



**AGENDA  
CITY OF LAKE WORTH BEACH  
REGULAR CITY COMMISSION MEETING  
CITY HALL COMMISSION CHAMBER  
TUESDAY, AUGUST 02, 2022 - 6:00 PM**

**ROLL CALL:**

**INVOCATION OR MOMENT OF SILENCE:** led by Commissioner Sarah Malega

**PLEDGE OF ALLEGIANCE:** led by Vice Mayor Christopher McVoy

**AGENDA - Additions / Deletions / Reordering:**

**PRESENTATIONS:** (there is no public comment on Presentation items)

- A. Presentation from Kelly Smallridge on the status of Economic Development activity in Palm Beach County and how it is intrinsically connected to housing, especially affordable/workforce housing
- B. Presentation on Mental Health America's Bell Seal for Workplace Mental Health Gold Status by Human Resources.
- C. Thoughts and Inspirations for the Lake Worth Beach Pool - a slideshow by Vice Mayor Christopher McVoy

**COMMISSION LIAISON REPORTS AND COMMENTS:**

**CITY MANAGER'S REPORT:**

**PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**

**APPROVAL OF MINUTES:**

- A. [Regular Meeting - July 5, 2022](#)
- B. [Pre-agenda Work Session - July 13, 2022](#)
- C. [Regular Meeting - July 19, 2022](#)

**NEW BUSINESS:**

- A. [Resolution No. 50-2022 – approving the electronic filing of campaign reports](#)
- B. [Ordinance 2022-12 - First Reading - amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” and Article 2 “Administration”, Division 3 “Permits” adding a new Section 23.2-39 “Affordable/Workforce Housing Program,” providing for a Lake Worth Beach Affordable/Workforce Housing Program](#)
- C. [Ordinance 2022-13 - First Reading - amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12](#)

[“Definitions,” and Article 4 “Development Standards”, adding a new Section 23.4-25 “Micro-Units,” providing for Micro-Unit Housing](#)

- D. [Ordinance 2022-14 - First Reading - amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions”, and Article 2 “Administration”, Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative Standards,” providing standards for buildings](#)

**CITY ATTORNEY'S REPORT:**

**UPCOMING MEETINGS AND WORK SESSIONS:**

August 10 - Pre-agenda work session @ 9 am  
August 11 - Budget Work Session #2 @ 5 pm  
August 15 - Budget Work Session #3 @ 5 pm  
August 16 - Regular Meeting @ 6 pm

**ADJOURNMENT:**

The City Commission has adopted Rules of Decorum for Citizen Participation (See Resolution No. 25-2021). The Rules of Decorum are posted within the City Hall Chambers, City Hall Conference Room, posted online at: <https://lakeworthbeachfl.gov/government/virtual-meetings/>, and available through the City Clerk's office. Compliance with the Rules of Decorum is expected and appreciated.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

**MINUTES  
CITY OF LAKE WORTH BEACH  
REGULAR CITY COMMISSION MEETING  
CITY HALL COMMISSION CHAMBER  
TUESDAY, JULY 5, 2022 – 6:00 PM**

The meeting was called to order by Vice Mayor McVoy on the above date at 6:06 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

**ROLL CALL:** (1:03) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Davis, City Attorney Glen Torcivia and City Clerk Melissa Ann Coyne.

**INVOCATION OR MOMENT OF SILENCE:** (1:20) led by Commissioner Kimberly Stokes.

**PLEDGE OF ALLEGIANCE:** (2:33) led by Commissioner Reinaldo Diaz.

**ADDITIONS/DELETIONS/REORDERING** (2:54)

Presentation C, Proclamation declaring July 2022 as Parks and Recreation Month, has been moved to the July 19 meeting.

**Action:** Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve the agenda as amended.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

**PRESENTATIONS:** (3:20) (there is no public comment on Presentation items)

A. Presentation by Carolyn Beisner, Senior Environment Analyst at Palm Beach County Board of County Commissioners regarding the mangrove pod project (3:30)

**Action:** Consensus to support the project.

B. Oceanfront EKO Park: Fun, Education, and guiding humanity towards a safe future with EKOTECTURE Presentation by Jill Karlin (20:14)

C. (moved to July 19) Proclamation declaring July 2022 as Parks and Recreation Month

**COMMISSION LIAISON REPORTS AND COMMENTS:** (34:51)

**CITY MANAGER'S REPORT:** (47:50)

City Manager Davis provided the following report:

- enjoyed the Fourth of July festivities
- thanked HR for the excellent job on the employee appreciation luau event

- was invited to judge the Children's Got Talent event at the Wimbley gym
- said that the first District Public Forum went well

**PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:** (50:10)

**APPROVAL OF MINUTES:** (52:05)

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve the following minutes as corrected:

- A. Regular Meeting - June 7, 2022
- B. Special Meeting - June 11, 2022
- C. Pre-Agenda Work Session - June 15, 2022
- D. Special Meeting - June 21, 2022

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

**CONSENT AGENDA:** (53:47)

**Action:** Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to approve the Consent Agenda:

- A. Proposed Settlement of Pending Personal Injury Litigation with Leigh Shinohara
- B. Commercial Driver's License Memorandum of Understanding Ratification for the Public Employees Union (PEU) Collective Bargaining Agreement.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

**UNFINISHED BUSINESS:** (54:04)

- A. Resolution No. 32-2022 – Support for Additional Traffic Calming Measures on Federal Highway

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 32-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, IN SUPPORT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION INCLUDING ADDITIONAL TRAFFIC CALMING MEASURES ON FEDERAL HIGHWAY (PROJECT NUMBER 4461731); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Resolution No. 32-2022 – Support for Additional Traffic Calming Measures on Federal Highway with added language regarding a 25-mph speed limit.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

**NEW BUSINESS:** (1:20:25)

A. Construction Contract with Lambert Brothers, Inc. (1:20:31)

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve the Construction Contract with Lambert Brothers, Inc.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: Vice Mayor McVoy.

The meeting recessed at 7:40 PM and reconvened at 7:47 PM

B. Task Order #3 to the Professional Service Agreement with CPZ Architects, Inc. (1:42:00)

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Task Order #3 to the Professional Service Agreement with CPZ Architects, Inc.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

**CITY ATTORNEY'S REPORT:**

City Attorney Torcivia did not provide a report.

**UPCOMING MEETINGS AND WORK SESSIONS:**

July 13 - pre-agenda work session  
July 16 - regular meeting  
July 26 - utility meeting  
July 27 - pre-agenda work session

**ADJOURNMENT:** (2:18:48)

**Action:** Motion made by Commissioner Stokes and seconded by Commissioner Malega to adjourn the meeting at 8:24 PM.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

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Betty Resch, Mayor

ATTEST:

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Melissa Ann Coyne, City Clerk

Minutes approved August 2, 2022.

Item time stamps refer to the recording of the meeting which is available on YouTube.

**MINUTES  
CITY OF LAKE WORTH BEACH  
CITY COMMISSION PRE-AGENDA WORK SESSION  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, JULY 13, 2022 - 9:00 AM**

The meeting was called to order by Mayor Resch on the above date at 9:05 AM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

**ROLL CALL:** (2:37) Present were Mayor Betty Resch; Vice Mayor Christopher McVoy, Commissioners Sarah Malega and Reinaldo Diaz. Also present were City Manager Carmen Davis, City Attorney Glen Torcivia, and City Clerk Melissa Ann Coyne. Commissioner Kimberly Stokes was absent.

**UPDATES / FUTURE ACTION / DIRECTION**

**Action:** Consensus to move forward with regulations for short term rentals (5:14)

**ADJOURNMENT:** (58:51)

The meeting adjourned at 10:04 AM.

\_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, City Clerk

Minutes Approved: August 2, 2022

Item time stamps refer to the recording of the meeting which is available on YouTube.

**MINUTES  
CITY OF LAKE WORTH BEACH  
REGULAR CITY COMMISSION MEETING  
CITY HALL COMMISSION CHAMBER  
TUESDAY, JULY 19, 2022 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:05 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

**ROLL CALL:** (0:13) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Davis, City Attorney Glen Torcivia and City Clerk Melissa Ann Coyne.

