

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL CITY COMMISSION MEETING - LDRS & COMP PLAN
BY TELECONFERENCE
TUESDAY, JULY 28, 2020
IMMEDIATELY FOLLOWING THE ELECTRIC UTILITY MEETING**

The meeting was called to order by Mayor Triolo on the above date at 6:06 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

AGENDA - Additions/Deletions/Reordering:

Deborah Andrea, City Clerk, announced that New Business Item C, Designation of voting delegate during the Florida League of Cities Virtual Annual Conference on August 14, 2020, was added to the agenda.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve the agenda as amended.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

PUBLIC HEARINGS:

- A. Ordinance No. 2020-05 – Second Reading - Amend Future Land Use Element of the City's Comprehensive Plan

City Attorney Goddeau read the ordinance by title only:

ORDINANCE NO. 2020-05 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING POLICIES IN THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN RELATING TO THE MIXED USE EAST, DOWNTOWN MIXED USE, AND TRANSIT ORIENTED DEVELOPMENT FUTURE LAND USE (FLU) DESIGNATIONS, INCLUDING MODIFICATIONS TO THE FLU DEVELOPMENT REQUIREMENTS, LIMITATIONS, AND GENERAL LOCATION DESCRIPTIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Ordinance No. 2020-05 amending the Future Land Use Element of the City's Comprehensive Plan.

Mayor Triolo stated that this was the second reading of the ordinance and asked if there was any new information.

City Clerk Andrea said that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

B. Ordinance No. 2020-06 – Second Reading - Amend Future Land Use Map (FLUM) of the City’s Comprehensive Plan

City Attorney Goddeau read the ordinance by title only:

ORDINANCE NO. 2020-06 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM) THROUGH A LARGE SCALE MAP AMENDMENT FROM THE FUTURE LAND USE (FLU) DESIGNATIONS OF MIXED USE EAST AND MIXED USE-WEST TO THE TRANSIT ORIENTED DEVELOPMENT FLU DESIGNATION ON PROPERTY GENERALLY LOCATED ALONG THE LAKE WORTH ROAD CORRIDOR BETWEEN BOUTWELL ROAD AND NORTH A STREET AND MORE FULLY DESCRIBED IN EXHIBIT A; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Ordinance No. 2020-06 amending the Future Land Use Map (FLUM) of the City’s Comprehensive Plan.

Comments/requests summary:

1. Commissioner Hardy asked what the maximum density was of the area.

William Waters, Community Sustainability Director, replied that the maximum density through the City’s incentives was 100 units per acre. He iterated that approval would allow for the completion of the entitlement process for The Bohemian project.

2. Commissioner Robinson asked for assurances that any residents being annexed into the City would be notified.

City Clerk Andrea stated that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

NEW BUSINESS:

A. Ordinance No. 2020-11 – First Reading - Amend the City’s Code of Ordinances Chapter 23 Land Development Regulations

City Attorney Goddeau read the ordinance by title only.

ORDINANCE 2020-11 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION," DIVISION 1 "IN GENERAL," SECTIONS 2-4, 2-7, 2-10.2 AND 2-11.3 RELATED TO APPLICATION FEES; AND AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 1, "GENERALLY," SECTIONS 23.1-5 AND 23.1-6 RELATED TO OFFICIAL MAPS; ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2, "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 2 "ADMINISTRATION" DIVISION 3, "PERMITS," SEC. 23.2-30. - SITE PLAN REVIEW; ARTICLE 3, "ZONING DISTRICTS" SEC. 23.3-2. -OFFICIAL ZONING MAP; ARTICLE 4, "DEVELOPMENT STANDARDS" - SECTION 23.4-4. - FENCES, WALLS AND GATES; ARTICLE 4, "DEVELOPMENT STANDARDS" SECTION 23.4-10 - OFF-STREET PARKING; ARTICLE 4, "DEVELOPMENT STANDARDS" SECTION 23.4-19 - OUTDOOR STORAGE; ARTICLE 4 "DEVELOPMENT ARTICLE 6 "ENVIRONMENTAL REGULATIONS", SECTION 23.6-1(C)(3) LANDSCAPE REGULATIONS OF THE CITY'S CODE OF ORDINANCES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance No. 2020-11 on first reading and schedule the second reading and public hearing for August 18, 2020.

