

Lake Worth, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 23 - ZONING >> ARTICLE XII. - HIC-1 AND HIC-2 HIGH INTENSITY COMMERCIAL DISTRICTS >>**

ARTICLE XII. - HIC-1 AND HIC-2 HIGH INTENSITY COMMERCIAL DISTRICTS

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23.12.06.00. - Supplemental regulation for uses permitted by right and uses permitted as special land uses in HIC-1 high intensity commercial-1 district and HIC-2 high intensity commercial-2 district.

23.12.01.00. - Intent.

The high-intensity commercial-1 district and the high-intensity commercial-2 district are intended to provide for the establishment and expansion of a broad range of office and commercial uses, including higher intensity uses. However, commercial uses which have site and operating characteristics similar to industrial uses are not permitted within the high-intensity commercial districts. Furthermore, the establishment of certain uses is subject to special land 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 high-intensity commercial districts implement the high-intensity commercial land use category of the Lake Worth Comprehensive Plan. The high-intensity commercial-1 district is intended for mapping on lots such as those along Dixie Highway where the existing platting is in a small lot pattern. The high-intensity commercial-2 district is intended for mapping on lots such as those along Lake Worth Road where the existing platting is in a larger lot pattern.

23.12.02.00. - Use restrictions in high intensity commercial districts.

23.12.02.01. *Principal uses permitted by right in HIC districts.*

A. Administrative and professional office uses:

Accounting offices.

Administrative offices and other business offices.

Architectural, engineering, and similar offices.

Business service establishments, including, but not limited to:

Adjustment and collection agencies.

Advertising offices.

Commercial art studios.

Computer and data processing services.

Consumer credit reporting agencies.

Graphic arts services.

Mailing services, but not including envelope or package pickup or delivery service.

Management consulting services.

Mercantile reporting agencies.

News syndicate offices.

Secretarial and stenographic services.

Employment agent offices.

Insurance agent and broker offices, but not insurance claims centers.

Legal offices.

Nonprofit organization offices, including:

Civic, social, and fraternal organizations.

Political organizations.

Professional membership organizations.

Labor unions.

Real estate offices.

B. Medical office uses:

Medical offices and outpatient clinics.

C. Retail-type business services:

Blueprinting and similar copying services.

Delivery services.

Photocopying.

Photography studios.

Photostating.

Phototypesetting services.

Printing and photocopying services.

Radio and television broadcasting studios without communication towers.

Telegraph stations.

D. Low-intensity financial institutions:

Safe deposit establishments.

Stock, bond, and other brokerage establishments.

Trust companies.

E. High-intensity financial institutions:

Banks.

Credit unions.

Savings and loan institutions.

F. Low-intensity convenience sales uses:

Dry goods and notions stores.

Flower shops.

Key shops.

Hardware stores.

Paint and wallpaper stores.

Ticket agencies, entertainment.

Ticket agencies, transportation.

Tobacco shops.

Travel agencies.

Drug stores and pharmacies.

Special product food stores, including:

Bakeries.

Butcher shops.

Candy stores.

Gourmet shops, including:

Wine and cheese shops.

Health food stores.

Produce markets.

G. High-intensity convenience sales uses:
Grocery stores.

H. Personal service uses, including, but not limited to, the following:
Barber and beauty shops.

Dry cleaning establishments serving primarily the public.

Exercise studios.

Fitness centers.

Laundry establishments serving primarily the public.

Martial arts studios.

Music and dance studios.

Pet grooming establishments, but not kennels.

Photographic studios serving primarily the public.

Repair establishments as follows:

Shoe repair.

Small household appliance repair.

Watch, clock and jewelry repair.

Tailor and dressmaker shops.

I. Comparison commercial uses:
Antique stores.

Art merchandising studios.

Art supply stores.

Auto parts stores, retail.

Bathroom and kitchen contractor showrooms.

Book and stationery stores, not adult.

Business machine sales.

Camera stores.

Carpet, rug, and other flooring stores.

Clothing stores.

Coin and philatelic stores.

Department stores.

Furniture stores.

Garden equipment and supply stores.

Gift shops.
Hearing aid stores.
Hobby and craft stores.
Household appliance stores.
Interior decorators in business service.
Jewelry stores, costume.
Jewelry stores, fine.
Leather and luggage stores.
Lighting fixture show rooms.
Mail order and catalogue stores.
Mirror and glass stores.
Musical instrument sales.
Music and record stores.
Novelty shops.
Office supply and furniture stores.
Optician retail sales.
Pet stores.
Picture framing.
Security equipment stores, but not the installation of equipment on motor vehicles.
Sporting goods.
Thrift stores, including consignment and second-hand merchandise.
Toy stores.
Video stores, not adult.

