

**ORDINANCE NO. 15-04**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING DIVISION 3, "MULTIPLE-FAMILY RESIDENTIAL (LC) DISTRICT" OF ARTICLE VI "DISTRICTS" OF CHAPTER 86 "ZONING," BY AMENDING SECTION 86-237 "PERMITTED PRINCIPAL USES AND STRUCTURES", BY ADDING CHURCH, CONVENT, PARISH HOUSE OR RELIGIOUS CENTERS, SCHOOLS, PUBLIC AND PRIVATE AND DAY CARE FACILITIES, CHILD AND ADULT TO "PERMITTED PRINCIPAL USES"; BY AMENDING SECTION 86-238 "PERMITTED ACCESSORY USES AND STRUCTURES" BY ADDING DAY CARE FACILITIES, CHILD AND ADULT TO "PERMITTED ACCESSORY USES AND STRUCTURES"; BY AMENDING SECTION 86-239 "SPECIAL EXCEPTIONS" BY REMOVING THE EXCEPTION FOR CHURCH, CONVENT, PARISH HOUSE OR RELIGIOUS CENTER; BY AMENDING SECTION 86-241 "MINIMUM LOT REQUIREMENTS" BY ADDING CHURCH, CONVENT PARISH HOUSE OR RELIGIOUS CENTER, SCHOOLS, PUBLIC AND PRIVATE AND DAY CARE FACILITIES, CHILD AND ADULT TO "MINIMUM LOT REQUIREMENTS; BY AMENDING SECTION 86-243 "MAXIMUM LOT COVERAGE BY ALL BUILDINGS" BY ADDING CHURCH, CONVENT PARISH HOUSE OR RELIGIOUS CENTER, SCHOOLS, PUBLIC AND PRIVATE AND DAY CARE FACILITIES, CHILD AND ADULT TO "MAXIMUM LOT COVERAGE BY ALL BUILDINGS"; BY AMENDING SECTION 86-245 "MINIMUM FLOOR AREA" BY ADDING CHURCH, CONVENT PARISH HOUSE OR RELIGIOUS CENTER, SCHOOLS, PUBLIC AND PRIVATE AND DAY CARE FACILITIES, CHILD AND ADULT TO "MINIMUM FLOOR AREA: BY AMENDING SECTION 86-246 "MINIMUM OFF-STREET LOADING AND PARKING REQUIREMENTS BY ADDING CHURCH, CONVENT PARISH HOUSE OR RELIGIOUS CENTER, SCHOOLS, PUBLIC AND PRIVATE AND DAY CARE FACILITIES, CHILD AND ADULT TO "MINIMUM OFF-STREET LOADING AND PARKING REQUIREMENTS"; AND BY AMENDING SECTION 86-247 "LIMITATIONS ON SIGNS" BY ADDING CHURCH, CONVENT PARISH HOUSE OR RELIGIOUS CENTER, SCHOOLS, PUBLIC AND PRIVATE AND DAY CARE FACILITIES, CHILD AND ADULT TO "LIMITATION ON SIGNS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

WHEREAS, the Town Council has reviewed certain sections of the Town's Code of Ordinances related to zoning and has determined that certain changes are needed to encourage the churches in town to develop schools and day care facilities within the multiple-family residential (MF) district; and

**WHEREAS**, the Town Council has determined that the addition of churches, schools and day care facilities as permitted uses in the multiple-family residential (MF) district would be in the public interest and would be beneficial to the Town and its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Section 86-237. "Permitted Principal Uses and Structures", of Division 3, "Multiple-Family Residential (MF) District", of Article VI, "Districts" of chapter 86, "Zoning", of the Code of Ordinances of the Town is hereby amended by adding church, convent parish house or religious center, schools, public and private and day care facilities, child and adult, as follows:

- (1) Two-family dwelling.
- (2) Multiple-family dwelling.
- (3) Church, convent, parish house or religious centers.
- (4) Schools, public and private.
- (5) Day care facilities, child and adult.
- (3) (6) Single-family dwellings, existing at the date of adoption of this Zoning Code.

**SECTION 2.** Section 86-238. "Permitted accessory uses and structures" of Division 3, "Multiple-Family Residential (MF) District", of Article VI, "Districts" of chapter 86, "Zoning", of the Code of Ordinances of the Town is hereby amended by adding day care facilities, child and adult, as follows:

- (1) Facilities as may be required or useful for the operation of an apartment house, or for the entertainment of guests or tenants, but all such accessory uses shall be conducted within the building, shall be entered only from within the building, and no sign on the exterior of the building shall indicate their presence.
- (2) Satellite television antenna systems.
- (3) Swimming pools.
- (4) Patios.
- (5) Gazebos.
- (6) Detached sheds (maximum 12 feet by 12 feet).
- (7) Day care facilities, child and adult.

