

ORDINANCE 2024-08 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-10 "OFF-STREET PARKING," AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the "City"), enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 "Development Standards," Section 23.4-10 – Off-Street Parking; and

WHEREAS, the City of Lake Worth Beach, Florida (the "City"), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

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

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

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

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

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

Section 2: Chapter 23 "Land Development Regulations," Article 4 "Development Standards," Section 23.4-10 – Off-Street Parking is hereby amended as follows:

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-R and SF TF-14 districts. In SF-R and SF TF-14 districts, parking is limited to driveways, carports, garages or marked parking spaces.
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 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 the Industrial Park of Commerce - I-POC, 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 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 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 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, 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 semi-pervious surface materials including gravel and other small stone material in lieu of impermeable or permeable paving material as long as it meets the following criteria:
 1. Appropriate stabilization shall be established to keep small stone like 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.* Drainage systems for off-street parking facilities shall be designed and installed in a manner acceptable to the city engineer. When necessary, walls, swales, planting areas, or other mitigation measures as determined by the city engineer shall be installed to protect adjoining properties and their occupants from any nuisance. 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.
- f) *Minimum parking space requirements by use category.*
 1. Minimum off-street parking space requirements are as follows:
 - A. Residential uses:
 - Single-family detached on lot less than fifty (50) feet wide - One (1) space per unit.
 - Single-family detached on lot greater than fifty (50) feet wide - Two (2) spaces per unit.
 - Accessory dwelling unit - One (1) space in addition to that required for the primary dwelling.
 - Single-family attached less than three (3) units - One and one-half (1.5) spaces per unit.

Single-family attached three (3) or more units - One and twenty-five hundredths (1.25) spaces per unit.

Multi-family (efficiency) one and twenty-five hundredths (1.25) spaces per unit.

Multi-family (one-bedroom) - One and one-half (1.5) spaces per unit.

Multi-family (two-bedroom) - One and seventy-five hundredths (1.75) spaces per unit.

Multi-family (> 2 bedroom) - Two (2) parking spaces.

B. Nonresidential uses:

Office—One (1) space per four hundred (400) gross square feet of space.

Retail—One (1) space per five hundred (500) gross square feet of space.

Restaurant—One (1) space per one hundred fifty (150) gross square feet of dining space (including kitchen and seating areas).

Lodging—Seventy-five hundredths (0.75) spaces per unit.

Commercial/Single Destination Retail/Stand Alone Retail—One (1) space per two hundred fifty (250) gross square feet of space.

Personal Services/Medical Related Office—One (1) space per two hundred fifty (250) gross square feet of space.

Vehicular—One (1) space per one hundred fifty (150) gross square feet of space.

Industrial—One (1) space per one thousand (1,000) gross square feet of space.

Institutional—One (1) space per two hundred (200) gross square feet of space.

Assembly—One (1) space per seventy-five (75) gross square feet of space.

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 six (6) spaces per one thousand (1,000) square feet*, but do not exceed the fifty (50) person threshold to qualify as assembly per the latest version of the Florida Building Code shall be required to provide fifty (50) percent more parking than other uses in the same use category.

(*Institute of Transportation Engineers (ITE) Peak Parking Generation Rate, 3rd Edition or later)

2. *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.

3. *Fee-in-lieu of parking.* All uses on properties in the core area 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. *Location.* Only properties located in the core area are eligible to utilize the fee-in-lieu of parking option. The core area is 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.

- 210 B. *Payments-in lieu.* For any uses that elect to not provide any or all of the required
 211 number of off-street parking spaces described in this section, the owner or
 212 developer must make a payment to the city in the amount of ~~fifteen thousand~~
 213 ~~dollars (\$15,000) per space not provided as specified in the City's annual Schedule~~
 214 ~~of Fees and Charges for Services.~~
- 215 C. Any changes in use, remodeling, building expansion or new construction that have
 216 the net effect of increasing parking demand by more than twenty-five (25) percent
 217 as calculated by the required parking in this section, must provide parking as
 218 required by this section unless a payment-in-lieu of parking is made to the city in
 219 the amount of ~~fifteen thousand dollars (\$15,000.00) per space not provided as~~
 220 ~~specified in the City's annual Schedule of Fees and Charges for Services.-~~
- 221 g) *Electric Vehicle Charging Infrastructure.* It is the purpose of the electric vehicle charging
 222 infrastructure to provide the availability of electric vehicle charging stations to residents and
 223 visitors of the city.
- 224 1. All new commercial or mixed-use developments with at least twenty-five (25) parking
 225 spaces, or existing commercial or mixed-use developments with at least twenty-five (25)
 226 parking spaces that enter into either the site plan or site plan amendment process are
 227 subject to the following:
- 228 A. Four (4) percent of the total minimum required off-street parking spaces shall be
 229 designated and outfitted as electric vehicle charging spaces. Each required space
 230 at a minimum shall include the following:
- 231 1) A maintained and operational 240-volt "Level 2" charging station, with a cable
 232 retraction device and/or place to hang permanent cords and connectors
 233 sufficiently above the ground, and mounted at a height which places the
 234 connector a minimum of thirty-six (36) inches and a maximum of forty-eight
 235 (48) inches above the ground,
- 236 2) Wheel stops or concrete filled steel bollards to protect the aforementioned
 237 charging station,
- 238 3) Signage allowing only electric vehicles to park in such space and indicating
 239 that it is only for electric vehicle charging purposes,
- 240 4) The ability for all visitors to the site to access and use such space.
- 241 B. All spaces with electric vehicle charging infrastructure shall be located in close
 242 proximity to the building or facility entrance.
- 243 2. Any development that proposes more than twenty (20) percent of its required off-street
 244 parking to be outfitted as electric vehicle charging spaces, or operates any amount of
 245 charging stations as a primary use as determined by the development review official,
 246 shall be classified as containing an "Vehicle Fueling/Charging Service Station" use as
 247 defined in section 23.1-12 and is subject to the appropriate use approval process prior
 248 to the operation of such charging stations per section 23.3-6.
- 249 3. Charging stations in SFR, SF/TF-14, MH-7, MF-20, MF-30, or MF-40 zoning districts
 250 shall be for the exclusive use of the development's residents and guests that are visiting
 251 the development's residents, and shall not be made available to the general public.
- 252 h) *Shared parking for mixed-use zoning.* It is the purpose of the shared parking subsection to
 253 provide flexible parking provisions for the city in the appropriate mixed-use zoning districts
 254 where mixed-use developments occur. Mixed-use developments typically do not experience
 255 peak parking demands at the same time so reduced parking may be provided in these
 256 instances.
- 257 1. *Shared parking levels for mixed-use development.* When any land or building is used
 258 for two (2) or more uses, the total requirement for off-street parking shall be the sum of
 259 the requirements of the various uses computed separately, minus twenty-five (25)
 260 percent of the total required. However, in no case, shall less than eight-tenths (0.8) of
 261 a space be provided for each employee and one (1.0) space be provided for each
 262 dwelling unit.