J. Single-destination commercial uses:
Auction rooms.

Bait shops.
Bar and restaurant equipment sales.
Bicycle sales and service stores.
Building material supply establishments, retail.
Catering establishments as accessories to restaurants, but not direct selling establishments as listed in SIC 5963.
Electrical supply stores.
Food storage lockers.
Funeral homes and mortuaries.
Furniture and domestic equipment rental establishments.
Furniture refinishing.
Greenhouses and nurseries.
Janitorial equipment and supply establishments.
Locksmith establishments.
Medical and dental supply sales and rental sales.
Monument sales establishments.
Motion picture studios.
Newspaper distributing agencies.

Nurseries, retail, for the sale of plant materials grown off the premises.

Plumbing supply stores.

Related office temporary help service.

Repair shops for household appliances, furniture, small motors and machines and other small mechanical and electrical equipment.

Taxidermists.

Trade schools not involving industrial, motor vehicles, or other heavy equipment.

Upholstering, cloth and canvas products fabrication, including the fabrication of clothing, slipcovers, awnings and similar products.

Veterinary establishments, but not kennels.

K. Open air retail sales only on private property (see definition).

L. Eating and drinking establishments.

Clubs and lodges, private.

Meeting halls and banquet rooms.

Restaurants, low turn-over.

Restaurants, medium turn-over.

Restaurants, high turn-over.

Take-out food service.

M. Day care centers (see section [23.19.09.00](#)).

N. Hotels and motels:

Hotels, subject to the following requirements:

- (1) 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 from the interior face of the demising walls of the unit.
- (2) There shall be a minimum of one thousand eighty (1,080) square feet of site for each guest unit.

Motels, subject to the following requirements:

- (1) 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 from the interior face of the demising walls of the unit.
- (2) There shall be a minimum of one thousand eighty (1,080) square feet for each guest unit.

O. Dead storage mini warehouse facilities. On those properties in the HIC-1 zoning district which are bounded on the west by the FEC Railroad and on the east by North G Street, from Seventh Avenue North to Fifteenth Avenue North. More particularly described as Lot 10, Block 208; Lot 10, Block 250; Lot 10, Block 272; Lot 10, Block 316; Lot 10, Block 338 and Lot 10, Block 382, Town of Lake Worth and Lots 97—118, Crestwood Subdivision (see section [23.12.03.03\[E\]](#)).

P. Essential services.

23.12.02.02. Principal uses permitted as special land uses in HIC-1 and HIC-2 districts. [\[64\]](#)

A. Very high-intensity sales uses:

Convenience stores (see section [23.19.17.00](#)).

- Liquor stores.
- B. Drive-through facilities.
- C. Eating and drinking establishments:
 - Bars.
- D. New boat sales. On those properties in the HIC-1 zoning district which are north of Tenth Avenue North and south of Sixth Avenue South.
- E. Social services in HIC-1 zoning district only.
- F. Indoor commercial recreation uses:
 - Bowling alleys.
 - Game arcades.
 - Physical culture and health services, commercial, including gymnasiums, swimming pools, tennis and racquetball facilities and fitness centers.
 - Shooting ranges, indoor.
 - Skating rinks, indoor.
 - Theaters, indoor.
- G. Outdoor commercial recreation uses:
 - Water slides.
 - Wave pools.
- H. Light utility facilities:
 - Electrical substations.
 - Gas regulator stations.
 - Major transmission lines.
 - Telephone exchange and transmission equipment buildings.
 - Railroad rights-of-way.
 - Water pumping stations.
- I. Churches, synagogues and other houses of worship.
- J. Schools, elementary.
- K. 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.
- L. 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.
 - Airport transportation services.
 - Ambulance service.
 - Automobile rental, with drivers.
 - Bus lines.
 - Bus charter services.
 - Limousine rental, with drivers.
 - Passenger railroads.
 - Sightseeing buses.
 - Taxicab companies.
- M. Group homes, types II, III and IV, subject to regulations as set forth in section [23.19.10.00](#)