**INVOCATION OR MOMENT OF SILENCE:** (0:31) led by Commissioner Reinaldo Diaz.

**PLEDGE OF ALLEGIANCE:** (1:26) led by Vice Mayor Christopher McVoy.

**ADDITIONS/DELETIONS/REORDERING** (1:47)

Presentation C, a Proclamation for the 11th Annual Kids Fit Jamathon and Presentation D, Quarterly PBSO report were added under Presentations; previous Presentation C was moved to the August 2 meeting. The following four resolutions were added to the Consent Agenda as items B, C, D and E: Resolution No. 46-2022 - directing the Preparation of the Preliminary Refuse Assessment Roll for Fiscal Year 2022-2023, Resolution No. 47-2022 - directing the Preparation of the Preliminary Stormwater Assessment Roll for Fiscal Year 2022-2023, Resolution No. 48-2022 - establishing the Proposed Tentative Voter Approved Debt Rate for Fiscal Year 2022-2023 and Resolution No. 49-2022 - establishing the Proposed Millage Rate for Fiscal Year 2022-2023. Resolution No. 43-2022 – First Amendment to FUSION Mini-Grant Interlocal Agreement was added as New Business C. The total on the staff report for Public Hearings B regarding the special assessments should have amended to \$23,863.78.

**Action:** Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve the agenda as amended.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

**PRESENTATIONS:** (3:46) (there is no public comment on Presentation items)

- A. Legislative Update by State Representative Mike Caruso (3:50)
- B. Proclamation declaring July 2022 as Parks and Recreation Month (20:07)
- C. (added) Proclamation recognizing July 28, 2022 as the 11th Annual Kids Fit Jamathon (23:37)
- D. (added) Quarterly PBSO presentation by Capt. Todd Baer (29:10)
- E. (reordered from Presentation C then moved to August 2 meeting) Presentation on Mental Health America's Bell Seal for Workplace Mental Health Gold Status by Human Resources

**COMMISSION LIAISON REPORTS AND COMMENTS:** (1:01:53)



**CITY MANAGER'S REPORT:** (1:11:22)

City Manager Davis provided the following report:

- staff was updating the emergency management manual
- there would be an active shooter training for city employees
- announced that residents could sign up for the budget billing plan online
- spoke at the LWB Rotary Club
- met with Deborah Drum, Director of PBC's Environmental Resource Management
- expressed appreciation for the PBSO presentation and stated that negotiations were ongoing for the next agreement
- said that there would be HRPB interviews on August 23
- thanked Rep. Caruso for sponsoring appropriations for the city
- reported that staff did all they could to express concerns to FDOT about Federal Highway

**PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:** (1:17:33)

The meeting recessed at 7:32 PM and reconvened at 7:45 PM.

**APPROVAL OF MINUTES:** (1:41:00)

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve the following minutes:

- A. Regular Meeting - June 21, 2022
- B. Special Meeting - June 28, 2022
- C. Pre-Agenda Work Session - June 29, 2022

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

**CONSENT AGENDA:** (1:41:06)

**Action:** Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to approve the Consent Agenda:

- A. Standard Insurance Policies for FY 2022/23 Employee Health and Welfare Benefits
- B. (added) Resolution No. 46-2022 - Directing the Preparation of the Preliminary Refuse Assessment Roll for Fiscal Year 2022-2023 and scheduling the final public hearing for September 22, 2022
- C. (added) Resolution No. 47-2022 - Directing the Preparation of the Preliminary Stormwater Assessment Roll for Fiscal Year 2022-2023 and scheduling the final public hearing for September 8, 2022
- D. (added) Resolution No. 48-2022 - establish the Proposed Tentative Voter Approved Debt Rate for Fiscal Year 2022-2023 and schedule the first public hearing for September 8, 2022 and the second public hearing for September 22, 2022



- E. (added) Resolution No. 49-2022 - establish the Proposed Millage Rate for Fiscal Year 2022-2023.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

**PUBLIC HEARINGS:** (1:41:18)

- A. Ordinance No. 2022-08 – Second Reading – amending the City’s Official Zoning Map by approving a residential planned development, major site plan, conditional use permit and sustainable bonus requests for Detroit St/Buffalo St at 7 Detroit Street and 26 Buffalo Street to construct an approximately 3-story, 60-unit multi-family mid-rise residential structure (1:41:20)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2022-08 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A RESIDENTIAL PLANNED DEVELOPMENT DISTRICT, LOCATED AT 7 DETROIT STREET AND 26 BUFFALO STREET TO CONSTRUCT AN APPROXIMATELY 3-STORY, 60-UNIT MULTI-FAMILY MID-RISE RESIDENTIAL DEVELOPMENT AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE MIXED USE-WEST (MU-W) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF TRANSIT ORIENTED DEVELOPMENT (TOD) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING A CONDITIONAL USE PERMIT; APPROVING HEIGHT BONUS INCENTIVE THROUGH THE CITY’S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE DEVELOPMENT OF A RESIDENTIAL PLANNED DEVELOPMENT; PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve Ordinance No. 2022-08 amending the City’s Official Zoning Map by approving a residential planned development, major site plan, conditional use permit and sustainable bonus requests for Detroit St/Buffalo St at 7 Detroit Street and 26 Buffalo Street to construct an approximately 3-story, 60-unit multi-family mid-rise residential structure, allowing the trees to be native or non-native to would provide the most shade possible.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

- B. Resolution No. 42-2022 - Adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services and directing that such final assessment roll be certified to the Palm Beach County Tax Collector (1:46:50)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 42-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA,

RELATED TO THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT CLEARING, BOARDING AND SECURING, AND DEMOLITION SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2022 AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve Resolution No. 42-2022 - Adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

**NEW BUSINESS:** (1:50:50)

A. Agreement with Priority Towing for City-wide Vehicle Towing and Storage (1:50:55)

**Action:** Motion made by Commissioner Stokes and seconded by Commissioner Diaz to approve Agreement with Priority Towing for City-wide Vehicle Towing and Storage.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

B. Fiscal Year 2022 JAG Award Presentation (1:52:40)

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve the eligible use of funding for the City's Fiscal Year 2022 JAG award.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

C. (added) Resolution No. 43-2022 – First Amendment to FUSION Mini-Grant Interlocal Agreement (2:00:11)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 43-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, TO APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE INTERLOCAL AMENDMENT BETWEEN THE PALM BEACH SHERIFF'S OFFICE AND THE CITY FOR THE FUSION MINI-GRANT PROGRAM TO SUPPORT RECREATION PROGRAMS AND ACTIVITIES IN THE CITY'S SOUTH-END; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Resolution No. 43-2022 – First Amendment to FUSION Mini-Grant Interlocal Agreement.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

**CITY ATTORNEY'S REPORT:** (2:00:52)

City Attorney Torcivia provided the following report:

- the smoking ban ordinance had been drafted and was being reviewed by PBSO's legal department
- the drone ordinance was being drafted

**Action:** Consensus to add dates regarding the nesting period for the oyster catchers to the drone ordinance and to bring it back for discussion before the first reading.

- rental regulations were being worked on with William Waters, Community Sustainability Director and Erin Sita, Community Sustainability Assistant Director
- the Deco Green lawsuit was dismissed; the developer would have to decide whether or not to appeal within 30 days
- the housing crisis resolution was being worked on

**UPCOMING MEETINGS AND WORK SESSIONS:**

July 26 - Utility meeting @ 6 pm  
July 27 - Pre-agenda work session @ 9 am  
August 1 - Budget Work Session @ 5 pm  
August 2 - Regular meeting @ 6 pm

Draft Agenda - August 2, 2022

**ADJOURNMENT:** (2:16:10)

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to adjourn the meeting at 8:21 PM.

**Vote:** Voice vote showed: AYES: Mayor Betty Resch, Vice Mayor Christopher McVoy, and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. NAYS: None.

