion of the property abutting public rights-of-way except alleys. Replacement of existing chain link fences shall comply with current standards.
4. Maximum fence height for tennis courts, playing fields, playgrounds, or substantially similar uses shall be 10 feet. The development review official may approve additional height for these uses if necessary to ensure the safety of participants and spectators. Chain link fencing shall be permitted next to rights-of-way for fencing described in this sub-section only.
5. The development review official may approve an increase in height and a modification to the required set-back for fencing through the site plan review process provided that appropriate landscaping to maintain an attractive visual corridor is provided.

- i) *g) Visibility triangle.*** With respect to fences, walls and hedges, and other landscaping, including trees, shrubs, ornaments and decorations, a visibility triangle shall be provided at all street intersections and street-alley intersections. Within said

visibility triangle, landscaping shall be maintained to provide clear vision without obstruction from the adjoining public ways from elevation thirty (30) inches to elevation eight (8) feet above the average elevation of the intersection. Trees and palms shall be permitted in said triangle provided they are trimmed to allow visibility at the levels indicated above, and further provided they are not located so as to create a traffic hazard.

1. *Definitions.*

- a. *Major / collector or arterial roads.* For the purposes of this section major roads are streets or roads with a speed limit of thirty (30) mph or greater, and/or high volume, and/or a ROW width of sixty (60) feet or greater.
- b. *Minor / local roads.* For the purposes of this section, minor roads are streets or roads with a speed limit below thirty (30) mph, and/or low volume, and/or a ROW width less than sixty (60) feet.
- c. Alley. For the purposes of this section, any right-of-way that is approximately between ten (10) feet and sixteen (16) feet in width and affords a secondary means of access and is not intended for general circulation.

2. *Intersection of a major road.* At an intersection that includes at least one (1) major road, the visibility triangle shall have twenty-foot sides measured along the street right-of-way line from the corner of the intersection, the third side of the triangle to be the line connecting the ends of the aforesaid lines.
3. *Intersection of a minor road.* At the intersection of two (2) or more minor roads, the visibility triangle shall have a minimum of ten-foot sides, measured along the street right-of-way line from the corner of the intersection, the third side of the triangle to be the line connecting the ends of the aforesaid lines.
4. *Intersection of an alley.* At minor road street-alley intersections and alley-alley intersections, two (2) sides of the visibility triangle shall be ten (10) seven (7) feet in length. Exception: Alleys located along the rear of property fronting major roads shall have a visibility triangle with sides that are ten (10) feet in length. A greater distance may be required in the event the city engineer determines traffic safety so requires. The third side of the triangle shall be the line connecting the ends of the other two (2) lines.
5. Exception. Additional sight visibility may be required in situations where the city engineer determines that the additional distance is needed to improve traffic safety.

i) h) *Temporary construction fencing.*

1. Screening details shall be submitted with the temporary construction fence permit application. Wind screening shall be substantial enough to avoid rips or tears due to wind or sun, and shall have no less than eighty-five (85) percent opacity. Screening shall be maintained in good condition at all times. Screening graphics shall be approved with a permit pursuant to the provisions of section 23.5-1, signs, of the zoning and land development regulations of this Code.

2. Temporary construction fencing must be associated with an active building permit unless approved by the development review official in lieu of a permit. The development review official may require the removal of a temporary fence in absence of an active permit or for safety issues.
3. Acceptable materials include screened chain link and any other permitted materials identified in Sec. 23.4-4(c).

(Ord. No. 2015-04, § 5(Exh. D), 8-4-15; Ord. No. 2018-10, § 10(Exh. I), 7-17-18)

EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Section 23.4-10 – Off-street parking.

- 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, including but not limited to impervious materials and permeable paving materials in accordance with City of Lake Worth Beach standards. Required off-street parking for single family and two family dwelling units may also utilize permeable materials semi-pervious surface materials including such as permeable pavers, gravel, and other small stone material stone, and shell rock, and turf block, in lieu of impermeable or permeable paving material as long as it meets the following criteria:
1. Appropriate stabilization method ~~must~~ shall be established to keep small stone like permeable materials out of the ROW, alley, and storm water systems.
 2. All semi permeable driveway and parking surfaces shall be maintained to ensure permeable qualities and to prevent ponding of water.
- e) **Drainage.** All off-street parking facilities shall be drained so as not to cause any nuisance to adjacent private or public property. Paved parking surfaces, including but not limited to driveways and parking lots, shall have a one (1) foot setback from the side property line and rear property if not alley accessed.

EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-19. - Outdoor storage.

a) Outdoor storage in residential districts. Outdoor storage in residential districts for residential purposes shall be limited to domestic equipment and normal supplies necessary for residents. Storage shall not be permitted in any front yard.

b) Outdoor storage industrial districts. Outdoor storage in the I-POC industrial districts shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles, boats, parts, materials, or chemicals are required to be stored on an impervious paved surfaces to reduce pollutants in storm water runoff.

EXHIBIT I

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 6 "ENVIRONMENTAL REGULATIONS"

Section 23.6-1(c)(3) Landscape regulations.

h. All dumpster and refuse areas and all ground level mechanical equipment shall be screened with ~~shrubbery or with~~ opaque fencing or walls with an exterior landscape screen of shrub hedging or other continuous decorative landscaping that is a minimum height of 24" at installation and shall be maintained at no less than $\frac{3}{4}$ of the total height of the enclosure, where visible from public rights-of-way. ~~All ground level mechanical equipment shall be screened with shrub hedging or opaque fencing or walls. Chain link or similar type open fencing shall not be permitted.~~

1. Existing non-conformities

- a. Where the development review official determines that a literal enforcement of this section will result in a reduction of the number of required parking spaces or the modification of impervious and landscape areas, the development review official may approve an administrative adjustment of the number of required parking spaces by no more than one (1) parking space, and/or no more than 10% of the impervious area and landscape area.