- N. Motorcycle accessories retail and service, minor.
- O. New motor vehicle sales and service establishments.
 - (1) No new motor vehicle business may be established, nor existing be expanded, between Tenth Avenue North and Sixth Avenue South on Dixie Highway.
 - (2) No new motor vehicle business may be established, nor existing be expanded that does not have business frontage on either Dixie Highway, Tenth Avenue North or Lake Worth Road.
- P. Automotive related uses, other than service:
 - Automobile insurance claims center.
- Q. Automobile service and repair, minor and/or major (see section [23.19.14.00](#)) shall not locate within one hundred fifty (150) feet of residential property, measured from property line to property line, including the following facilities:
 - Automobile emission testing stations.
 - Automobile filling stations.
 - Automobile lubricating establishments.
 - Automobile rustproofing and undercoating establishments.
 - Automobile tune-up establishments.
 - Automobile upholstery establishments.
 - Automobile washing establishments, attended.
 - Automobile waxing and polishing establishments.
 - Automobile window-tinting establishments.
- R. Dead storage mini warehouse facilities, subject to regulations as set forth in section [23.19.11.00](#)

Cross reference— Permitting special land uses only in HIC-1 and HIC-2 districts, § 23.19.15.00 R.

23.12.02.03. Accessory uses permitted by right in HIC districts.

- 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 one hundred (100) 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.
 - (1) The following shall be allowed to be displayed only in front of the business to which the items belong:
 - (a) Up to three (3) items, which must be new or in excellent condition.
 - (b) Flowers or foliage, maintained per City Code.
 - (c) Used and new clothing stores may display one (1) freestanding vertical clothing

- pole with a maximum of three (3) items of clothing.
- (d) 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.
- (2) The following shall be allowed by first obtaining a fifteen-dollar 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:
- (a) Art and/or craft demonstrations.
- (b) Outdoor sales of items.
- (3) The following items shall not be displayed outside of any store or business at any time:
- (a) Upholstered furniture or bedding.
- (b) Electrical appliances.
- (c) Horizontal racks of clothing.
- (d) Vehicles (except in authorized and licensed lots) or parts thereof.
- (e) 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.
- (4) Open air retail displays that are nonconforming uses under this article shall be made to conform to the provisions of this chapter within ninety (90) days of the passage of this ordinance.

23.12.02.04. Accessory uses permitted as special land uses in HIC districts.

- A. Church day care centers and nursery school uses accessory to churches, synagogues and other houses 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 sections 23.06.02.01, 23.06.02.03, 23.06.02.04 and 23.06.03.00. The residential use shall not exceed forty (40) percent of the overall floor area comprised of residential and office use.
- C. Restaurants accessory to motels.
- D. Establishments selling alcoholic beverages, whether for consumption on or off the premises, accessory to motels having accessory restaurants.
- E. Truck rental accessory to and customarily incidental to a principal use permitted as a special land use.
- F. Used boat sales. On those properties in the HIC-1 zoning district which are north of Tenth Avenue North and south of Sixth Avenue South.
- G. Any use accessory to and customarily incidental to a principal use permitted as a special land use.

(Ord. No. 90-38, § 1, 10-15-90; Ord. No. 92-9, § 1, 4-20-92; Ord. No. 92-29, § 1, 12-2-92; Ord. No. 93-21, § 2, 9-21-93; Ord. No. 94-5, § 2, 3-15-94; Ord. No. 95-17, § 1, 7-18-95; Ord. No. 96-10, § 1, 5-7-96; Ord. No. 96-19, § 1, 8-20-96; Ord. No. 97-7, § 1, 5-6-97; Ord. No. 98-06, § 1, 2-3-98; Ord. No. 98-27, § 1, 8-18-98; Ord. No. 98-29, § 1, 9-15-98; Ord. No. 98-30, § 1, 10-6-98; Ord. No. 2000-2, § 1, 2-1-00; Ord. No. 2000-12, § 1, 6-6-00; Ord. No. 2000-13, § 1, 6-6-00; Ord. No. 2000-30, § 1, 11-7-00; Ord. No. 2003-1, § 1, 1-21-03; Ord. No. 2006-28, § 1, 11-7-06; Ord. No. 2007-28, § 1, 6-19-07; Ord. No. 2008-19, § 1, 9-16-08)

23.12.03.00. - Development regulations for HIC-1 high intensity commercial-1 district.

23.12.03.01. *Minimum lot dimension for HIC-1 district.*

- A. Minimum lot area: six thousand five hundred (6,500) square feet.
- B. Minimum lot width: fifty (50) feet.