\_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, City Clerk

Minutes approved August 2, 2022.

Item time stamps refer to the recording of the meeting which is available on YouTube.

# EXECUTIVE BRIEF REGULAR MEETING

**AGENDA DATE:** August 2, 2022

**DEPARTMENT:** City Clerk

**TITLE:**

Resolution No. 50-2022 – approving the electronic filing of campaign reports

**SUMMARY:**

Every election cycle, candidates are required to file campaign treasurer reports which have strict statutory requirements. Reports that are filed late are subject to fines as high as \$500 a day, paid from personal, not campaign, funds. Implementing online filing of reports would extend the deadline for filing from 5 pm to midnight on the due date and allow candidates to file reports from anywhere.

**BACKGROUND AND JUSTIFICATION:**

The attached Resolution is for the City Commission to implement the provisions of Section 106.07(2)(A)2, Florida Statutes, requiring the submission of Campaign Finance Reports through an Electronic Filing System, establishing requirements for the system, establishing requirements for system access and authorizing the City Clerk to promulgate rules, for other guidance related to the system and for providing an effective date.

The implementation of the Electronic Filing System will allow candidates and political committees to obtain the reporting forms electronically, submit reports before deadlines, as well as file amended reports when necessary. This will also allow a candidate, their designated campaign treasurer(s), and a political committee agent to have access to the campaign treasurer's reports at all times. In addition to the above, the electronic filing of campaign reports by candidates and political committees will promote accuracy, efficiency, and transparency, as the public will have access as soon as the reports are submitted.

**MOTION:**

Move to approve/disapprove Resolution No. 50-2022 – approving the electronic filing of campaign reports.

**ATTACHMENT(S):**

Fiscal Impact Analysis – N/A  
Resolution 50-2022

RESOLUTION NO. 50-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, IMPLEMENTING THE PROVISIONS OF SECTION 106.07(2)(A)2., FLORIDA STATUTES, REQUIRING SUBMISSION OF CAMPAIGN FINANCE REPORTS THROUGH AN ELECTRONIC FILING SYSTEM; ESTABLISHING REQUIREMENTS FOR THE SYSTEM; ESTABLISHING REQUIREMENTS FOR SYSTEM ACCESS AND USAGE; DESCRIBING APPLICABLE EXEMPTIONS FROM PUBLIC RECORDS LAW; AUTHORIZING THE CITY CLERK TO PROMULGATE RULES AND OTHER GUIDANCE RELATED TO THE SYSTEM; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, Chapter 106, Florida Statutes, requires candidates for statewide office to file campaign finance reports electronically; and

WHEREAS, Section 106.07(2)(a)2., Florida Statutes, authorizes the City of Lake Worth Beach ("City") to impose electronic filing requirements upon candidates for Mayor and City Commissioner that are not in conflict with Section 106.0705, Florida Statutes; and

WHEREAS, Section 106.03(3), Florida Statutes, requires that the campaign finance reports of political committees registered with the City Clerk in accordance with that section be subject to the same filing conditions as established for the campaign finance reports for candidates; and

WHEREAS, the City Commission finds that the electronic filing of campaign finance reports by candidates and political committees will promote accuracy, efficiency, and transparency, and serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. The foregoing recitals and findings are incorporated into the Resolution as true statements.

Section 2. The City Clerk is hereby directed to establish and authorized to promulgate rules and other guidance related to use of an internet-based system for recording and reporting campaign finance activity in accordance with this Resolution and Section 106.07(2)(a)2., Florida Statutes ("System").

Section 3. At all times, the System must comply with applicable provisions of federal, state, and local law, including Section 106.0705(5), Florida Statutes, and the provisions of Florida law regarding public records.

Section 4. The City Clerk is responsible for administering the credentials through which each user securely accesses the System; which may consist of a username, password, PIN, digital certificate, or other industry-standard authentication factor (“Credentials”).

Section 5. Before midnight at the end of the applicable due date, each report of campaign finance activity that must be filed with the City Clerk pursuant to Chapter 106, Florida Statutes, (“Report”) must be filed with the City Clerk through the System.

Section 6. Each person who uses the System is subject to the following requirements:

- (a) Credentials are approved on an individual basis and may not be shared-even with members of the same Campaign or Committee. Each user who is approved for Credentials is responsible for protecting those Credentials from disclosure or compromise. Once Credentials have been approved for a user, that user is deemed responsible for every Report filed using those Credentials until such time as the City Clerk is notified of disclosure or compromise of those Credentials.
- (b) By filing a Report through the System, a person (i) is deemed to have electronically signed the Report under oath and to have certified the correctness of the Report in accordance with applicable law; (ii) is responsible for the accuracy and veracity of the Report; and (iii) is deemed to have committed a criminal act by certifying a Report that is known to be incorrect, false, or incomplete.

Section 7. Information held by the Department of State used to authenticate a user and Credentials approved for a user are confidential and exempt from disclosure pursuant to Section 106.0706(1), Florida Statutes. Information entered into the System for purposes filing a Report is exempt from disclosure pursuant to Section 106.0706(2), Florida Statutes, until the Report has been filed; at which point the filed Report becomes a public record.

Section 8. All resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 9. Should any section or provision of this Resolution or portion hereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Resolution.

Section 10. This Resolution shall become effective immediately upon its passage.

The passage of this Resolution was moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch  
Vice-Mayor Christopher McVoy  
Commissioner Sarah Malega  
Commissioner Kimberly Stokes  
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, City Clerk



# EXECUTIVE BRIEF REGULAR MEETING

**AGENDA DATE:** August 02, 2022

**DEPARTMENT:** Community Sustainability

**TITLE:**

Ordinance 2022-12 - First Reading - amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” and Article 2 “Administration”, Division 3 “Permits” adding a new Section 23.2-39 “Affordable/Workforce Housing Program,” providing for a Lake Worth Beach Affordable/Workforce Housing Program

**SUMMARY:**

The proposed amendment would add a new section to the Land Development Regulations (LDRs) providing for a Lake Worth Beach Affordable/Workforce Housing Program, which would require that a percentage of any density, intensity and/or height bonuses be associated with a specific dedication of affordable/workforce housing units. In addition, the program allows for a density increase for all projects provided that the additional density is all deed restricted as affordable/workforce housing.

**BACKGROUND AND JUSTIFICATION:**

The subject amendment to the City’s Land Development Regulations (LDRs) was drafted based on City Commission direction to staff to prepare an amendment to the LDRs to develop a formal Lake Worth Beach Affordable/Workforce Housing Program. The proposed program also meets a specific requirement of the City’s Comprehensive Plan as well as several Pillars within the City’s Strategic Plan.

In summary, applicants/developers requesting increases in density, intensity and/or height shall provide for a dedication of a minimum percentage of a project’s total number of housing units to be affordable/workforce. The units will be governed by a restrictive covenant for twenty (20) years. The program applies to both rental and fee simple ownership units. The program also allows for the Commission to have an option to extend the restrictive covenant in increments of twenty (20) years. In addition, the program allows for a fifteen percent (15%) increase in total density for all projects provided that all of the additional units are deed restricted as affordable/workforce. Finally, an Affordable/Workforce Housing Trust Fund is to be established to assist with the creation and preservation of affordable units.

As part of the program, developers/project owners will be required to submit an annual audited report to the City to verify that the specified affordable/workforce housing units meet the requirements of the restrictive covenant. Should units not meet the affordability requirements, the program includes a penalty provision assessing a fee that must be paid to the City. Any penalty fees collected will be placed in the housing trust fund.

The Planning & Zoning Board (PZB) unanimously voted to recommend approval of the proposed text amendment to the City Commission at its June 1, 2022 meeting\*. The Historic Resources Preservation Board (HRPB) also unanimously voted to recommend approval of the proposed text amendment to the City Commission at the June 8, 2022 meeting\*.

**MOTION:**

Move to approve/disapprove Ordinance 2022-12 on first reading and setting the second reading and public hearing for August 16, 2022.

