

ORDINANCE 2024-06 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS", ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2 "DEFINITIONS"; SECTION 23.1-12 - DEFINITIONS; ARTICLE 2 "ADMINISTRATION," DIVISION 3 "PERMITS," SECTION 23.2-28 ADMINISTRATIVE ADJUSTMENTS/ ADMINISTRATIVE USE PERMITS; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-7 - SF-R - SINGLE-FAMILY RESIDENTIAL, SECTION 23.3-8 - SF-TF 14 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL, SECTION 23.3-10 - MF-20 - MULTI-FAMILY RESIDENTIAL, SECTION 23.3-11 - MF-30 - MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL, AND SECTION 23.3-12 - MF-40 - HIGH DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 3, "MIXED USE DISTRICTS," SECTION 23.3-13 - MU-E - MIXED USE EAST AND SECTION 23.3-16 - MU-FH - MIXED USE - FEDERAL HIGHWAY; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-3 EXTERIOR LIGHTING, SECTION 23.4-4 FENCES, WALLS AND GATES, SECTION 23.4-16 MECHANICAL SYSTEMS/EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES, AND SECTION 23.4-19 OUTDOOR STORAGE AND OPEN-AIR OPERATIONS; ARTICLE 5 "SUPPLEMENTAL REGULATIONS," SECTION 23.5-1 SIGNS AND SECTION 23.5-4 HISTORIC PRESERVATION; 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 1 "General Provisions," Division 2 "Definitions," Section 23.1-12 – Definitions to revise the definition for accessory dwelling unit, revise the definition for building lot coverage, revise the definition for fence, create a definition for guest house, revise the definition of outdoor storage, create a definition for outdoor storage – other, create a definition for structure lot coverage, revise the definition for mechanical systems/equipment, create a definition for string lights, and revise the definition for wall; and

WHEREAS, the City wishes to amend Chapter 23, Article 2 "Administration," Division 3 "Permits," Section 23.2-28 – "Administrative adjustments/administrative use permits" to expand the ability of the Development Review Official to establish the front yard and adjust fencing fronting public rights-of-way for structures in all residential zoning districts and to clarify the provision for an administrative adjustment for existing structures that exceed building lot coverage, impermeable lot coverage, or floor area ratio; and

WHEREAS, the City wishes to amend Chapter 23, Article 3 "Zoning Districts," Division 2 "Residential Districts," Section 23.3-7 "SF-R – Single-family residential," Section 23.3-8 "SF-TF 14 – Single-family and two family residential," Section 23.3-10 "MF-20 – Multifamily residential," Section 23.3-11 "MF-30 – Medium density multi-family residential," and Section 23.3-12 "MF-40 – High density multi-family residential," and Chapter 23, Article 3 "Zoning Districts, Division 3

“Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east,” Section 23.3-16 “MU-FH – Mixed use – Federal Highway,” to create a consistent requirement for front yard landscaping; and

WHEREAS, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential,” to clarify the minimum setbacks for pools on properties with dual frontage; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-3 – Exterior lighting to allow string lights and create timeframes in which holiday lights may be displayed; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-4 – Fences, walls, and gates to allow four-foot-tall fencing and walls along property lines abutting public rights-of-way for residential uses; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-16 – Mechanical systems/equipment for existing residential structures to prohibit mechanical equipment in the front setback; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” Section 23.4-19 – Outdoor storage and open-air operations to provide standards for outdoor storage in mixed-use and industrial zoning districts and remove redundant language regarding open-air operation; and

WHEREAS, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,” Section 23.5-1 - Signs to remove a prohibition on string lights; and

WHEREAS, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,” Section 23.5-4 – Historic Preservation to comply with section 553.79(26), 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 has reviewed the proposed amendments and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

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 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit A**.

Section 3: Chapter 23 Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-28 “Administrative adjustments/administrative use permits” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit B**.

Section 4: Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit C**.

Section 5: Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-8 “SF-TF 14 – Single-family and two-family residential” is hereby amended by deleting the words struck through as indicated in **Exhibit D**.

Section 6: Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-10 “MF-20 – Multi-family residential” is hereby amended by deleting the words struck through as indicated in **Exhibit E**.

