

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 23.3-12. MF-40 - High Density Multi-Family Residential.

a) *Intent.* The "MF-40 High-Density Multiple-Family Residential District" is intended to permit development of multiple-family structures. It is also intended to permit development of one-family and two-family structures. Provision is made for a variety of dwelling unit types in multiple-family structures on lots which meet minimum lot size requirements for multiple-family structures. Permitted dwelling unit types could include efficiency, one-bedroom, two-bedroom and larger types. Provision is also made for a limited number of nonresidential uses for the convenience of residents. These nonresidential uses are compatible by reason of their nature and limited frequency of occurrence with an overall residential character. The "MF-40 High-Density Multiple-Family Residential District" implements the "High-Density Multiple-Family Residential" land use category of the Lake Worth Comprehensive Plan.

b) *Use restrictions.* Uses permitted by right and as conditional uses shall be subject to the applicable provisions of Article 4, Development Standards. Refer to Permitted Use Table at Section 23.3-6 for a complete list of uses.

1. Principal uses permitted by right.

- A. Multiple-family structures at a density greater than thirty (30) dwelling units per acre, but not greater than forty (40) dwelling units per acre provided said structures are located on a platted lot of record which meets the maximum density and minimum lot size requirements of this section.
- B. Multiple-family structures at a density greater than twenty (20) dwelling units per acre, but not greater than thirty (30) dwelling units per acre, provided the structures are located on a platted lot of record which meets the maximum density and minimum lot size requirements of section 23.3-11.
- C. Multiple-family structures at a density not greater than twenty (20) dwelling units per acre, provided said structures are located on a platted lot of record which meets the maximum density and minimum lot size requirements of section 23.3-10.
- D. One (1) two-family structure, provided the structure is on a platted lot of record which meets the minimum lot size requirements of section 23.3-8.
- E. One (1) single-family structure provided the structure is on a platted lot of record which meets the minimum lot size requirements of section 23.3-8.
- F. One (1) single-family structure and a separate accessory dwelling unit on a platted lot of record, pursuant to Section 23.4-1.
- G. Essential services.

- H. Community residences of not more than six residents, subject to regulations set forth in Article 4, Development Standards.
- 2. Principal uses permitted as either administrative or conditional uses.
 - A. Bed and breakfast Inns.
 - B. Cemeteries, public and private.
 - C. Places of worship.
 - D. Day care centers.
 - E. Light utility facilities.
 - F. Public indoor neighborhood recreation and service facilities.
 - G. Public outdoor neighborhood recreation facilities.
 - H. Schools, elementary.
 - I. Schools, intermediate and secondary, offering courses in general and vocational education but not offering courses which involve the regular use of heavy equipment out-of-doors.
 - J. Transitional parking facilities.
 - K. Nursing homes and community residences for seven or more individuals, subject to the regulations set forth in Article 4, Development Standards.
 - L. Townhouse, subject to the regulations and standards as set forth in Article 4, Development Standards.
- 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. Restaurants accessory to hotels.
 - C. Any use accessory to and customarily incidental to a principal use permitted as either an administrative or conditional use.

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

Lot Area		13,000 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		100 ft.
Height	Primary	30 ft. (not to exceed 2 stories) *Additional 5 ft. of height under Sustainable Bonus Incentive Program (not to exceed 3 stories). *Minimum of 2 stories.
	Accessory	24 ft. (not to exceed 2 stories)
Setback	Front	10 ft.
	Rear	15 ft. or 10% of lot depth when

		next to a residential district. 10 ft. in general. 5 ft. for accessory structure
	Side	Street lot side – 10 ft. minimum up to a maximum of 22 ft.
		Interior lot side - 10% of width, minimum of 3ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5ft.
		Roof overhangs shall not exceed more than 2 feet.
	Bonus Height and Stories	<p>For all stories above the second story, both the front façade and rear façade must be set back an additional distance beyond the minimum.</p> <p>A. Front Façade for third story must have front setback of eight (8) to twelve (12) feet in addition to minimum.</p> <p>B. Rear façade for third floor must have rear setback of eight (8) to twelve (12) feet in addition to minimum.</p> <p>C. Facades facing major thoroughfares must have setbacks of eight (8) to twelve (12) feet in addition to minimum for third story and above.</p>
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	<p>A. Small lot - 65%</p> <p>B. Medium lot – 60%</p>	

