
Sec. 94-309. - Miscellaneous supplemental district regulations.

- a. *Exterior lighting.* All outdoor lighting shall be shielded to reduce glare and shall be arranged to reflect light or glare away from all adjacent residential districts, adjacent residences, or public thoroughfares. Illumination of signs shall be in accordance with the provisions of [ARTICLE XIII](#) of this chapter.
- b. *Residential development entrances.* In all residential districts, residential development entrance structures, including but not limited to walls, columns, and gates, may be located in a required setback, except as provided in section [94-305](#). Compliance with applicable codes and appropriate approvals and permits are required for all residential entrances. (Note: See Figure X-1)
- c. *Accessibility.* All lots shall be accessible, via public streets, public rights-of-way, private streets, or easements approved by the city, in order for any use permitted by this chapter to occur.
- d. *Interpretation of use.* Any use not specifically identified as a use permitted by right, a special use, a permitted use with extra requirements, or a permitted accessory use in a zoning district may be permitted upon a positive recommendation of the planning and zoning administrator. The planning and zoning administrator shall determine that a proposed use is similar in nature and compatible with the permitted uses for a district. The determination by the planning and zoning administrator shall be based upon the Standard Industrial Code (SIC) groupings, as prepared by the United States Department of Commerce, [ARTICLE XIX](#) of this chapter regarding definitions and [APPENDIX A](#) to this chapter containing the master use list, and characteristics shared by existing and proposed uses including daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and esthetic characteristics. The planning and zoning administrator shall determine whether such uses shall be permitted by right, permitted as special uses, permitted as uses with extra requirements, or permitted as accessory uses. A proposed use shall comply with all requirements applicable to existing uses. A record shall be kept of all uses approved under the provisions of this section. Once a specific use has been permitted within a district, appropriate amendments to this chapter shall be made as necessary.
- e. *Voting places.* The provisions of this section shall not interfere with the temporary use of any property as a voting place in connection with public elections.
- f. *Submerged lands density calculation.* In the event any property in a multifamily residential zoning district which abuts the waters of Lake Worth owns submerged lands in fee simple, such submerged lands may be utilized to determine ultimate development potential subject to all of the following:
 1. Proof of submerged land ownership shall be provided.
 2. The applicant will provide a statement concurrent with land development application or building permit application, in a form acceptable to the city attorney, that an application to fill and utilize submerged lands will not be filled following approval of the planned development district or issuance of building permit. However, nothing in this section shall prohibit such water related uses as swimming, fishing, and boating.
 3. The density attributed to submerged lands shall be allowed to be utilized with upland density. The number of units allowed to be added to the upland density is the lesser of 75 percent of the density attributed to the submerge land or 12½ percent of the upland density. Density sought in excess of this formula may be placed upon upland by application for a PDD. Upland is land that has a bulkhead, and if not a bulkhead, then the mean high water line on the shore.
 4. Any property with an aggregate of upland and submerged acreage of two acres or more may apply for a PDD in order to increase the utilization of submerge land. The amount of submerged land to be used in determining ultimate development potential shall not exceed the gross square footage of upland property.
- g. *Townhouses.*
 1. *Construction permitted.* Townhouses may be constructed in the following residential zoning districts: MF14, MF20 and MF32.
 2. *Density permitted.* The number of townhouses permitted shall not exceed the number of dwelling units per acre allowed by right or as a planned development in the underlying zoning district.
 3. *Common ownership.* Common ownership of certain property within a townhouse development shall be allowed; however, at least 100 percent of the ground floor building area of each unit shall be conveyed to the owner in fee simple title. In the event less than 100 percent of the lot area is, conveyed to the owners of the

units, a property owners association shall be established to provide for the maintenance of all common areas. In the event 100 percent of the lot area is conveyed to the owners of the units, then a property owners maintenance association shall be established to ensure compliance with regulations that are adopted for exterior area maintenance.

4. *Minimum number of units.* At least eight townhouse units must be constructed if a property owners' association for common area maintenance is to be established.
5. *Maximum number of contiguous units.* Unless a waiver in a planned development district is obtained, no more than eight townhouse units may be connected by common walls.
6. *Development standards.*
 - a. Minimum lot area: 1,800 square feet.
 - b. Minimum lot width: 16 feet.
 - c. Maximum building height: 35 feet.
 - d. Required setbacks.
 1. Front: 20 feet.
 2. Side: ten feet, or zero feet for units sharing a common wall.
 3. Rear: 15 feet or ten percent of lot depth, whichever is less.
 - e. Minimum building separation: 20 feet between townhouse complex structures or accessory structures.
 - f. Minimum floor area: 900 square feet of net floor area, excluding attic, garage and utility areas.
- h. *Single-family detached zero lot lines.*
 1. *Constructed permitted.* Single-family zero lot line homes may be constructed only in a planned development district.
 2. *Development standards.*
 - a. Minimum lot area: 4,500 square feet.
 - b. Minimum lot width: 45 feet.
 - c. Minimum lot width (corner): 60 feet.
 - d. Minimum lot depth: 75 feet.
 - e. Maximum building height: 35 feet.
 - f. Pool setbacks.
 1. Front (not permitted within front setback).
 2. Side (interior): five feet.
 3. Side (zero lot line): five feet.
 4. Corner: 15 feet.
 5. Rear: five feet.
 6. Principal structure: five feet.
 - g. Screen enclosure.
 1. Front (not permitted within front setback).
 2. Side (interior): three feet.
 3. Side (zero lot line): zero feet.
 4. Corner: 15 feet.
 5. Rear: three feet.
 - h. Required setbacks.
 1. Front (front load garage): 25 feet.
 2. Front (side load garage): 20 feet.
 3. Side (interior): ten feet.
 4. Side (zero lot line): zero feet.
 5. Corner: 15 feet.
 6. Rear: ten feet.