**ATTACHMENT(S):**

Draft Ordinance 2022-12  
PZHP Staff Report

*\*Note: draft meeting minutes were not available upon publication of this staff report.*

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3 **ORDINANCE 2022-12 - AN ORDINANCE OF THE CITY OF LAKE**  
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**  
5 **DEVELOPMENT REGULATIONS,” ARTICLE 1 “GENERAL**  
6 **PROVISIONS,” DIVISION 2 “DEFINITIONS,” SECTION 23.1-12**  
7 **“DEFINITIONS,” ADDING A NEW DEFINITIONS “ANNUAL GROSS**  
8 **HOUSEHOLD INCOME,” “GROSS RENT” AND “OVERALL HOUSING**  
9 **EXPENSE;” AND ARTICLE 2 “ADMINISTRATION,” DIVISION 3**  
10 **“PERMITS,” ADDING A NEW SECTION 23.2-39**  
11 **“AFFORDABLE/WORKFORCE HOUSING PROGRAM,” PROVIDING**  
12 **FOR AN AFFORDABLE/WORKFORCE HOUSING PROGRAM WITHIN**  
13 **THE CITY OF LAKE WORTH BEACH; AND PROVIDING FOR**  
14 **SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE**  
15 **DATE**

16  
17 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State  
18 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the  
19 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct  
20 municipal government, perform municipal functions, and render municipal services, and  
21 may exercise any power for municipal purposes, except as expressly prohibited by law;  
22 and

23  
24 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing  
25 body of each municipality in the state has the power to enact legislation concerning any  
26 subject matter upon which the state legislature may act, except when expressly prohibited  
27 by law; and

28  
29 **WHEREAS**, the City wishes to amend Chapter 23 Land Development  
30 Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1.12  
31 definitions, to add definitions and to define “Annual Gross Household Income,” “Gross  
32 Rent” and “Overall Housing Expense;” and

33  
34 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” to  
35 establish a new section, Section 23.2-39 – Affordable/Workforce Housing Program to  
36 establish an affordable/workforce housing program within the City of Lake Worth Beach;  
37 and

38  
39 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted  
40 municipality having such power and authority conferred upon it by the Florida Constitution  
41 and Chapter 166, Florida Statutes; and

42  
43 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning  
44 agency, considered the proposed amendments at a duly advertised public hearing; and

45  
46 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local  
47 planning agency, considered the proposed amendments at a duly advertised public  
48 hearing; and

50           **WHEREAS**, the City Commission finds and declares that the adoption of this  
51 ordinance is appropriate, and in the best interest of the health, safety and welfare of the  
52 City, its residents and visitors.

53  
54           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
55 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

56  
57           **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as  
58 being true and correct and are made a specific part of this ordinance as if set forth herein.

59  
60           **Section 2:** Chapter 23 “Land Development Regulations,” Article 1 “General  
61 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” is hereby amended by  
62 adding thereto new definitions “Annual Gross Household Income,” “Gross Rent” and  
63 “Overall Housing Expense” to read as follows:

64  
65           Annual Gross Household Income: Total gross income of all wage-earning  
66 residents residing within a single dwelling unit.

67  
68           Gross Rent: Total all-inclusive dollar amount required from a lessee by a lessor for  
69 a single dwelling unit.

70  
71           Median Household Income: Gross income for 4 people, also known as Area  
72 Median Income, published annually for Palm Beach County by the U.S. Department of  
73 Housing and Urban Development.

74  
75           Overall Housing Expense: Total homeowner expenses for mortgage, mortgage  
76 insurance, property insurance and taxes.

77  
78           **Section 2:** Chapter 23 “Land Development Regulations,” Article 2  
79 “Administration,” is hereby amended by adding thereto a new Section 23.2-39  
80 “Affordable/Workforce Housing Program” to read as follows:

81  
82 **Sec. 23.2-39. – Affordable/Workforce Housing Program.**

- 83  
84           a) Intent. The Affordable/Workforce Housing Program is intended to implement  
85 Objective 3.1.2 of the city comprehensive plan future land use element and  
86 provisions therein regarding affordable and workforce housing. The  
87 Affordable/Workforce Housing Program provides for a density bonus and a  
88 reduction in overall housing unit areas for developments that incorporate  
89 residential units with restrictive covenants that meet the requirements of the  
90 program.
- 91  
92           b) Purpose. The purpose of the Affordable/Workforce Housing Program is to  
93 encourage the inclusion of affordable and workforce housing units within both  
94 residential and mixed-use projects as well as planned developments of all types to  
95 provide for broader and more accessible housing options within the City. The  
96 Affordable/Workforce Housing Program offers the following as “Program  
97 Incentives”; (a) up to a fifteen percent (15%) increase in overall project density; (b)

98 up to a fifteen percent (15%) reduction in the gross area requirements based on  
99 unit type; (c) up to a twenty five percent (25%) reduction in required parking; (d)  
100 financial incentives to be considered on a case by case basis; and (e) the  
101 aforementioned incentives may be combined with other incentive and bonus  
102 programs related to density, height and intensity predicated that any increase in  
103 density, intensity and/or height must include a reservation of at least fifteen percent  
104 (15%) of the total number of dwelling units within a project benefiting from any  
105 density, intensity and/or height increases as affordable.

106  
107 c) Application and Review Process.

108 1. Application. All development proposals seeking increased density of up to  
109 fifteen percent (15%) and/or reductions in overall unit sizes of up to fifteen  
110 percent (15%) shall submit an affordable/workforce housing program  
111 application as provided by the department of community sustainability. The  
112 application shall accompany the standard City of Lake Worth Beach Universal  
113 Development Application for the development proposal. The  
114 affordable/workforce housing program application shall include all of the  
115 following:

116 (a) A project fact sheet with building specifications including the number of  
117 additional units, unit types and unit sizes proposed.

118  
119 (b) The affordability criteria for each unit proposed to be included in the project.

120  
121 (c) Draft restrictive covenants should the City's version not be submitted.

122  
123 (d) Any other additional information to ensure the timely and efficient evaluation  
124 of the project by city staff to ensure that the requirements of the  
125 Affordable/Workforce Housing Program are being met.

126  
127 2. Review/decision. The development review official shall review the application  
128 along with the zoning approvals otherwise required of the development  
129 proposal under these LDRs. Development applications that require further  
130 review or approval by a decision-making board shall also include the  
131 development review official's recommendation regarding the award of  
132 additional density and/or unit size reduction under the Affordable/Workforce  
133 Housing Program. Any decision on the award shall be made by the planning  
134 and zoning board, the historic resources planning board, or the city commission  
135 as applicable. A decision on an award may be appealed under the procedures  
136 applicable to the development application with which it is associated. No waiver  
137 or variance may be granted regarding the award. The award of bonus height or  
138 intensity under the Affordable/Workforce Housing Program shall be based on  
139 the following criteria:

140 (a) Is the award calculated correctly, consistent with the density and unit size  
141 reduction(s) that are allowed under the Affordable/Workforce Housing  
142 Program;

143  
144 (b) Do the proposed income restrictions meet the intent of the  
145 Affordable/Workforce Housing Program;

147 (c) Do the proposed annual rents and/or mortgage costs meet the intent of the  
148 Affordable/Workforce Housing Program; and

149  
150 (d) Do the proposed restrictive covenants to maintain affordability meet the  
151 intent of the Affordable/Workforce Housing Program?

152  
153 d) Qualifying income restrictions. The following provisions outline the required  
154 income limits and overall percentage of household income to qualify units as being  
155 affordable/workforce under the Affordable/Workforce Housing Program. All  
156 income values shall be based on the then current area (County) median household  
157 income published annually by the US Department of Housing & Urban  
158 Development. Whether with a rental unit or for a fee simple, for sale unit, the  
159 overall housing expense (rent, mortgage, property taxes, and insurances) for the  
160 unit shall not exceed thirty percent (30%) of the income limit provided for each unit  
161 type, based upon the number of bedrooms.

162  
163 1. For a studio unit, the annual gross household income shall not exceed forty five  
164 percent (45%) of area median income and minimum household size is one (1)  
165 person, not to exceed two (2) people.