	C. Large Lot – 55%
Maximum Lot Coverage for all Buildings	A. Lots up to 4,999 sq. ft. (small lot) – 55% B. Lots 5,000 sq. ft. to 7,499 sq. ft. (medium lot) – 50% C. Lots over 7,500 sq. ft. (large lot) – 45%
Maximum Wall Heights at Side Setback	Lots less than 50 ft. in width – 22 ft. wall height at 3’-0” setback up to 26 ft. wall height at 5’-0” setback. Lots between 50 ft. and 100 ft. in width – 26 ft. wall height at 5’-0” setback up to 31 ft. wall height at 10’-0” setback. For each additional foot of side setback an additional 1’-0” of wall height is allowed to a maximum of 35’-0” with sustainable incentive.
Floor Area Ratio (F.A.R.) Limitation	Maximum F.A.R. is 1.50. The F.A.R. shall be 1.00 for lots up to 4,999 sq. ft.; 0.95 for lots between 5,000 sq. ft. and 7,499 sq. ft.; and 0.90 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.

1. Maximum density and minimum lot dimensions.
 - A. Maximum density for multiple-family structures on lots which have at least thirteen thousand (13,000) square feet of area and one hundred (100) feet of width: one (1) dwelling unit per each one thousand eighty five (1,085) square feet of net lot area.
 - B. Minimum lot area for multiple-family structures at a density greater than thirty (30) dwelling units per acre: thirteen thousand (13,000) square feet.
 - C. Minimum lot width for multiple-family structures at a density greater than thirty (30) dwelling units per acre: one hundred (100) feet.
2. Maximum height of building.
 - A. Principal buildings: thirty (30) feet in height and not to exceed two (2) stories.
 - B. Five (5) feet of additional height and one (1) story allowed under the Sustainable Bonus Incentive Program not to exceed three (3) stories
 - C. Minimum of two (2) Stories.
 - D. Garages and other accessory buildings: twenty four (24) feet not to exceed two (2) stories.
3. Minimum setbacks.
 - A. Minimum front setback: twenty (20) feet.
 - B. Minimum side setback:

- (1) Minimum street side setback: ten (10) feet up to a maximum of twenty two (22) feet.
- (2) Minimum interior side setback: ten percent (10%) of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over 100 ft. in width.
- (3) Two-story buildings shall have a side set back of at least five (5) feet.
- (4) Roof overhangs shall not project more than two (2) feet into the setback.
- C. Minimum rear setback:
 - (1) Fifteen (15) feet or ten percent (10%) of lot depth.
 - (2) Five (5) feet for accessory structures.
- 4. Minimum living area per dwelling unit.
 - A. Single-family and two-family structures:
 - (1) The first dwelling unit on each lot in the case of duplex construction shall contain at least a living room, kitchen, bedroom and bathroom, and shall have a minimum living area of eight hundred (800) square feet.
 - (2) The second dwelling unit on each lot in the case of duplex construction shall contain at least a living room, kitchen, bedroom and bathroom, and shall have a minimum living area of four hundred (400) square feet.
 - (3) The total habitable square footage of an accessory dwelling unit shall not exceed the 40% of the habitable square footage of the principal residential use or 1,000 sq. ft. whichever is less.
 - B. Multiple-family structures:
 - (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.
- 5. Maximum impermeable surface for entire lot: The maximum impermeable surface shall be:
 - A. Sixty five percent (65%) of the lots up to 4,999 sq. ft.;
 - B. Sixty percent (60%) for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. Fifty five percent (55%) for lots 7,500 sq. ft. and greater.

Provided however that the lesser of nine hundred (900) square feet or seventy five percent (75%) of the front yard area shall remain pervious and be landscaped.
- 6. Maximum impermeable surface for all structures: The maximum impermeable surface shall be:
 - A. Fifty five percent (55%) for lots up to 4,999 sq. ft.;
 - B. Fifty percent (50%) for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. Forty five percent (45%) for lots 7,500 sq. ft. and greater.
- 7. Floor Area Ratio (F.A.R.) limitations: Maximum F.A.R. is 1.50. The F.A.R. shall be:
 - A. 1.00 for lots up to 4,999 sq. ft.;
 - B. 0.95 for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. 0.90 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.

8. 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.
9. 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.

d) *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.