- 263 2. *Credit for onsite transit facilities in TOD districts.* In the event onsite transit facilities are
 264 provided within two thousand (2,000) feet of a building, the parking required for that
 265 building shall be reduced by twenty-five (25) percent.
- 266 i) *Change of use or occupancy.* Where the use of a given structure is changed, off-street
 267 parking facilities must be provided for the new use according to the requirements set forth in
 268 this section.
- 269 1. If a portion or all of a structure or property is changed in use which requires a greater
 270 number of off-street parking spaces, then additional parking shall be documented for
 271 the new use in accordance with section 23.4-10 and any parking non-conformity
 272 recorded.
- 273 2. Any expansion, alteration, or improvement which increases the gross square footage
 274 or area of an existing structure by more than twenty-five (25) percent shall be
 275 accompanied by any corresponding increase in the number of parking or loading spaces
 276 necessary for the expansion to conform to the requirements of section 23.4-10.
- 277 j) *Minimum parking dimensions.*
- 278 1. The standard parking space is nine (9) feet in width and eighteen (18) feet in length in
 279 a perpendicular and/or angled configuration. Parallel parking spaces shall be nine (9)
 280 feet in width and twenty-two (22) feet in length.
- 281 2. Parking lot designs:
- 282 a. Parking space dimensions for other types of spaces are:
- 283 i. Compact Car Spaces at eight (8) feet × sixteen (16) feet.
- 284 ii. Handicapped Spaces at twelve (12) feet × eighteen (18) feet.
- 285 b. Drive aisle widths shall be a minimum of twelve (12) feet for any one-way isle and
 286 twenty (20) feet for all other isles.
- 287 c. For landscaping requirements in regard to parking and other vehicular use areas,
 288 see section 23.6-1(f)(3).
- 289 d. For lighting requirements, see section 23.4-3.
- 290 e. Up to a maximum of twenty-five (25) percent of total required spaces may be
 291 compact cars. All compact spaces must be clearly identified.
- 292 f. Alternative parking lot designs which incorporate one-way aisles, two-way aisles,
 293 and diagonal parking may be used in lieu of the standard (perpendicular, two-way
 294 aisle) parking lot design.

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

- 295
- 296 k) *On-street parking.*
- 297 1. *Applicability.* The minimum number of required off-street parking spaces for a use or
 298 project may be satisfied, in part, by the use of on-street parking spaces located within
 299 the public right-of-way abutting that same lot or parcel.
- 300 2. *Conditions.* The provision for on-street parking spaces to be used to meet the minimum
 301 number of required off-street parking spaces shall be subject to the following conditions:
- 302
- 303 a. The on-street parking provision is applicable to all existing or proposed
 304 development located within all mixed use and multi-family zoning districts
- 305 b. Only the on-street parking spaces located within the public right-of-way that abut
 306 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.

Section 3: 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 4: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: 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 6: Effective Date. This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first reading was moved by Commission May, seconded by Commissioner McVoy, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Sarah Malega	AYE
Commissioner Christopher McVoy	AYE
Commissioner Mimi May	AYE
Commissioner Reinaldo Diaz	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 6th day of August, 2024.

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

Mayor Betty Resch

360 Vice Mayor Sarah Malega
361 Commissioner Christopher McVoy
362 Commissioner Mimi May
363 Commissioner Reinaldo Diaz

364
365 The Mayor thereupon declared this ordinance duly passed on the _____ day of
366 _____, 2024.

367
368 LAKE WORTH BEACH CITY COMMISSION

369
370
371 By: _____
372 Betty Resch, Mayor

373
374 ATTEST:
375
376
377 _____
378 Melissa Ann Coyne, MMC, City Clerk
379