

Section 23.3-4. Inclusionary as to Permitted Use.

The intent of this chapter is that it be "inclusionary." That is, principal uses, accessory uses, and conditional uses specifically stated for each zoning district shall be the only uses permitted. Any use proposed within any given zoning district which is not a stated use or use type within said district is expressly prohibited. Questions of whether a use is of a type listed shall be interpreted by either the Planning and Zoning Board or the Historic Resources Preservation Board, but no use variance shall be approved.

Section 23.3-14. Downtown (DT).

a) *Intent.* The "Downtown (DT) District" is designed for the commercial core of Lake Worth, primarily along Lake and Lucerne Avenues from Golfview to the Florida East Coast Railroad right-of-way. The DT district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed use land use category of the Lake Worth Comprehensive Plan.

b) *Use restrictions and development regulations for multiple-family residential uses in the DT district.* Multiple-family residential uses may be established and expanded in the DT district subject to the provisions of section 23.3-12.

c) *Use restrictions for nonresidential uses in the DT district.* Refer to Permitted Use Table at Section 23.3-6 for a complete list of uses.

1. Principal nonresidential uses permitted by right.

- A. Commercial – Low Intensity
- B. Office – Low Intensity
- C. Retail – Low Intensity
- D. Personal Services – Low Intensity
- E. Cultural and Artisanal Arts – Low Intensity
- F. Institutional – Low Intensity
- G. Open air retail sales only on private property and not on any sidewalk along Lake Avenue or Lucerne Avenue (see definition).
- H. Essential services.

2. Principal uses permitted as either administrative or conditional uses.

- A. Commercial – Medium to High Intensity
- B. Office – Medium to High Intensity
- C. Retail – Medium to High Intensity
- D. Personal Services – Medium to High Intensity
- E. Cultural and Artisanal Arts – Medium to High Intensity
- F. Institutional – Medium to High Intensity
- G. Parking facilities including temporary.
- H. Places of worship.

3. Accessory uses permitted by right.
 - A. Home occupations.
 - B. Any use accessory to and customarily incidental to a principal use permitted by right
4. Accessory uses permitted as either administrative or conditional uses.
 - A. Day care centers and nursery school uses accessory to places of worship.
 - B. Residential apartments as related uses in structures with office or retail uses as primary use on the ground floor located in the "Core Area" as defined in section 23.1-5. Minimum living area shall be as follows:
 - (1) Efficiency units: four hundred (400) square feet.
 - (2) One-bedroom units: six hundred (600) square feet.
 - (3) Two-bedroom units: seven hundred fifty (750) square feet.
 - (4) Three-bedroom units: nine hundred (900) square feet.
 - (5) Four-bedroom units: one thousand three hundred fifty (1,350) square feet.
 - C. Any use accessory to and customarily incidental to a principal use permitted as either an administrative or conditional use.

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

Lot Area	6,500 sq. ft. with max density 1 d.u. per each 1,085 sq. ft. net lot area	
	Max density 40 dwelling units per gross acre of 43,560 sq. ft., minimum of 1,085 sq. ft. per unit.	
Lot Width	25 ft. on Lake Avenue and Lucerne Avenue	
	50 ft. on Dixie Highway and Federal Highway	
	50 ft. in general	
Height	Primary	30 ft. (not to exceed 2 stories) *Additional 15 ft of height under Sustainable Bonus Incentive Program (not to exceed 4 stories). *Additional 35 ft of height under Sustainable Bonus Incentive Program (not to exceed 6 stories) east of Federal Highway with the provision of a hotel or mixed use hotel project of at least 50 rooms, requires conditional land use.
	Accessory	24 ft. (not to exceed 2 stories)
Setback	Front	10 ft. minimum not to exceed 22 ft.
	Rear	15 ft. or 10% of lot depth when