Section 7: Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-11 “MF-30 – Medium density multi-family residential” is hereby amended by deleting the words struck through as indicated in **Exhibit F**.

Section 8: Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-12 “MF-40 – High density multi-family residential” is hereby amended by deleting the words struck through as indicated in **Exhibit G**.

Section 9: Chapter 23 Land Development Regulations, Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east” is hereby amended by deleting the words struck through as indicated in **Exhibit H**.

Section 10: Chapter 23 Land Development Regulations,” Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-16 “MU-FH – Mixed use – Federal Highway” is hereby amended by deleting the words struck through as indicated in **Exhibit I**.

Section 11: Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-3 “Exterior lighting” is hereby amended by adding the words shown in underline type as indicated in **Exhibit J**.

Section 12: Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-4 “Fences, walls and gates” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit K**.

Section 13: Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-16 “Mechanical systems/equipment for existing residential structures” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit L**.

Section 14: Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-19 “Outdoor storage and open-air operations” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit M**.

Section 15: Chapter 23 Land Development Regulations, Article 5 “Supplemental Regulations,” Section 23.5-1 “Signs” is hereby amended by deleting the words struck through as indicated in **Exhibit N**.

Section 16: Chapter 23 Land Development Regulations, Article 5 “Supplemental Regulations,” Section 23.5-4 “Historic Preservation” is hereby amended by adding the words shown in underline type as indicated in **Exhibit O**.

Section 15: 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 16: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 17: 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 18: Effective Date. This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first reading was moved by Vice Mayor Malega, seconded by Commissioner Diaz, 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 7th day of May, 2024.

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

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

The Mayor thereupon declared this ordinance duly passed on the 21st day of May, 2024.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 1, "General Provisions," Division 2, "Definitions"

Sec. 23.1-12. – Definitions.

Accessory dwelling unit (ADU): ~~also known as a "mother-in-law" or "granny" unit,~~ is an additional living unit that has separate kitchen, sleeping and bathroom facilities, ~~attached or detached from the primary residential unit on a single-family or two-family lot.~~ ADUs provide housing opportunities through the use of surplus space ~~either in or adjacent to a single-family or two-family dwelling. In most cases they are either a garage conversion or a small backyard cottage or guest-house style structure.~~ Accessory dwelling units shall count toward overall floor area ratio (FAR) and lot coverage.

Building lot coverage: The area of a lot covered by the impervious surface associated with the footprint(s) of all buildings and structures on a particular lot. Exceptions: Structured parking garages are exempt from building lot coverage calculations unless habitable space is provided above or on top of the structured parking, then that portion of the parking garage would be included in the calculation. The first three (3) feet of depth of an overhanging roof, decorative eyebrow, awning, or other substantially similar architectural feature shall not count towards building lot coverage calculations; provided that the eave maintains a minimum side setback of at least three (3) feet from the property line.

Fence: A man-made barrier not comprised of masonry products or vegetation located out-of-doors. Fence height shall be measured based on the average height of the natural grade on either side of the fence. In locations where a fence serves as a required guard rail, it may not exceed forty-two (42) inches in height.

Guest house: A small, detached accessory structure on the grounds of a larger single-family or two-family residence, used for accommodating guests of the owner/occupant of the principal dwelling unit. A guest house functions as an extension of and subordinate to a single-family or two-family residence. A guest house shall not be rented or used separately from the rental or use of the principal dwelling unit. A guest house shall not function as an Accessory Dwelling Unit (ADU).

Storage – Outdoor, Industrial: The storage of construction material, mechanical equipment, and commercial vehicles used by building trades and services or associated with other permitted industrial uses. Outdoor storage is only allowed as accessory to a permitted principal use and shall be appropriately screened from adjacent properties and all rights-of-way.

Storage – Outdoor, Other: The storage of mechanical equipment and commercial vehicles associated with permitted commercial uses. Outdoor storage is only allowed as accessory to a permitted principal use and shall be appropriately screened from adjacent properties and all rights-of-way.

Structure lot coverage: See “building lot coverage.”

Mechanical systems/equipment: Heating, ventilating, air conditioning, satellite dish antennae, electrical, air conditioner compressor, pool pump and plumbing systems and similar facilities which are ~~visible from a public right-of-way on the exterior of any or on the roof, or on the grounds of, or on the exterior of any site, building or structure.~~ Mechanical systems/equipment are not permitted to be located in the front setback of any property.