**SECTION 3.** Section 86-239. “Special exceptions” of Division 3, “Multiple-Family Residential (MF) District”, of Article VI, “Districts” of chapter 86, “Zoning”, of the Code of Ordinances of the Town is hereby amended by removing the special exception for church, convent, parish house or religious center as follows:

- (1) Single-family dwelling.
- (2) ~~Church, convent, parish house or religious center.~~ Reserved.
- (3) Public facilities.
- (4) Public areas.
- (5) Adult congregate living facility (ACLF).
- (6) Home occupations.
- (7) Cluster housing development.
- (8) Zero lot line development.
- (9) Planned unit development.
- (10) Mobile home parks and subdivisions, subject to the provisions of section 86-521 et seq.
- (11) Mobile homes on individual lots provided that the following conditions are met:
  - a. The unit shall meet all applicable setbacks and other zoning provisions of this district.
  - b. The unit shall meet all applicable building provisions including those regulations for withstanding hurricane force winds.
- (12) Professional office buildings.

**SECTION 4.** Section 86-241 “Minimum lot requirements” of Division 3, “Multiple-Family Residential (MF) District”, of Article VI, “Districts” of chapter 86, “Zoning”, of the Code of Ordinances of the Town is hereby amended by adding day care facilities, child and adult, as follows:

- (1) Duplex. A width of 100 feet and an area of 10,000 square feet.
- (2) Multiple-family. A width of 100 feet and an area of 10,000 square feet, provided that there shall be at least 5,000 square feet of net lot area for each dwelling unit.

(3) Church, convent, parish house or religious centers. A width of 100 feet and an area of 10,000 square feet.

(4) Schools, public and private. A width of 100 feet and an area of 10,000 square feet.

(5) Day care facilities, child and adult. A width of 100 feet and an area of 10,000 square feet.

**SECTION 5.** Section 86-243 ‘Maximum lot coverage of all buildings’ of Division 3, ‘Multiple-Family Residential (MF) District’, of Article VI, ‘Districts’ of chapter 86, ‘Zoning’, of the Code of Ordinances of the Town is hereby amended by adding day care facilities, child and adult, as follows:

(1) Single-family dwelling, as in the SF residential district.

(2) Duplex, as for single-family dwellings.

(3) Multiple-family, 35 percent of the lot or building site.

(4) Church, convent, parish house or religious centers, 35 percent of the lot or building site.

(5) Schools, public and private, 35 percent of the lot or building site.

(6) Day care facilities, child and adult, 35 percent of the lot or building site.

~~(4)~~ (7) For uses allowed by special exception, as the board of adjustment shall determine.

**SECTION 6.** Section 86-245 ‘Minimum floor area’ of Division 3, ‘Multiple-Family Residential (MF) District’, of Article VI, ‘Districts’ of chapter 86, ‘Zoning’, of the Code of Ordinances of the Town is hereby amended by adding day care facilities, child and adult, as follows:

(1) Single-family dwelling, 1,600 square feet.

(2) Duplex, 1,200 square feet, each dwelling unit.

(3) Multiple-family, 1,000 square feet each dwelling unit.

(4) Church, convent, parish house or religious centers, No minimum.

(5) Schools, public and private, No minimum.

(6) Day care facilities, child and adult, No minimum

~~(4)~~ (7) For uses allowed by special exception, as the board of adjustment shall determine.

**SECTION 7.** Section 86-246 “Minimum off-street parking requirements”, of Division 3, “Multiple-Family Residential (MF) District”, of Article VI, “Districts” of chapter 86, “Zoning”, of the Code of Ordinances of the Town is hereby amended by adding day care facilities, child and adult, as follows:

- (1) Single-family dwelling. Two off-street parking spaces.
- (2) Duplex. Two and one-half off-street parking spaces per unit, one parking space of which may be a garage or carport, plus one designated guest parking space for each two dwelling units or fraction thereof.
- (3) Multiple-family. The same as duplex see subsection (2) of this section.
- (4) Church. One space per every three seats in the main auditorium. If there are no fixed seats, one space per every 35 square feet of gross floor area in the main auditorium.
- (5) Convent, parish house or religious center. One space per bedroom, plus one space per 200 square feet of gross floor area devoted to offices and meeting rooms. If no offices or meeting rooms are provided, one-half space per bedroom shall be provided for guest parking.
- (6) Zero lot line development shall be as follows:
  - a. One or two bedroom dwelling unit, two spaces per dwelling unit.
  - b. Three or more bedroom dwelling unit, 2½ spaces per dwelling unit.
  - c. Additionally, one-half space per dwelling unit for guest parking.
- (7) Cluster housing development shall be as follows:
  - a. One or two bedroom dwelling unit, two spaces per dwelling unit.
  - b. Three or more bedroom dwelling unit, 2½ spaces per dwelling unit.
  - c. Additionally, one-half space per dwelling unit for guest parking.
- (8) Planned unit development shall be as follows:
  - a. One or two bedroom dwelling unit, two spaces per dwelling unit.
  - b. Three or more bedroom dwelling unit, 2½ spaces per dwelling unit.
  - c. Additionally, one-half space per dwelling unit for guest parking.
- (9) Public facilities. One space per every 200 square feet of gross floor area.

(10) Public areas. One space per every 10,000 square feet of gross land area, with a minimum of five spaces provided.

(11) Adult congregate living facilities. One space per dwelling unit, plus one space per 1,000 square feet of gross floor area devoted to kitchen, dining and other ancillary functions.

(12) Home occupations. One space shall be provided in addition to those spaces required for the principal structure.

(13) Mobile home/manufactured housing. Two spaces per dwelling unit.

(14) Schools, public and private.

a. School, private and charter. One space per employee plus one visitor space per 50 students plus one space per 5.5 students in the 11<sup>th</sup> and 12<sup>th</sup> grade.

b. College or university. One space per 2 students plus one space per 4 seats in a gymnasium or auditorium plus one space per 200 sq. ft. of administrative and office space.

c. Vocational school. One space per classroom plus one space per 4 students plus one space per 200 sq. ft. of administrative and assembly areas.

(15) Day care facilities, child and adult. One space per 250 sq. ft. plus one drop-off space per 20 persons.

**SECTION 8.** Section 86-247. "Limitation on signs", of Division 3, "Multiple-Family Residential (MF) District", of Article VI, "Districts" of chapter 86, "Zoning", of the Code of Ordinances of the Town is hereby amended by adding day care facilities, child and adult, as follows:

(1) Single-family. The same as for the single-family residential (SF) district.

(2) Multiple-family. One sign as provided in section 86-581, not to exceed 24 square feet in area.

(3) Church, convent, parish house or religious centers. One sign as provided in section 86-581, not to exceed 24 square feet in area.

(4) Schools, public and private. One sign as provided in section 86-581, not to exceed 24 square feet in area.

(5) Day care facilities, child and adult. One sign as provided in section 86-581, not to exceed 24 square feet in area.

(3) (6) Detached signs, as may be applicable to the particular use or situation, as provided in section 86-581

**SECTION 9.** The provisions of this Ordinance will be made a part of the Code of Ordinances of the Town of Lake Clarke Shores, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION 10.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Ordinance.

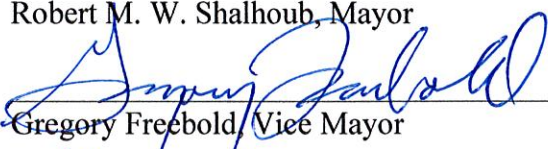

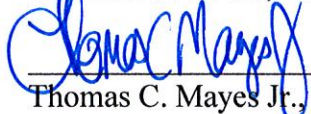
**SECTION 11.** The provisions of this Ordinance shall become effective immediately upon adoption.

**PASSED** this 14<sup>th</sup> day of July, 2015, on first reading.


**PUBLISHED** this 23<sup>rd</sup> day of July, 2015 in the Lake Worth Herald.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of August, 2015, on second and final reading.

**TOWN OF LAKE CLARKE SHORES, FLORIDA**

	FOR	AGAINST
BY: _____ Robert M. W. Shalhoub, Mayor	_____	_____
 Gregory Freebold, Vice Mayor	_____ <u>x</u> _____	_____
<u>Absent</u> Valentin Rodriguez Jr., President Pro Tem	_____	_____
 Malcolm K. Lewis, Council Member	_____ <u>x</u> _____	_____
 Thomas C. Mayes Jr., Council Member	_____ <u>X</u> _____	_____

**ATTEST:**

By:   
~~Mary Pinkerman, Town Clerk~~  
Tammy House, Deputy Town Clerk

Ordinance #15-04      Sponsored by:    The Town Council