23.12.03.02. *Maximum height of buildings in HIC-1 district.*

- A. Principal building: sixty-five (65) feet in height and not to exceed six (6) stories.
- B. Garages and other accessory buildings: twenty-five (25) feet.

23.12.03.03 *Minimum setbacks for buildings in HIC-1 district.*

- A. Minimum front setback: ten (10) feet.
- B. Minimum side setback:
 - (1) From street side lot line: ten (10) feet.
 - (2) From interior side lot line: none.
- C. Minimum rear setback: five (5) feet.
- D. High-rise setback: Buildings in excess of thirty-five (35) feet in height shall set back one (1) additional foot in each yard for each five (5) additional feet in height or portion thereof.
- E. Special setbacks for the properties located east of the FEC Railroad, west of North G Street, between Seventh Avenue North and Thirteenth Avenue North shall be as follows:
 - (1) Front setback: eight (8) feet.
 - (2) Street side setback: twenty (20) feet.
 - (3) Rear setback: three (3) feet. Planting buffer shall be installed within the three (3) foot setback. This setback and planting buffer requirement shall not apply to properties adjoining railroad right-of-way.
 - (4) On those lots which abut Tenth Avenue North, further described as Lot 10, Block 272 and Lot 10, Block 316, the side setback shall be forty (40) feet. This setback shall apply to parking as well as buildings.
- 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 Federal Highway, Dixie Highway, Lake Avenue, Lucerne Avenue or Lake Worth Road rights-of-way, the owner will need to acquire a State of Florida Department of Transportation permit from their West Palm Beach Maintenance Division office.
Awning(s) shall be constructed with canvas or cloth materials only. Bahama shutters shall only be permitted when it is appropriate to the building architecture.

23.12.03.04. *Maximum impermeable surface for uses in HIC-1 district.* The maximum permitted impermeable surface for nonresidential uses in the HIC-1 district shall be limited only by the applicable setback requirements.

(Ord. No. 96-10, § 1, 5-7-96; Ord. No. 96-11, § 1, 5-7-96; Ord. No. 97-25, § 1, 10-7-97; Ord No. 99-24, § 1, 12-7-99)

23.12.04.00. - Development regulations for HIC-2 high intensity commercial-2 district.

23.12.04.01. *Minimum lot dimension for HIC-2 district.*

- A. Minimum lot area: two and one-half (2.5) acres.

B. Minimum lot width: one hundred seventy-five (175) feet.

23.12.04.02. *Maximum height of buildings in HIC-2 district.*

A. Principal building: sixty-five (65) feet.

B. Garages and other accessory buildings: twenty-five (25) feet.

23.12.04.03. *Minimum setbacks for buildings in HIC-2 district.*

A. Minimum front setback: thirty (30) feet. This setback shall apply to parking as well as buildings.

B. Minimum side setback:

(1) For lots not wider than one hundred (100) feet: ten (10) feet.

(2) For lots wider than one hundred (100) feet: twenty (20) feet or ten (10) percent of lot width, whichever is less.

C. Minimum rear setback: twenty (20) feet.

23.12.04.04. *Maximum impermeable surface for uses in HIC-2 district.* The maximum permitted impermeable surface for nonresidential uses in the HIC-2 district shall be seventy-five (75) percent.

23.12.05.00. - Locational and development regulations for uses permitted as special land uses in HIC high intensity commercial-1 district and HIC-2 high intensity commercial-2 district.

Uses permitted as special land uses shall be regulated pursuant to the requirements of Article XIX.

23.12.06.00. - Supplemental regulation for uses permitted by right and uses permitted as special land uses in HIC-1 high intensity commercial-1 district and HIC-2 high intensity commercial-2 district.

Uses permitted by right and uses permitted as special land uses shall be subject to applicable provisions of Article XXI, Supplemental Regulations.

FOOTNOTE(S):

⁽⁶⁴⁾ *Editor's note— Ord. Nos. 98-27 and 98-29, adopted Aug. 18, 1998, and Sept. 15, 1998, respectively, amended subsection 23.12.02.02 by adding new subsections D. and E. Ord. No. 98-30, adopted Oct. 6, 1998, amended subsection 23.12.02.02 by added provisions designated as a new subsection D., which the editor, at his discretion, has redesignated as a new subsection N. below. [\(Back\)](#)*