

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 23.3-17. MU-DH - Mixed Use – Dixie Highway.

a) *Intent.* The MU-DH Mixed Use – Dixie Highway district is designed for Dixie Highway, Lake Worth's commercial spine. The MU-DH 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 MU-DH district.* Multiple-family residential uses may be established and expanded in the MU-DH district subject to the provisions of sections 23.3-10 for uses on the east side of Dixie Highway and 23.3-11 for uses on the west side of Dixie Highway. Provided however that residential uses shall not be permitted at the ground floor of any building fronting on Dixie Highway.

1. Minimum living area shall be as follows:
 - A. Efficiency units: four hundred (400) square feet.
 - B. One-bedroom units: six hundred (600) square feet.
 - C. Two-bedroom units: seven hundred fifty (750) square feet.
 - D. Three-bedroom units: nine hundred (900) square feet.
 - E. Four-bedroom units: one thousand three hundred fifty (1,350) square feet.

c) *Use restrictions for nonresidential uses in the MU-DH 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. Low Intensity Retail Uses – Low Intensity
 - D. Personal Services Uses – Low Intensity
 - E. Cultural & Artisanal Arts Uses – Low Intensity
 - F. Institutional Uses – Low Intensity
 - G. Automotive Vehicular – Low Intensity
 - H. Eating and drinking establishments without drive through facilities.
 - I. Essential services.

- J. Mixed use developments between major intersections.
 - K. Stand alone commercial uses within one block of major intersections. The major intersections in this district are 10th Avenue North, 6th Avenue south and 12th Avenue south.
2. Principal uses permitted as either administrative or conditional uses.
- A. Commercial – Medium to High Intensity
 - B. Office – Medium to High Intensity
 - C. Low Intensity Retail Uses – Medium to High Intensity
 - D. Personal Services Uses – Medium to High Intensity
 - E. Cultural & Artisanal Arts Uses – Medium to High Intensity
 - F. Institutional Uses – Medium to High Intensity
 - G. Automotive Vehicular – Medium to High Intensity
 - H. Open air retail operations.
 - I. Parking facilities.
 - J. Places of worship (see Article 4, Development Standards).
 - K. Hotels, with or without a restaurant, subject to the following requirement for new hotel construction:
Each guest room and bath unit shall have a minimum area of two hundred fifty (250) square feet measured from the interior face of the exterior walls and the interior face of the dividing walls of the unit.
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 motels.
 - C. Establishments selling alcoholic beverages, whether for consumption on or off the premises, accessory to motels having accessory restaurants.
 - D. Residential apartments as secondary uses in structures with office uses as primary uses.
 - E. 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.*

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| Lot Area | East side of Dixie Highway - 6,500 sq. ft. with max density 1 d.u. per each 2,175 sq. ft. net lot area |
| | West side of Dixie Highway - 13,000 sq. ft. with max density 1 d.u. per each 2,175 sq. ft. net lot area |
| | Max density 20 dwelling units per gross acre of 43,560 sq. ft., minimum of 2,175 sq. ft. per unit. |
| Lot Width | 50 ft. on East side of Dixie Highway |

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| | | 100 ft. on West side of Dixie Highway |
| Height | Primary | East side of Dixie Highway - 30 ft. (not to exceed 2 stories) *Additional 5 ft of height under Sustainable Bonus Incentive Program (not to exceed 3 stories). |
| | | West side of Dixie Highway - 30 ft. (not to exceed 2 stories) *Additional 5 ft of height under Sustainable Bonus Incentive Program (not to exceed 3 stories) for blocks adjacent to a Single Family Residential (SF-R) District. *Additional 15 ft of height under Sustainable Bonus Incentive Program (not to exceed 4 stories) for blocks fronting both Dixie Highway and G Street or blocks adjacent to the Artisanal Industrial (AI) District. |
| | 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 |

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| | | <p>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 –65%</p> <p>C. Large Lot – 65%</p> | |
| Maximum Lot Coverage for all Buildings | <p>A. Lots up to 4,999 sq. ft. (small lot) – 55%</p> <p>B. Lots 5,000 sq. ft. to 7,499 sq. ft. (medium lot) – 50%</p> <p>C. Lots over 7,500 sq. ft. (large lot) – 45%</p> | |
| Maximum Wall Heights at Side Setback | 30'-0" wall height at setback. | |
| | 35'-0" wall height with sustainable incentive (east side of Dixie) | |
| | 45'-0" for additional stories with sustainable incentive (west side of Dixie). | |
| Floor Area Ratio (F.A.R.) Limitation | Maximum F.A.R. is 1.5. | |
| | 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 for Sustainable Bonus Incentive Program. | |

1. Minimum lot dimension.

A. Minimum lot area:

- (1) East side of Dixie Highway:
Six thousand five hundred (6,500) square feet.
- (2) West side of Dixie Highway:
Thirteen thousand (13,000) square feet.
- B. Minimum lot width:
 - (1) East side of Dixie Highway:
Fifty (50) feet.
 - (2) West side of Dixie Highway:
One hundred (100) feet.
- 2. Maximum height of buildings.
 - A. Principal building: thirty (30) feet in height and not to exceed two (2) stories.
 - B. Additional five (5) feet in height shall be granted under the Sustainable Bonus Incentive Program (not to exceed three (3) stories) for lots on east side of Dixie and blocks on west side of Dixie abutting residential zoning districts.
 - C. Additional fifteen (15) feet in height shall be granted under the Sustainable Bonus Incentive Program (not to exceed four (4) stories) for blocks on west side of Dixie and abutting the Artisanal Industrial (AI) zoning district or fronting both Dixie Highway and the Florida East Coast Railroad (FEC) tracks (G Street).
 - D. Garages and other accessory buildings: twenty four (24) feet.
- 3. Build-to lines.
 - A. Front build-to line:
 - (1) From Dixie Highway (SR 805) right-of-way lines: ten (10) feet.
 - (2) From all other thoroughfare right-of-way lines: ten (10) feet.
 - (3) 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: 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 is provided an open arcade or public plaza.
 - (4) Roof overhangs shall not exceed more than two (2) feet into setback.
 - C. Minimum rear setback:
 - (1) Ten (10) feet in general.
 - (2) For lots next to residential zoning districts: fifteen (15) feet or ten percent (10%) of lot depth, whichever is greater.
 - (3) For accessory structures: five (5) feet.
 - D. Additional height and stories setback for sustainable incentive: 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 one (1) foot back from the face of the curb. Second story awning(s) installations shall project no more than five (5) feet from the building. If awnings overhang Dixie Highway rights-of-way, the owner will need to acquire a State of Florida Department of Transportation permit.
4. Build-to line. All buildings fronting on Dixie Highway shall be situated ten (10) feet from the property line to afford a consistent building line along the street. 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.
 5. Maximum impermeable surface. The maximum impermeable surface shall be:
 - A. Sixty five percent (65%) of the 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 five percent (65%) for lots 7,500 sq. ft. and greater.
 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 f
 - 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.
 10. Required street trees. Street trees shall be installed at a minimum of every twenty five (25) feet of frontage. Approved native species shall be used.
 11. Ground floor regulations. Ground floor uses with frontage on Dixie Highway must be habitable and active, such as office or retail, and shall not include parking or mechanical uses.
 12. Parking. In addition to the requirements in Article 4, Development Standards, off-street parking may be addressed by shared parking arrangements for mixed-use developments.
 13. 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.