166  
167 2. For a one-bedroom unit, the annual gross household income shall not exceed  
168 sixty five percent (65%) of the area median income and minimum household  
169 size of one (1) person, not to exceed two (2) people.

170  
171 3. For a two-bedroom unit, the annual gross household income shall not exceed  
172 eighty five percent (85%) of the area median income and minimum household  
173 size of two (2) people, not to exceed two (2) people per bedroom.

174  
175 4. For a three-bedroom unit, the annual gross household income shall not exceed  
176 one hundred and five percent (105%) of the area median income and minimum  
177 household size of three (3) people, not to exceed two (2) people per bedroom.

178  
179 5. For a four or more-bedroom unit, the annual gross household income shall not  
180 exceed one hundred and twenty five percent (125%) of the area median income  
181 and minimum household size of four (4) people, not to exceed two (2) people  
182 per bedroom.

183  
184 6. For fee simple ownership, the limits provided above may be increased by fifteen  
185 (15%) based on unit type and shall include the overall housing expense.

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187 7. Alternatively, the income restrictions may adhere to the following guidelines  
188 singularly or in combination.

189 a. "Affordable Housing Eligible Households" means a household with an  
190 annual gross household income at or less than eighty percent (80%) of  
191 the Area Median Income, calculated as percentages of the Median  
192 Family Income for Palm Beach County, as published annually by the US  
193 Department of Housing and Urban Development.

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b. “Workforce Housing Eligible Households” means a household with an annual gross household income within the following income categories: Moderate (80%-100%) and Middle (101%-140%) of the Area Median Income, calculated as percentages of the Median Family Income for Palm Beach County, as published annually by the US Department of Housing and Urban Development.

e) Additional restrictions. The following requirements outline the restrictive covenant that shall be recorded and maintained on each unit awarded under the Affordable/Workforce Housing Program.

1. The restrictive covenant shall be in a legal form acceptable to the department of community sustainability and the city attorney’s office or as otherwise provided by the city and shall require each unit awarded be maintained at the awarded level of affordability, in accordance with the Affordable/Workforce Housing Program, for a minimum of twenty (20) years.

2. The restrictive covenant shall include the more restrictive program requirements, which shall govern the project if other affordable/workforce housing incentives are combined with use of the Affordable/Workforce Housing Program.

3. The restrictive covenant shall require an annual report of the project’s compliance with the restrictive covenants and the requirements of the Affordable/Workforce Housing Program be provided to the City or its designee for evaluation, review and approval. Should the annual report demonstrate the project is not meeting the requirements of the Affordable/Workforce Housing Program, the project owner shall pay the city an amount no less than fifteen dollars (\$15) per square foot for each unit that does not comply with the program’s requirements. Said amount shall be due annually for each year remaining under the restrictive covenant recorded for the project. Or Said amount shall be due annually for each unit that does not comply.

4. The restrictive covenant shall provide for extension of the affordability period, as set forth in this section.

f) Financial incentives. The following are parameters for financial incentive values based on unit type, which may be utilized to ensure fifteen percent (15%) of the dwelling units available after the density increase incentive remain affordable for a guaranteed twenty (20) year period as governed through a covenant and/or deed restriction. Values may be paid through utilization of Sustainable Bonus Incentive Values, Transfer Development Right Values or cash payments from the City from either the Sustainable Bonus Incentive Trust Account or the Transfer Development Rights Trust Account or other legally approved funding source(s).

1. For a studio dwelling unit, a one-time payment of \$40,000 or 50% percent of the area median income, whichever is greater;

2. For a one-bedroom dwelling unit, a one-time payment of \$60,000 or 75% percent of the area median income, whichever is greater;



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3. For a two-bedroom dwelling unit, a one-time payment of \$80,000 or 100% percent of the area median income, whichever is greater;
4. For a three-bedroom dwelling unit, a one-time payment of \$100,000 or 125% percent of the area median income, whichever is greater;
5. For a four or more-bedroom dwelling unit, a one-time payment of \$120,000 or 150% percent of the area median income, whichever is greater;
6. For a fee simple ownership dwelling unit, an additional one-time payment of \$25,000 may be provided; and
7. Payments shall be made at time of dwelling units receiving a final certificate of occupancy or certificate of completion.

g) Affordability extension(s). The City shall have the express right to extend the affordability deed restrictions and covenants for another period of no less than twenty (20) years through the provision of a then current economic incentive based on unit size.

1. The City shall provide formal notice of intent to extend affordability of units a minimum of six (6) months prior to the expiration of the affordability deed restrictions and covenants.
2. The City's notice shall include the number and type of units having affordability extended and the economic incentive to be provided for those units.
3. The affordability extension may not exceed the original number and type of units governed by the Affordable/Workforce Housing Program.
4. There shall be no limit on the number of affordability extensions the city may fund for a project.

h) Policies and Procedures. The city's director for community sustainability is hereby authorized to establish policies and procedures including covenants, accountability and reporting to ensure effective implementation of the Affordable/Workforce Housing Program and clarify the requirements and procedures as set forth herein.

i) Trust Fund. There is hereby established an Affordable/Workforce Housing Program Trust Fund. The trust fund will be a separate line item in the City's budget.

1. Payments required by the Affordable/Workforce Housing Program due to non-compliance with restrictive covenants shall be paid into the trust fund.
2. Funds in the trust fund will be used to fund the financial incentives and the affordability extensions under the Affordable/Workforce Housing Program.

- 3. At least once each fiscal period, the city manager shall present to the city commission a report on funds held in the trust fund, including any accrued interest, and any proposed use thereof. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the trust fund until the next fiscal period.

**Section 4: 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 5: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6: 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 7: Effective Date.** This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first reading was moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

339 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
340 \_\_\_\_\_, 2022.

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LAKE WORTH BEACH CITY COMMISSION

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By: \_\_\_\_\_

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Betty Resch, Mayor

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ATTEST:

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\_\_\_\_\_  
Melissa Ann Coyne, City Clerk

353



DATE: May 25, 2022

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

SUBJECT: **Ordinance 2022-12:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding new definitions “Annual Gross Household Income,” “Gross Rent,” “Overall Housing Expense,” and “Median Household Income;” and Article 2 “Administration,” Division 3 “Permits,” adding a new Section 23.2-39 “Affordable/Workforce Housing Program.”

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**PROPOSAL / BACKGROUND/ ANALYSIS:**

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to create an Affordable/Workforce Housing Program to encourage the development of affordable and/or workforce housing units within the City. The proposed program would allow several incentives, including a 15% density bonus and additionally flexibility in unit size, parking requirements and financial incentives provided that no less than 15% of the total dwelling units are deed restricted as affordable.

The proposed amendments would add a new section to the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 1, Section 23.1-12 – Definitions
- Article 2, NEW Section 23.2-39 – Affordable/Workforce Housing Program

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-12.

**POTENTIAL MOTION:**

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-12.

**Attachments**

- A. Draft Ordinance 2022-12

# EXECUTIVE BRIEF REGULAR MEETING

**AGENDA DATE:** August 02, 2022

**DEPARTMENT:** Community Sustainability

**TITLE:**

Ordinance 2022-13 - First Reading - amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” and Article 4 “Development Standards”, adding a new Section 23.4-25 “Micro-Units,” providing for Micro-Unit Housing

**SUMMARY:**

The proposed amendment would add a new section to the Land Development Regulations (LDRs) providing for Micro-Unit Housing, which would allow for the development and construction of micro-units providing that they meet specific development standards as a conditional use.

**BACKGROUND AND JUSTIFICATION:**

The subject amendment to the City’s Land Development Regulations (LDRs) was drafted based on City Commission direction to staff to bring back for formal consideration a micro-unit housing program. The amendment allows for the development and construction of micro-unit housing units that must meet specific development standards as a conditional use within the City’s mixed use zoning districts.