		next to residential zoning district. 10 ft. in general. 5 ft. for accessory structure
	Side	10 ft. on street and 0 ft. on interior lot. Roof overhangs shall not exceed more than 2 feet.
	Bonus Height and Stories	For all stories above the second story, both the front façade and rear façade must be set back an additional distance beyond the minimum. A. Front Façade for third story and above must have front setback of eight (8) to twelve (12) feet in addition to minimum. B. Rear façade for third floor and above must have rear setback of eight (8) to twelve (12) feet in addition to minimum. C. Facades facing major thoroughfares must have setbacks of eight (8) to twelve (12) feet in addition to minimum for third story and above.
Living Area	Single-Family	800 sq. ft. first dwelling
		400 sq. ft. second dwelling
	Multiple-family	400 sq. ft. Eff.
		600 sq. ft. 1BR
		750 sq. ft. 2BR
		900 sq. ft. 3BR
	1,350 sq. ft. 4BR	
Accessory Structure Limitations	The total area for accessory structures is limited to 40% of the principal structure area or 1,000 sq. ft., whichever is less.	
Impermeable Surface Total	A. Small lot - 90% B. Medium lot - 85% C. Large Lot - 80%	
Maximum Lot Coverage for all Buildings	A. Lots up to 4,999 sq. ft. (small lot) - 70% B. Lots 5,000 sq. ft. to 7,499 sq. ft. (medium lot) - 65%	

	C. Lots over 7,500 sq. ft. (large lot) – 60%
Maximum Wall Heights at Side Setback	30'-0" wall height at setback. 45'-0" wall height with sustainable incentive 65'-0" for additional stories with sustainable incentive for hotel.
Floor Area Ratio (F.A.R.) Limitation	Maximum F.A.R. is 1.7. Maximum F.A.R. is 2.2 east of Federal Highway with provision of hotel or mixed use hotel project, conditional land use required. The F.A.R. shall be 1.20 for lots up to 4,999 sq. ft.; 1.15 for lots between 5,000 sq. ft. and 7,499 sq. ft.; and 1.10 for lots 7,500 sq. ft. and greater. An additional 0.50 of F.A.R. shall be granted under the Sustainable Bonus Incentive Program and an additional 0.50 of F.A.R. for hotel or mixed use hotel project east of Federal Highway, conditional land use required.

1. Minimum lot dimension.
 - A. Minimum lot area: six thousand five hundred (6,500) square feet.
 - B. Minimum lot width: fifty (50) feet; twenty five (25) feet on Lake Avenue and Lucerne Avenue.
2. Maximum height of buildings.
 - A. Principal building: thirty (30) feet in height and not to exceed two (2) stories.
 - B. Additional fifteen (15) feet in height shall be granted under the Sustainable Bonus Incentive Program (not to exceed four (4) stories).
 - C. Additional thirty five (35) feet in height shall be granted under the Sustainable Bonus Incentive Program (not to exceed six (6) stories) east of Federal Highway with the provision of a hotel with fifty (50) or more rooms or a mixed use hotel project inclusive of fifty (50) or more rooms and requires a conditional land use.
 - D. Garages and other accessory buildings: twenty four (24) feet.
 - E. Garages are not allowed at the street level facing Lake Avenue and Lucerne Avenue.
3. Minimum height of buildings. Throughout the DT district the minimum height of buildings shall be twenty four (24) feet.
4. Minimum setbacks for buildings.
 - A. Front setback shall be:
 - (1) From Dixie Highway (SR 805) right-of-way lines: ten (10) feet.
 - (2) From Lake Avenue and Lucerne Avenue east of the Florida East Coast right-of-way: five (5) feet.