String lights: Small electric lights spaced evenly along a cable and used for decoration. String lights, also called café lights, may be clear, white or a color and those that are substantially similar.

Wall: A manmade barrier comprised of masonry products located out-of-doors and not a part of an exterior side of a building. Wall height shall be measured based on the average height of the natural grade on either side of the wall. In locations where a wall serves as a required guard rail, it may not exceed forty-two (42) inches in height.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3, "Permits"

Sec. 23.2-28. – Administrative Adjustments/Administrative Use Permits.

a) Administrative adjustments.

1. All existing structures that exceed the development regulations for building lot coverage, impermeable lot coverage, or floor area ratio (F.A.R.) may be expanded by right no more than ten (10) percent of the existing overall square footage. The up to ten (10) percent expansion by right shall be granted only once; any additional ~~E~~expansions ~~beyond the initial ten (10) percent~~ shall have to meet the established standards for the granting of a formal variance and be reviewed by the appropriate decision-making authority.
2. The development review official may administratively adjust Code provisions and regulations for establishing the front yard for all corner and multi-frontage lots, and to adjust setback, height, and location of fences fronting public rights-of-way to conform to the orientation of the structure in ~~the single-family residential (SF-R) and single-family and two-family residential (SF-TF 14)~~ all residential zoning districts.

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”

Article 3, “Zoning Districts” Division 2, “Residential Districts”

Sec. 23.3-7. – SF-R – Single-Family Residential.

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

- D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

9. Location of Accessory buildings, pools, etc.

- A. Pools in the rear yard of a property with dual frontage shall have a minimum setback of 10 feet from the secondary front (rear) property line and shall be screened with fencing and/or landscape screening, subject to the regulations in LDR Sections 23.4-4 and 23.6-1.

EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-8. – SF-TF 14 – Single-Family and Two-Family Residential.

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

C. Fifty (50) percent for lots seven thousand five hundred (7,500) square feet and greater. ~~Provided however that the lesser of nine hundred (900) square feet or seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.~~

D. Provided however that seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-10. – MF-20 – Multi-Family Residential.

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~
seventy-five (75) percent of the front yard area shall remain pervious and be
landscaped.

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

Sec. 23.3-11. – MF-30 – Medium Density Multi-Family Residential.

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

- D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 2, "Residential Districts"

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

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-13. – MU-E – Mixed Use East.

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

4. *Maximum impermeable surface for entire lot.*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~
seventy-five (75) percent of the front yard area shall remain pervious and be
landscaped.

EXHIBIT I

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"

Sec. 23.3-16. – MU-FH – Mixed Use – Federal Highway.

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

4. *Maximum impermeable surface for nonresidential uses.*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~
seventy-five (75) percent of the front yard area shall remain pervious and be
landscaped.

EXHIBIT J

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-3. – Exterior lighting.

d) String lights.

1. String lights and those substantially similar shall be permitted in all zoning districts throughout the City.
2. String lights shall be dark sky compliant, when possible, and the light shall be shielded so not to trespass upon adjacent residential properties or districts in excess of 12.57 lumens when measured at the property line.
3. String lights shall not illuminate any area of the beach or dune during the period of the year when sea turtles nest (March 1 to October 31) or shall be lamped with a long wavelength light source, such as amber or red light emitting diodes (LED), low pressure sodium, or true red neon. It has been recommended by the Florida Fish and Wildlife Conservation Commission that no such light source emit light below five hundred sixty (560) nanometers (nm).
4. String lights shall be maintained in a steady state as either on or off and shall not be set to any mode that allows flashing, pulsing, blinking, or other intermittent lighting. During the month of December each year, an exception shall be made to this provision to allow for string lights with intermittent lighting.