The Planning & Zoning Board (PZB) unanimously voted to recommend approval of the proposed text amendment to the City Commission at its June 1, 2022 meeting\*. The Historic Resources Preservation Board (HRPB) also unanimously voted to recommend approval of the proposed text amendment to the City Commission at the June 8, 2022 meeting\*.

**MOTION:**

Move to approve/disapprove Ordinance 2022-13 on first reading and setting the second reading and public hearing for August 16, 2022.

**ATTACHMENT(S):**

Draft Ordinance 2022-13  
PZHP Staff Report

*\*Note: draft meeting minutes were not available upon publication of this staff report.*

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**ORDINANCE 2022-13 - 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,” ADDING A NEW DEFINITION “MICRO-UNIT;” AND ARTICLE 4 “DEVELOPMENT STANDARDS,” ADDING A NEW SECTION 23.4-25 “MICRO-UNITS,” PROVIDING FOR DEVELOPMENT STANDARDS FOR MICRO-UNITS; 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 Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1.12 definitions, to a definition and to define the new use, “Micro-Unit;” and

**WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to establish a new section, Section 23.4-25 – Micro-Units to establish supplementary development standards for this use; and

**WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, 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 finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:**

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**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 thereto a new definition “Micro-unit” to read as follows:

Micro-unit: a small residential unit with a total square footage between 250 square feet and 750 square feet with a fully functioning kitchen and bathroom; and may include a maximum of two (2) bedrooms with each unit equivalent to 0.75 residential dwelling units for determining density.

**Section 2:** Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” is hereby amended by adding thereto a new Section 23.4-25 “Micro-units” to read as follows:

**Sec. 23.4-25. – Micro-units.**

- a) Project size. All micro-unit projects must provide at a minimum of 20 micro-units.
- b) Micro-Unit Use Restriction. Micro-units must be residential and may not be converted to other uses. Each micro-unit must be separately metered for electric.
- c) Personal service, retail or commercial space. All micro-unit projects shall be designed as mixed use projects providing personal service, retail and/or commercial areas, including the required parking as set forth in this section.
- d) Residential Building Type. All micro-unit projects must be in a multi-family structure or collection of multi-family structures. Individual micro-units may not be combined to facilitate larger individual units.
- e) Interior shared common areas. Interior shared common areas supporting micro-units must equate to 10% of the gross living area of all residential units within the project. Such supporting common areas shall include but not be limited to the following:
  - 1. Reading Room,
  - 2. Gym/Exercise Facilities,
  - 3. Virtual Office Space,
  - 4. Party/Community Room,
  - 5. Game Room,
  - 6. Library,
  - 7. Movie Theatre,
  - 8. Gourmet Kitchen,
  - 9. Art Labs,
  - 10. Other similarly situated common usage areas, and
  - 11. Essential support areas such as lobbies, hallways, egress routes, stairs, concierge areas, staff offices, maintenance areas and required restroom facilities or similar shall not count toward shared interior common areas.



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- f) Parking. Parking may be a combination of the following:
  1. One (1) parking space or equivalent for each residential unit;
  2. 50% or more of the required spaces shall be standard parking spaces;
  3. Up to 25% of the parking spaces may be compact spaces (8'-0" x 18'-0");
  4. Up to 25% of the parking spaces may be met with bicycle, scooter or motorcycle storage. Four (4) bicycle storage spaces shall equal one (1) parking space; two (2) scooter storage spaces shall equal one (1) parking space; and two (2) motorcycle storage spaces shall equal one (1) parking space; and
  5. Required guest and employee parking may be met with the same parking space combination ratio. Guest and employee parking shall be no less than one (1) space for every 100 sq. ft. of common area, public area, support area and offices, excluding required hallways, egress routes and stairs.
  
- g) Outdoor amenity. All micro-unit projects shall provide for an outdoor amenity that is above and beyond the required interior shared common area. Outdoor amenity space shall be no less than 5% of the gross area of all residential units and may not count toward the required interior shared common area.

**Section 4:** 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 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6:** 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 7:** Effective Date. This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first reading was moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, City Clerk



DATE: May 25, 2022

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

SUBJECT: **Ordinance 2022-13:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding a new definition “Micro-unit;” and Article 4 “Development Standards,” adding a new Section 23.4-25 “Micro-units,” providing for development standards for micro-units.

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**PROPOSAL / BACKGROUND/ ANALYSIS:**

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to allow for a new multi-family unit type in the City to address housing affordability in the region. The proposed micro-unit housing type would have a smaller minimum unit size (minimum 250 sf – maximum 750 sf) and require only 1 parking space per unit with provisions for guest parking. A micro-unit development would also be required to provide additional interior common areas and an outdoor amenity area.

The proposed amendments would add a new section to the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 1, Section 23.1-12 – Definitions
- Article 4, NEW Section 23.4-25 – Micro-units

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-13.

**POTENTIAL MOTION:**

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-13.

**Attachments**

- A. Draft Ordinance 2022-13

# EXECUTIVE BRIEF REGULAR MEETING

**AGENDA DATE:** August 02, 2022

**DEPARTMENT:** Community Sustainability

**TITLE:**

Ordinance 2022-14 - First Reading - amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions”, and Article 2 “Administration”, Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative Standards,” providing standards for buildings

**SUMMARY:**

The proposed amendment would amend the City’s Site Design Qualitative Design Standards of the Land Development Regulations (LDRs) providing for enhanced architectural quality, compatibility and harmony as well as building performance standards for buildings over 7,500 sq. ft and for all planned developments to enhance and improve community sustainability.

**BACKGROUND AND JUSTIFICATION:**

The subject amendment to the City’s Land Development Regulations (LDRs) was drafted based on City Commission direction for staff to prepare changes to the LDRs to improve the architectural quality, compatibility and overall performance of new buildings and projects. The proposed amendment includes improved qualitative design standards for buildings as well as additional criteria that serve to ensure that buildings and projects are sensitive to the City’s commitment to cultural, historical, ecological, environmental, financial and overall community sustainability. Specifically, all new buildings of 7,500 sq. ft. or more will have meet to specific performance standards, and all planned development projects will have to incorporate design elements, features and performance standards that support the City’s commitment to community sustainability.

The Planning & Zoning Board (PZB) voted 5-1 with reservations concerning sections 16 and 17 to recommend approval of the proposed text amendment to the City Commission at its June 1, 2022 meeting\*. The Historic Resources Preservation Board (HRPB) unanimously voted against recommending approval of the proposed text amendment to the City Commission at its June 8, 2022 meeting due to concerns regarding sections 16 and 17 as well as the specificity of the architectural design standard changes\*. Both boards voiced concern regarding the financial burden being placed on new projects, potential investors, and affordable housing as well as staff resources.

Should the amendment be adopted, Staff does recognize that several layers of additional design review and documentation will be required of many projects. As such, Staff is requesting that an additional full-time planning position with an emphasis on design and sustainability be approved in order to ensure that the standards are implemented efficiently and effectively. The financial impact of this additional staff resource is projected to be \$100,000 annually, and the request will be brought back at second reading, if the amendment is approved on first reading. The imposition of additional application fees and annual monitoring fees may provide some of the financial support for the position. In addition, outside consultants may provide the necessary staffing support until a full-time position can be established.

**MOTION:**

Move to approve/disapprove Ordinance 2022-14 on first reading and setting the second reading and public hearing for August 16, 2022.