- (3) From all other thoroughfare right-of-way lines: ten (10) feet.
- (4) Required front setback can be increased by eight (8), ten (10) or twelve (12) feet if the building provides an open arcade or public plaza.
- B. Minimum side setback:
 - (1) From street side lot line: shall be ten (10) feet.
 - (2) From interior side lot line: none.
 - (3) Street side setback can be increased by eight (8), ten (10) or twelve (12) feet if the building provides an open arcade or public plaza.
- C. Minimum rear setback:
 - (1) For lots platted on Blocks G through L of the Townsite Subdivision: ten (10) feet.
 - (2) For all other lots: five (5) feet.
 - (3) For lots next to residential zoning districts: fifteen (15) feet or ten percent (10%) of lot depth, whichever is greater.
 - (4) For accessory structures: five (5) feet.
- D. Additional height and stories setback: buildings in excess of thirty (30) feet in height shall provide an additional front and rear setback of between eight (8) and twelve (12) feet to the minimum required front and rear setbacks.
- E. Additional height and stories setback along Major Thoroughfares: buildings in excess of thirty (30) feet in height shall provide an additional setback of between eight (8) and twelve (12) feet for facades facing a Major Thoroughfare.
- F. Awnings shall be exempt from the front and side street setback regulations. Awnings may project over public property to a point of not more than two (2) feet back from the face of the curb. Second story awning(s) installations shall project no more than three (3) feet from the building. If awnings overhang Federal Highway, Dixie Highway, Lake Avenue or Lucerne Avenue rights-of-way, the owner will need to acquire a State of Florida Department of Transportation approval.
- 5. Build-to line. All buildings fronting on Lake or Lucerne Avenues shall be situated between five (5) feet from the property line to afford a consistent building line along the avenues. If public arcade or public open space is provided the build-to-line may be adjusted in increments of eight (8), ten (10) and twelve (12) feet.
- 6. Ground floor regulations. Ground floor uses must be habitable. Retail stores in excess of 10,000 sq. ft. are prohibited on the ground floor. Only retail, service, or office uses are permitted on the ground floor fronting Lake or Lucerne Avenues. Downtown ground floor entrances must use transparent elements. The transparent elements on the ground floor shall be maximized to include a minimum of 75% of the ground floor being windows, doors and other openings. Ground floor building frontage must have an architectural break every twenty five (25) feet.
- 7. Maximum impermeable surface. The maximum impermeable surface shall be:
 - A. Ninety percent (90%) of the lots up to 4,999 sq. ft.;
 - B. Eighty five percent (85%) for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. Eighty percent (80%) for lots 7,500 sq. ft. and greater.

8. Maximum impermeable surface for all structures: The maximum impermeable surface shall be:
 - A. Seventy percent (70%) for lots up to 4,999 sq. ft.;
 - B. Sixty five percent (65%) for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. Sixty percent (60%) for lots 7,500 sq. ft. and greater.
9. Floor Area Ratio (F.A.R.) limitations: Maximum F.A.R. is 1.70. Maximum F.A.R. is 2.2 east of Federal Highway and inclusive of hotel requirement. The F.A.R. shall be:
 - A. 1.20 for lots up to 4,999 sq. ft.;
 - B. 1.15 for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. 1.00 for lots 7,500 sq. ft. and greater.
 - D. An additional 0.50 of F.A.R. shall be granted under the Sustainable Bonus Incentive Program
 - E. An additional 0.50 of F.A.R. shall be granted under a conditional land use for a hotel project of fifty (50) rooms or more or a mixed use hotel project of fifty (50) rooms or more.
10. Accessory structures. All accessory structures shall not exceed forty percent (40%) of the gross floor area of the principal structure, excluding approved prefabricated metal storage buildings totaling no more than 144 square feet.
11. Location of accessory buildings, pools, etc.: Accessory buildings, pools and similar structures shall be allowed within the rear or side yards of a double front or corner lot between the main structure and a public street, provided that minimum setbacks are maintained.
12. Required garbage storage rooms. Buildings shall have garbage storage rooms which are integral to the building, but are directly accessible through outside doors to municipal garbage and trash collection crews.
13. Required street trees. Street trees shall be installed at a maximum of every twenty-five (25) feet of frontage. Approved native species shall be used.
14. Major thoroughfare design guidelines. Additional developmental regulations are applicable to certain locations in this district pursuant to the major thoroughfare guidelines adopted by Ord. No. 2001-27. The design guidelines for major thoroughfares are contained in pages 33 through 58 inclusive of the booklet "Design Guidelines for Old Town Historic District and Major Thoroughfares" prepared by Abell Garcia Architects, dated May, 2001, as amended. See also section 23.2-31.

e) *Locational and development regulations for uses permitted as either administrative or conditional uses.* Uses permitted as conditional uses shall be regulated pursuant to the requirements of sections 23.2-28 and 23.2-29 Article 4, Development Standards.