3. *Accessory buildings.* Accessory buildings shall meet the setback requirements for the principal structure.
 4. *Color schemes.* A minimum of three different color schemes shall be utilized.
 5. *Entry and street landscape plans.* An entry landscape plan and street landscape plan shall be utilized.
 6. *Landscape buffer plan.* A landscape buffer plan shall be utilized to provide and maintain a 25-foot landscape buffer along the entire edge of the property adjacent to a road right-of-way.
 7. *Unit landscape plans.* A minimum of three different unit landscaping plans shall be utilized.
 8. *Exterior modifications.* If less than three models are to be utilized, at least one significant exterior modification shall be used on every fifth lot. Such modification may include side-load garages, different facade materials, or different roof lines. Mirror images shall not constitute a significant exterior modification.
 9. *Structure recession.* A portion of the zero lot line side of the structure (maximum 50 percent) may be recessed from the lot line to accommodate entrances into the unit. The minimum recessed distance shall be four feet. However, such recesses shall not be adjacent to the private outdoor areas of the adjacent unit. In such instances the configuration and location of the adjacent unit must be shown on the building permit submitted.
 10. *Roof eaves.* Roof eaves may project over the zero lot line up to a maximum of 18 inches if adequate gutters are provided to prevent runoff onto the contiguous property, and if an appropriate easement is recorded for the roof encroachment.
 11. *Walls or privacy fences.* A five-foot wall or privacy fence shall be constructed along the zero lot line from the rear of the principal structure to the rear property line and when a rear property line abuts another rear or side property line.
 12. *Window openings.* Window openings shall be prohibited along the zero lot line.
 13. *Ownership.* Single-family zero lot line lots shall be conveyed in fee simple title.
- i. *Solar energy systems, accessory use .*
1. Accessory use solar energy systems are permitted by right in all zoning districts, and shall comply with the conditions established in this section, applicable development standards for each zoning district, and permitting requirements. Solar energy systems shall be installed in historic districts and on historic properties in accordance with the historical residential design standards set forth in subsection 94-45(2). In the event of a conflict, the most detailed regulation shall take precedence.
 2. Prior to issuing permits, the planning and zoning administrator may request that the property owner provide written certification that the energy produced by the solar energy system is reasonably equivalent to the electrical usage of the property and any selling of excess energy is incidental. This provision shall not have the effect of prohibiting the installation of solar energy systems on properties without historical usage data, in accordance with F.S. § 163.04.
 3. Building-integrated systems shall be permitted by-right in each zoning district.
 4. Rooftop systems.
 - a. *Sloped roofs—Height.* On sloped roofs, the highest point of the solar collectors shall not exceed the highest rooftop peak and must be installed parallel to the roof surfaces to which they are attached provided such location does not impair the effective operation of the solar collectors. Solar collectors may be mounted up to one foot above roof surfaces to which they are attached.
 - b. *Flat roofs—Height.* On flat roofs, the highest point of the system shall be permitted to exceed the district's height limit by a maximum of six feet above the rooftop to which it is attached.
 5. Ground-mounted systems.
 - a. Ground-mounted solar energy systems shall not exceed the lesser of 25 feet or the height of the primary structure.
 - b. Ground-mounted solar energy systems shall not be located closer than six feet from the primary structure, unless the system is architecturally integrated into the primary structure, including, but not limited to, awnings, carports, shade structures, or other such structures as determined by the planning and zoning administrator.
 - c. Screening and fencing. Systems over six feet shall be required to be screened with an opaque fence. Systems under six feet shall be screened with landscape, opaque fence or combination. The planning and zoning administrator may recommend additional or alternative specific types of fencing, screening, and/or walls appropriate to the site and surrounding land uses.

- d. Ground-mounted systems may be sited in side, corner, and rear yard areas in accordance with applicable requirements in subsection 94-304(b)(2). Ground-mounted systems may be sited in front yards if the system is architecturally integrated into the primary structure, including, but not limited to, awnings, carports, shade structures, or other such structures as determined by the planning and zoning administrator.
6. Pole-mounted systems shall be permitted by-right in each zoning district, subject to all of the requirements for ground-mounted solar energy systems except provisions pertaining to screening and fencing.
7. Decommissioning. The development services director may request proof of operation from the property owner, due within 14 days of the request. Any system which becomes inoperable shall at the owner's expense be made operational or shall be removed from the property within 90 days of the date the system became inoperable.

(Code 1979, § 33-116; Ord. No. 3744-04, § 4, 9-27-2004; Ord. No. 4746-17, § 3(Exh. C), 1-16-2018)