**ATTACHMENT(S):**

Draft Ordinance 2022-14  
PZHP Staff Report

*\*Note: draft meeting minutes were not available upon publication of this staff report.*

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**ORDINANCE 2022-14 - 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,” ADDING THERETO NEW DEFINITIONS “SOCIAL JUSTICE” AND “SUSTAINABILITY;” AND “ARTICLE 2 “ADMINISTRATION,” DIVISION 3 “PERMITS,” SECTION 23.2-31 “SITE DESIGN QUALITATIVE STANDARDS,” PROVIDING FOR STANDARDS FOR BUILDINGS; 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 add definitions and to define “Social Justice” and “Sustainability;” and

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative Standards” to amend the section to provide further guidance, consistency, clarity and additional standards for buildngs; and

**WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, 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 finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

51 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
52 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

53  
54 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as  
55 being true and correct and are made a specific part of this ordinance as if set forth herein.  
56

57 **Section 2:** Chapter 23 “Land Development Regulations,” Article 1 “General  
58 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” is hereby amended by  
59 adding thereto new definitions for “Social Justice” and for “Sustainability” to read as  
60 follows:  
61

62 Social Justice: the political and philosophical theory that focuses on the concept of  
63 fairness in relations between individuals in society and equal access to wealth,  
64 opportunities and social privileges.  
65

66 Sustainability: the three principles of economy, society (social and human) and  
67 environment that focus on the needs of the present without compromising the ability of  
68 future generations to meet their needs.  
69

70 **Section 3:** Chapter 23 “Land Development Regulations,” Article 2  
71 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site design qualitative standards,”  
72 is hereby amended to read as follows:

73 **Sec. 23.2-31. Site design qualitative standards.**

- 74 a) *Intent.* It is the intent of this section to promote safety and minimize negative impacts  
75 of development on its neighbors by establishing qualitative requirements for the  
76 arrangements of buildings, structures, parking areas, landscaping and other site  
77 improvements. The qualitative standards are designed to ensure that site  
78 improvements are arranged in ways which cannot be otherwise accomplished with  
79 quantitative standards.
- 80 b) *Application.* The site design qualitative standards set forth in this section shall apply  
81 to all development subject to site plan review under section 23.2-30, and to all  
82 conditional uses.
- 83 c) *Qualitative development standards.*
- 84 1. *Harmonious and efficient organization.* All elements of the site plan shall be  
85 harmoniously and efficiently organized in relation to topography, the size and  
86 type of plot, the character of adjoining property and the type and size of  
87 buildings. The site shall be developed so as to not impede the normal and orderly  
88 development or improvement of surrounding property for uses permitted in these  
89 LDRs.
- 90 2. *Preservation of natural conditions.* The natural (refer to landscape code, Article  
91 6 of these LDRs) landscape shall be preserved in its natural state, insofar as  
92 practical, by minimizing tree and soil removal and by such other site planning  
93 approaches as are appropriate. Terrain and vegetation shall not be disturbed in  
94 a manner likely to significantly increase either wind or water erosion within or  
95 adjacent to a development site. Natural detention areas and other means of

- 96 natural vegetative filtration of stormwater runoff shall be used to minimize ground  
97 and surface water pollution, particularly adjacent to major waterbodies as  
98 specified in ~~Part II~~, Chapter 12, Health and Sanitation, Article VIII, Fertilizer  
99 Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to  
100 development adjacent to waterbodies. Marinas shall be permitted only in water  
101 with a mean low tide depth of four (4) feet or more.
- 102 3. *Screening and buffering.* Fences, walls or vegetative screening shall be provided  
103 where needed and practical to protect residents and users from undesirable  
104 views, lighting, noise, odors or other adverse off-site effects, and to protect  
105 residents and users of off-site development from on-site adverse effects. This  
106 section may be interpreted to require screening and buffering in addition to that  
107 specifically required by other sections of these LDRs, but not less.
- 108 4. *Enhancement of residential privacy.* The site plan shall provide reasonable,  
109 visual and acoustical privacy for all dwelling units located therein and adjacent  
110 thereto. Fences, walls, barriers and vegetation shall be arranged for the  
111 protection and enhancement of property and to enhance the privacy of the  
112 occupants.
- 113 5. *Emergency access.* Structures and other site features shall be so arranged as  
114 to permit emergency vehicle access by some practical means to all sides of all  
115 buildings.
- 116 6. *Access to public ways.* All buildings, dwelling units and other facilities shall have  
117 safe and convenient access to a public street, walkway or other area dedicated  
118 to common use; curb cuts close to railroad crossings shall be avoided.
- 119 7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system  
120 which is insulated as completely as reasonably possible from the vehicular  
121 circulation system.
- 122 8. *Design of ingress and egress drives.* The location, size and numbers of ingress  
123 and egress drives to the site will be arranged to minimize the negative impacts  
124 on public and private ways and on adjacent private property. Merging and  
125 turnout lanes traffic dividers shall be provided where they would significantly  
126 improve safety for vehicles and pedestrians.
- 127 9. *Coordination of on-site circulation with off-site circulation.* The arrangement of  
128 public or common ways for vehicular and pedestrian circulation shall be  
129 coordinated with the pattern of existing or planned streets and pedestrian or  
130 bicycle pathways in the area. Minor streets shall not be connected to major  
131 streets in such a way as to facilitate improper utilization.
- 132 10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall  
133 be designed for maximum efficiency. They shall occupy no more land than is  
134 required to provide access, nor shall they unnecessarily fragment development  
135 into small blocks. Large developments containing extensive public rights-of-way  
136 shall have said rights-of-way arranged in a hierarchy with local streets providing  
137 direct access to parcels and other streets providing no or limited direct access  
138 to parcels.



- 139 11. *Off-street parking, loading and vehicular circulation areas.* Off-street parking,  
140 loading and vehicular circulation areas shall be located, designed and screened  
141 to minimize the impact of noise, glare and odor on adjacent property.
- 142 12. *Refuse and service areas.* Refuse and service areas shall be located, designed  
143 and screened to minimize the impact of noise, glare and odor on adjacent  
144 property.
- 145 13. *Protection of property values.* The elements of the site plan shall be arranged so  
146 as to have minimum negative impact on the property values of adjoining  
147 property.
- 148 14. *Transitional development.* Where the property being developed is located on the  
149 edge of the zoning district, the site plan shall be designed to provide for a  
150 harmonious and complementary transition between districts. Building exteriors  
151 shall complement other buildings in the vicinity in size, scale, mass, bulk, height,  
152 rhythm of openings and character. Special consideration ~~Consideration~~ shall be  
153 given to a harmonious transition in height and design style so that the change in  
154 zoning districts is not accentuated. Additional consideration shall be given to  
155 complementary setbacks between the existing and proposed development.
- 156 15. *Consideration of future development.* In finding whether or not the above  
157 standards are met, the review authority shall consider likely future development  
158 as well as existing development.

159 d) *Buildings, generally.*

- 160 1. Buildings or structures which are part of a present or future group or complex  
161 shall have a unity of character, style, integrity and design. Their architectural  
162 style(s) shall be clearly expressed and detailed appropriately to vocabulary of  
163 the style(s) and be of high quality in terms of materials, craftsmanship and  
164 articulation. The relationship of building forms through ~~of~~ the use, texture and  
165 color of material(s) shall be such as to create one (1) harmonious whole. When  
166 the area involved forms an integral part of, is immediately adjacent to, or  
167 otherwise clearly affects the future of any established section of the city, the  
168 design, scale, height, setback, massing and location ~~of~~ on the site shall enhance  
169 rather than detract from the character, value and attractiveness of the  
170 surroundings. Harmonious does not mean or require that the buildings be the  
171 same.
- 172 2. Buildings or structures located along strips of land or on a single site, and not a  
173 part of a unified multi-building complex shall achieve as much visual harmony  
174 and compatibility with the surroundings as is possible under the circumstances.  
175 The overall building fenestration, orientation, rhythm, height, setback, mass and  
176 bulk of an existing streetscape shall be respected. If a building is built in an  
177 undeveloped area, ~~three-9~~ (3) nine primary requirements shall be met, including  
178 honest design construction, proper design concepts, appropriate use of high-  
179 quality materials, and appropriateness to compatibility with the overall character  
180 of the city-, appreciation of location, respectful transition, activation of the  
181 streetscape, building form(s) following proposed function(s) and overall  
182 sustainability.