Mayor Triolo thanked staff for bringing the amendments back in pieces to make them easier to deal with.

Commissioner Robinson stated that the rear alleys should be used for parking.

Erin Sita, Community Sustainability Assistant Director, stated that the ordinance was part of a series of amendments in 2020 to address code updates prioritized by the City Commission at the March 5, 2020 workshop and had been unanimously approved by HRPB and PZB. She summarized the following proposed amendments to Chapter 2 "Administration" and Chapter 23 "Land Development Regulations":

1. Chapter 2, Division 1, "In-General," Sections 2-4, 2-7, 2-10.2 AND 2-11.3 – propose to reference the City's official schedule of fees and charges for privately initiated changes to the either the City's Comprehensive Plan or Future Land Use Map (FLUM) as well as voluntary annexations and other zoning requests;
2. Article 1- Section 23.1-5 and 6 - General Provisions – provide for the City to have both its official zoning map and official future land use map managed digitally;
3. Article 1- Section 23.1-12 – Definitions – provide clarity and with regard to building lot coverage, overall lot coverage and permeable and impermeable surfaces;
4. Article 2 - Section 23.2-20 – Site Plan Review – clarify the distinction between major site plans and minor site plans as well as the process to amendment same;
5. Article 3 - Section 23.3-2 – Official Zoning Map – provide for the City to have both its official zoning map and official future land use map managed digitally;
6. Article 4 - Section 23.4-4 – Fences, Walls and Gates – provide additional regulations regarding types of perimeter fences, materials and locations for all zoning districts as well as clarity with regard to visibility triangles;
7. Article 4 - Section 23.4-10 – Off Street Parking – provide for clarity with regard to acceptable materials allowed for off street parking;

8. Article 4 - Section 23.4-19 – Outdoor Storage – provide for clarity on where outdoor storage may occur and storm water requirements for outdoor storage;
9. Article 6 - Section 23.6-1 – Landscape Regulations – provide for dealing with dumpster landscaping and non-conforming dumpster conditions.

Comments/requests summary:

1. Commissioner Hardy expressed appreciation for the hard work that had been done. He asked about the setbacks for call boxes and electronic gates and if there were issues at The One with stacking.

Ms. Sita replied that staff proposed a 25-foot setback to be compatible with the City's urban environment.

Mr. Waters said that The One had a setback and the standard would be established for all types of gates with one car length being the standard, but more could be used if desired.

Commissioner Hardy spoke in opposition to using property for car related issues and requiring separate entrances for residents and guests, which were less productive uses of the property.

Mr. Waters explained that some standards were in response to Palm Beach County Fire Rescue (PBCFR) as a life safety issue and would give the City legal standing when going against PBCFR.

2. Commissioner Robinson asked if artificial turf was part of the ordinance.

Ms. Sita responded that the issue would be a part of the landscape code amendments to follow.

3. Vice Mayor Amoroso thanked staff for their hard work on the amendments and asked if new construction would use alleys for parking.

Mr. Waters replied that it was encouraged to have parking in the back, but many alleys were not improved and could not be accessed for parking.

Commissioner Hardy opined that rear loading should be used whenever possible.

City Clerk Andrea stated that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: Commissioner Hardy.

- B. Ordinance No. 2020-12 – First Reading - Amend the City's Code of Ordinances Chapter 23 Land Development Regulations

City Attorney Goddeau read the ordinance by title only.

ORDINANCE 2020-12 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2, "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 3 "ZONING DISTRICTS," DIVISION 1, "GENERALLY," SECTION 23.3-6 – USE TABLES; AND ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-12 – ADMINISTRATIVE USES AND CONDITIONAL USES OF THE CITY'S CODE OF ORDINANCES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Ordinance No. 2020-12 on first reading and to schedule the second reading and public hearing for August 18, 2020.

