

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 23.3-18. MU-W - Mixed Use West.

a) *Intent.* The "MU-W Mixed Use District" is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple family residential development along the City's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed use land use category of the Lake Worth Comprehensive Plan.

Provision is made for the establishment of the following nonresidential uses for all areas of the district:

- (1) Low to High Intensity Commercial Uses
- (2) Low to High Intensity Office Uses
- (3) Low to High Intensity Retail Uses
- (4) Low to High Intensity Personal Service Uses.
- (5) Low to High Intensity Cultural and Artisanal Arts.
- (6) Low to High Intensity Institutional Uses.
- (7) Residential apartments as related uses in structures with office, retail, or commercial uses as primary uses.

Provision is also made for the establishment of medium-density multiple-family residential uses in accordance with the provisions of the "medium-density multiple-family residential district, 30 du/net acre."

b) *Use Restrictions and development regulations for residential uses.* Multiple-family residential uses may be established subject to the provisions of section 23.3-11. Townhouses are permitted as conditional uses subject to the regulations and standards as set forth in Article 4, Development Standards.

c) *Use restrictions for non-residential uses.* Uses permitted by right and uses permitted as conditional uses shall be subject to 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 in all areas of the district.

- A. Commercial Uses - Low Intensity
- B. Office Uses - Low Intensity

- C. Retail Uses - Low Intensity
 - D. Personal Services Uses - Low Intensity
 - E. Automotive Vehicular Uses - Low Intensity
 - F. Cultural & Artisanal Arts Uses - Low Intensity
 - G. Institutional Uses - Low Intensity
 - H. Open air retail sales, only on private property.
 - I. Essential services.
2. Principal uses permitted as either administrative or conditional uses.
- A. Commercial Uses – Medium to High Intensity
 - B. Office Uses - Medium to High Intensity
 - C. Retail Uses - Medium to High Intensity
 - D. Personal Services Uses - Medium to High Intensity
 - E. Automotive Vehicular Uses - Medium to High Intensity
 - F. Cultural & Artisanal Arts Uses - Medium to High Intensity
 - G. Institutional Uses - Medium to High Intensity
 - H. 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.
 - I. Light utility facilities.
 - J. Parking facilities including temporary.
 - K. Places of worship.
 - L. Schools, elementary.
 - M. 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.
 - N. Transit terminal facilities for passenger transportation operations. Terminal facilities for local, suburban and intercity passenger transportation operators, including the following uses listed in SIC groups 411, 412, 413, 414, 415 and 417; provided, however, that terminal facilities permitted pursuant to this section shall not be used for the maintenance of equipment.
 - O. Nursing homes and community residences, for up to fourteen (14) residents, subject to regulations 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.
 - C. Permanent standby generators may be used only during periods of electrical power outages in the utility system. Only one (1) generator shall be allowed per structure. Generators shall be allowed as an accessory use subject to the following extra requirements:
(1) Operated for exercising purposes once per week Monday thru Friday between 10:00 a.m. and 2:00 p.m. for a period not to exceed ten (10) minutes.

(2) Submitted with a product information or engineers report indicating the noise level shall not encroach any neighboring residential property in excess of fifty five (55) decibels measured from the property line.

(3) A site plan indicating the location and distance to property lines and openings (doors, windows, vents, etc.) in the habitable structures as required by all applicable building code.

D. Open air display, restrictions.

The following shall be allowed by first obtaining a permit on behalf of each individual business for a sales event no more than four (4) times a year for duration of three (3) days:

(1) Art or craft demonstrations.

(2) Outdoor sales of items.

(3) Other art or artist related display.

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 secondary uses in structures with office uses as primary uses. Residential development shall be established subject to the provisions set forth in section 23.3-10. The residential use shall not exceed forty percent (40%) of the overall floor area comprised of residential and office use.