EXHIBIT K

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-4. – Fences, Walls and Gates

d) *Single-family and two-family residential uses.*

1. *Height limitations.*

D. Along side and rear property lines adjacent to roadways (except alleys) a fence or wall placed at the property line shall have a maximum height of four (4) feet. Fencing over four feet in height, up to a shall have a maximum height of six (6) feet, and must be set back a minimum of thirty (30) inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches (see definitions). ~~Walls along side and rear property lines adjacent to roadways (except alleys) over four feet in height, up to a shall have~~ a maximum height of six (6) feet, and must be set back a minimum of five (5) feet from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches. (See definitions.)

e) *Multi-family residential uses.*

1. *Height limitations.*

C. Along side and rear property lines adjacent to roadways (except alleys) a fence or wall placed at the property line shall have a maximum height of four (4) feet. Fencing over four feet in height, up to a shall have a maximum height of six (6) feet, and must be set back a minimum of thirty (30) inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches (see definitions). ~~Walls along side and rear property lines adjacent to roadways (except alleys) over four feet in height, up to a shall have~~ a maximum height of six (6) feet, and must be set back a minimum of five (5) feet from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches. (See definitions.).

EXHIBIT L

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-16. – Mechanical Systems/Equipment for Existing Residential Structures

- a) For existing residential structures, placement of mechanical equipment shall be allowed in the rear or side setback and/or between the main structure and a public street if there is insufficient space to locate the equipment outside of the setbacks. Equipment located in the rear or side setback must meet requirements of the landscape code and the equipment must be screened from view of the right-of-way. In addition, product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line. Mechanical systems/equipment are not permitted to be located in the front setback of any property.

EXHIBIT M

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-19. – Outdoor Storage and Open-Air Operations.

A. Outdoor storage.

b) Outdoor storage in mixed-use districts and Artisanal Industrial. Outdoor storage in mixed-use districts and the Artisanal Industrial (AI) district shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Screening shall require both fencing and landscaping. Outdoor storage of chemicals or parts is prohibited in mixed-use districts and the AI district.

b c) Outdoor storage industrial in I-POC. Outdoor storage in the I-POC industrial districts shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles, boats, parts, materials, or chemicals are required to be stored on an impervious paved surfaces to reduce pollutants in stormwater runoff.

B. Open air operations.

a) The following shall be allowed to be displayed only in front of the business to which the items belong:

- 1. Up to three (3) items, which must be new or in excellent condition.*
- 2. Flowers or foliage maintained per City Code.*
- 3. Used and new clothing stores may display one (1) freestanding vertical clothing pole with a maximum of three (3) items of clothing.*
- 4. One (1) Propone tank display case if less than ten (10) percent of the bay or building width that the associated business occupies and if completely screened from abutting properties and rights-of-way.*
- 5. No item can obstruct entry or exit from any store or property or in any other way be hazardous to pedestrians or motorists. All items must be placed entirely on private property and may not be located in required parking areas or landscaped areas.*
- 6. No item may impede pedestrian access to the public sidewalk and/or restrict ADA accessibility.*
- 7. One (1) sandwich board meeting the requirements of the city's sign code may be displayed in front of businesses facing a city major thoroughfare and cannot impede pedestrian access or ADA accessibility.*

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

- ~~1. Art or craft demonstrations.~~
 - ~~2. Outdoor sales of items.~~
 - ~~3. Guest art or craft or artist related items.~~
- ~~c) The following items shall not be displayed outside of any store or business at any time:~~
- ~~1. Upholstered furniture or bedding.~~
 - ~~2. Electrical appliances.~~
 - ~~3. Horizontal racks of clothing.~~
 - ~~4. Vehicles (except in authorized and licensed lots) or parts thereof.~~
 - ~~5. Any items which are in disrepair, rusty, mold or mildew damaged, soiled or sandy, any item having chipped or peeling paint, any item having protruding bolts or nails.~~
- ~~d) The appropriate regulatory advisory board shall review and make recommendations to the appropriateness of granting a variance from the open-air operations rules.~~

EXHIBIT N

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-1. – Signs.

g) *Prohibited signs.*

~~18. String of light bulbs, except as provided in subsection e), above.~~

EXHIBIT O

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-4. – Historic Preservation.

m) *Exceptions to certificates of appropriateness.*

7. Demolition of non-contributing single-family residential structures in special flood hazard areas. In compliance with F.S. 553.79(26), a COA shall not be required for demolition of non-contributing single-family residential structures located in a coastal high-hazard area, moderate flood zone, or special flood hazard area if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Florida Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher. If a demolition permit is requested under this section, the HRPB shall be notified.