Ms. Sita explained that this was the second set of ordinances for use and that the ordinance was part of a series of amendments in 2020 to address code updates prioritized by the City Commission at the March 5, 2020 workshop and had been approved by HRPB and PZB unanimously. She laid out the following proposed amendments to Chapter 23 "Land Development Regulations" regarding uses, which were all focused on uses, performance standard for uses, and the permitted use table overhaul:

1. Article 1- Section 23.1-12 – Definitions – clarified existing use definitions, consolidated groups of uses with a new corresponding definition and included new uses;
2. Article 3 - Section 23.3-6 – Use Tables – provide for a major overhaul of the current permitted use tables including consolidation of uses, clarifying level of review, adding several new uses and deleting redundant or unnecessary uses;
3. Article 4 - Section 23.4-13 – Administrative Uses and Conditional Uses – provide additional performance standards for vehicular and industrial uses as well as new standards for specialty storage, money business services, and breweries, distilleries, micro-breweries, micro-distilleries, specialty breweries and specialty distilleries.

Ms. Sita explained the columns that were being deleted from the use tables for clarity.

Comments/requests summary:

1. Commissioner Hardy said that money business services were necessary for undocumented or poor residents and asked for the regulations to be explained.

Ms. Sita stated that the services had higher crime and could exploit people; the intent was to separate money business services from convenience stores and would require cameras due to the higher crime.

Commissioner Hardy asked about the differences in distance requirements for accessory uses and principal uses and how the requirement would apply for an accessory use.

Ms. Sita responded that the City had more accessory uses and the requirement would apply for a retail store with convenience items. She stated that principal uses would

include money businesses such as a check cashing store. She explained that 400 feet was selected because it was the length of the City's blocks.

Mr. Waters stated that a distance waiver process was available for an applicant to present to the appropriate board.

Commissioner Hardy opined that it was unclear that some of the services would be nuisances.

Mr. Waters affirmed that there were many complaints and non-conformance after hours; the distance requirement was implemented to deal with those issues.

Commissioner Hardy asked if there had been a study or close analysis of the complaints. He said that he would not support the ordinance until more outreach was done. He asked why breweries/distilleries were not allowed everywhere in the City.

Mr. Waters replied that the capacity would affect where the businesses could go; it would depend on the capacity of the business and the size of manufacturing involved.

Commissioner Hardy objected to overly regulating the businesses. He said that the average person would not have an issue with a brewery downtown.

City Attorney Goddeau explained the differences between microbreweries and distilleries.

2. Commissioner Robinson said that distribution could be regulated by hours. He expressed regret for limiting the way the money services could be used and said that there should not be a loophole to allow pawn shops.

Mr. Waters said that there was a much higher likelihood of crime late at night because some people did not have bank accounts, were walking around with large amounts of cash and being robbed.

City Attorney Goddeau responded that the regulations were to protect customers, not to regulate the businesses.

Ms. Sita stated that those types of businesses would not be downtown, but on Dixie Highway or Mixed Use West.

Mayor Triolo asked Mr. Waters if he had a time constraint.

Mr. Waters replied that there were five projects waiting the approval of the ordinance.

3. Commissioner Maxwell asked to consider a vote.
4. Commissioner Hardy said that some crime was not being reported, but people were bringing cash to money business services anyway because they had to; the residents should be asked how the regulations would affect them.

Action: Subsidiary motion made by Commissioner Hardy to strike lines 726-751 and move that section to a work session. **Motion failed for lack of a second.**

City Clerk Andrea stated that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: Commissioner Hardy.

C. (added) Designation of voting delegate during the Florida League of Cities Virtual Annual Conference on August 14, 2020

Mayor Triolo inquired if any of the Commissioners would be attending the meeting.

Vice Mayor Amoroso replied that he served on the Board and would attend the conference.


Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to designate Vice Mayor Amoroso as the voting delegate during the Florida League of Cities Virtual Annual Conference on August 14, 2020.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: Commissioner Hardy.


ADJOURNMENT:

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to adjourn the meeting at 7:11 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.


Pam Triolo, Mayor

ATTEST:


Deborah M. Andrea, CMC, City Clerk



Minutes Approved: August 18, 2020

A digital audio recording of this meeting will be available in the Office of the City Clerk.