C. Truck rental accessory to and customarily incidental to a principal use permitted as a conditional use.

D. Used boat sales.

E. 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 1,450 sq. ft. net lot area
		Max density 30 dwelling units per gross acre of 43,560 sq. ft., minimum of 1,450 sq. ft. per unit.
Lot Width		100 ft.
Height	Primary	30 ft. (not to exceed 2 stories) *Additional 35 ft. of height under Sustainable Bonus Incentive Program (not to exceed 6 stories) for blocks fronting Tenth Avenue north. *Additional 15 ft. of height under Sustainable Bonus Incentive Program (not to exceed 4 stories) for blocks fronting Lake Worth Road and blocks fronting Second Avenue North.

	Accessory	24 ft. (not to exceed 2 stories)
Setback	Front	20 ft. minimum not to exceed 32 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	20 ft. minimum on street
		10% of overall lot width, minimum of 3 ft, up to a minimum of 20 ft for lots over 200 ft. in width on interior lot.
		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 and above must have front setback of eight (8) to twelve (12) feet in addition to minimum.</p> <p>B. Rear façade for third floor and above 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.	

Impermeable Surface Total	A. Small lot - 65% B. Medium lot – 65% C. Large Lot – 65%
Maximum Lot Coverage for all Buildings	A. Lots up to 4,999 sq. ft. (small lot) – 60% B. Lots 5,000 sq. ft. to 7,499 sq. ft. (medium lot) – 55% C. Lots over 7,500 sq. ft. (large lot) – 50%
Maximum Wall Heights at Side Setback	30'-0" wall height at setback.
	65'-0" wall height with sustainable incentive and for additional stories.
Floor Area Ratio (F.A.R.) Limitation	Maximum F.A.R. is 2.4.
	The F.A.R. shall be 1.40 for lots up to 4,999 sq. ft.; 1.35 for lots between 5,000 sq. ft. and 7,499 sq. ft.; and 1.30 for lots 7,500 sq. ft. and greater.
	An additional 0.50 of F.A.R. shall be granted under the Sustainable Incentive Bonus Program.
	An additional 0.50 F.A.R. shall be granted under the Sustainable Incentive Bonus Program for buildings over 45'-0" in height.

1. Minimum lot dimension.
 - A. Minimum lot area: thirteen thousand (13,000) square feet.
 - B. Minimum lot width: 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 thirty five (35) feet in height shall be granted under the Sustainable Bonus Incentive Program (not to exceed six (6) stories) for blocks fronting Tenth Avenue North.
 - C. Additional fifteen (15) feet in height shall be granted under the Sustainable Bonus Incentive Program (not to exceed four (4) stories) for blocks fronting Lake Worth Road and for blocks fronting Second Avenue North.
 - D. Garages and other accessory buildings: twenty four (24) feet.
 - E. Garages are not allowed at the street level facing Lake Worth Road or Tenth Avenue North.
3. Minimum height of buildings. On properties fronting Lake Worth Road and Tenth Avenue North, the minimum height of buildings shall be twenty four (24) feet.
4. Minimum setbacks for buildings.
 - A. Minimum front setback: twenty (20) feet. This setback shall apply to parking as well as buildings.
 - B. Minimum side setback:

- (1) Ten (10) feet in general.
 - (2) For lots up to one hundred (100) feet: ten percent (10%) of lot width with a minimum of three (3) feet.
 - (3) For lots wider than one hundred (100) feet: twenty (20) feet or ten percent (10%) of lot width, whichever is less.
- 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. Buildings in excess of thirty (30) feet in height in addition 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 five (5) feet from the building.
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 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.
6. Maximum impermeable surface for all structures: The maximum impermeable surface shall be:
- A. Sixty percent (60%) for lots up to 4,999 sq. ft.;
 - B. Fifty five percent (55%) for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. Fifty percent (50%) for lots 7,500 sq. ft. and greater.
7. Floor Area Ratio (F.A.R.) limitations: Maximum F.A.R. is 2.40. The F.A.R. shall be:
- A. 1.40 for lots up to 4,999 sq. ft.;
 - B. 1.35 for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. 1.30 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 the Sustainable Bonus Incentive Program for buildings over forty five (45) feet in height.
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. 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 23.2-28.

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.