- 183 3. All façades visible to public or adjacent property shall be designed to create a  
184 harmonious whole. Materials shall express their function clearly and not appear  
185 foreign to the rest of the building. Facades shall have visual breaks every 75 feet  
186 at a minimum. The breaks shall be setbacks of either 8" or 12" or more to create  
187 reveal lines or step backs on the façade and to add rhythm. Buildings in Lake  
188 Worth Beach typically have facades arranged in 25-foot or 50-foot increments.  
189 Breaks in facades also may be achieved through the use of differing but  
190 complementary and harmonious architectural styles. The massing elements of  
191 each façade shall have a height to width ratio approximating the golden ratio of  
192 1.618, either vertically or horizontally.
- 193 4. The concept of harmony shall not infer that buildings must look alike or be of the  
194 same style. Harmony can be achieved through the proper consideration of  
195 setback, floor to floor height, scale, mass, bulk, proportion, overall height,  
196 orientation, site planning, landscaping, materials, rhythm of solids to voids and  
197 architectural components including but not limited to porches, roof types,  
198 fenestration, entrances, orientation and stylistic expression.
- 199 5. Look-alike buildings shall not be allowed unless, in the opinion of the ~~board~~  
200 reviewing entity, there is sufficient separation to preserve the aesthetic character  
201 of the present or evolving neighborhood. This is not to be construed to prohibit  
202 the duplication of floor plans and exterior treatment in a planned development  
203 where, in the opinion of the ~~board~~ reviewing entity, the aesthetics or the  
204 development depend upon, or are enhanced by the look-alike buildings and their  
205 relationship to each other.
- 206 6. Buildings, which are of symbolic design for reasons of advertising, unless  
207 otherwise compatible with the criteria herein, will not be approved by the ~~board~~  
208 reviewing entity. Symbols attached to the buildings will not be allowed unless  
209 they are secondary in appearance to the building and landscape and are an  
210 aesthetic asset to the building, project and neighborhood.
- 211 7. Exterior lighting may be used to illuminate a building and its grounds for safety  
212 purposes, but in an aesthetic manner. Lighting is not to be used as a form of  
213 advertising in a manner that is not compatible to the neighborhood or in a  
214 manner that draws considerably more attention to the building or grounds at  
215 night than in the day. Lighting following the form of the building or part of the  
216 building will not be allowed if, in the opinion of the board, the overall effect will  
217 be detrimental to the environment. All fixtures used in exterior lighting are to be  
218 selected for functional as well as aesthetic value.
- 219 8. Building surfaces, walls, fenestration and roofs shall be compatible and in  
220 harmony with the neighborhood.
- 221 9. "Take-out" or "pick-up" windows of retail or wholesale establishments shall not  
222 be located on a building façade that faces a public right-of-way, unless they are  
223 designed in such a manner as to constitute an aesthetic asset to the building  
224 and neighborhood.
- 225 10. All exterior forms, attached to buildings, shall be in conformity to and secondary  
226 to the building. They shall be an asset to the aesthetics of the site and to the  
227 neighborhood.

- 228 11. All telephones, vending machines, or any facility dispensing merchandise, or a  
229 service on private property, shall be confined to a space built into the building or  
230 buildings or enclosed in a separate structure compatible with the main building,  
231 and where appropriate and feasible, should not be readily visible from off-  
232 premises.
- 233 12. Buildings of a style or style-type foreign to south Florida or its climate will not be  
234 allowed. It is also to be understood that buildings which do not conform to the  
235 existing or to the evolving atmosphere of the city, even though possessing  
236 historical significance to south Florida, may not be approved.
- 237 13. No advertising will be allowed on any exposed amenity or facility such as  
238 benches and trash containers.
- 239 14. Light spillage restriction. The applicant shall make adequate provision to ensure  
240 that light spillage onto adjacent residential properties is minimized.
- 241 15. All buildings shall address both the public right of way and improve the overall  
242 pedestrian experience through the inclusion of the following components:
- 243 a. clearly articulated entrances,  
244 b. expanses of fenestration at the ground level,  
245 c. provision of shade through porches, awnings, galleries, arcades and/or  
246 loggias as well as other appropriate forms to the chosen architectural style(s),  
247 d. integrated signage,  
248 e. pedestrian scaled lighting,  
249 f. buildings that define at least fifty percent (50%) of the street frontage, and  
250 g. openings that approximate a golden ratio of 1.618.
- 251 16. All new buildings of 7,500 gross square feet or larger shall strive to incorporate  
252 design principles, practices and performance standards to achieve the following  
253 through a project proforma description and analysis prepared by the developer  
254 and verified by an independent third party:
- 255 a. Overall 10% reduction in greenhouse emissions over the life of the building  
256 as compared to industry standards,  
257 b. Overall 10% reduction in carbon footprint during construction and operation  
258 of the building as compared to industry standards,  
259 c. Overall 20% reduction in refuse stream during construction and operation of  
260 the building as compared to industry standards,  
261 d. Overall utilization of at least 20% recycled materials and/or materials that are  
262 recyclable,  
263 e. Overall 20% reduction in water usage during operation of the building as  
264 compared to industry standards,  
265 f. Efficient use of natural resources through use reduction, reuse, reclamation,  
266 and recycling.

- 267 g. Incorporation of design features and uses that support multi-modal
- 268 transportation options,
- 269 h. Incorporation of appropriate safety features to ensure the security and comfort
- 270 of both occupants and visitors,
- 271 i. Incorporation of amenities that are conducive to enhancing community pride
- 272 and social interaction, and
- 273 17. In addition to the items enumerated above, all new planned developments shall
- 274 strive to incorporate design elements, performance standards and/or
- 275 specifications to enhance the public's awareness and appreciation of the
- 276 community's commitment to the preservation and enhancement of the following
- 277 sustainability qualities, values and principles:
- 278 a. Cultural resources,
- 279 b. Historical resources,
- 280 c. Ecological/natural resources,
- 281 d. Diversity and inclusion,
- 282 e. Social justice,
- 283 f. Economic investment,
- 284 g. Neighborhood vitality,
- 285 h. Sense of place,
- 286 i. Education, and
- 287 j. Recreation.
- 288 e) Reserved.
- 289 f) *Signs.* The aesthetic quality of a building or of an entire neighborhood is materially
- 290 affected by achieving visual harmony of the signs on or about a surface as they relate
- 291 to the architecture of the building or the adjacent surroundings. In addition to the
- 292 mechanical limitations on signs imposed by Article 45, Supplemental Regulations,
- 293 the following aesthetic considerations must also be met:
- 294 1. The scale of the sign must be consistent with the scale of the building on which
- 295 it is to be placed or painted.
- 296 2. The overall effect of the configuration or coloring of the sign shall not be garish.
- 297 The colors shall not conflict with those of other signs already on the building or
- 298 in the immediate vicinity.
- 299 g) *Landscaping.* See Article 6 of these LDRs.
- 300 h) *Criteria for parking lots and vehicular use areas.*
- 301 1. Parking lots and other vehicular use areas are to be designed as an aesthetic
- 302 asset to a neighborhood and to the building, group of buildings, or facility they
- 303 serve. A parking lot is to be considered an outside space; a transitional space
- 304 that is located between access areas (such as roads) and the building, group of
- 305 buildings or other outside spaces which it serves. The parking lot, because it is
- 306 viewed from above as well as at eye level, should be designed accordingly.

- 307 2. Parking lots, vehicular use areas, and vehicles parked therein are to be  
308 effectively screened from the public view and from adjacent property in a manner  
309 that is attractive and compatible with safety, the neighborhood and the facility  
310 served.
- 311 3. The responsibility for beautification and design of a parking lot is the same as  
312 that which a homeowner has to his residential lot. The atmosphere within a  
313 parking lot or vehicular use area is to be as pleasant and park-like as possible,  
314 rather than a harsh stand of paving. Trees are of primary importance to the  
315 landscape and are not to be minimized in either height or quantity. Trees impart  
316 a sense of three-dimensional space in a relatively flat area. Trees cast shadows  
317 that help to reduce the monotony of an expanse of paving and create a refuge  
318 from the tropical sun. Signs designating entrances, exits and regulations are to  
319 be of a tasteful design and shall be subject to review by the board. Consideration  
320 may be given to use of pavement which is varied in texture or color to designate  
321 lanes for automobile traffic, pedestrian walks and parking spaces. Brightly  
322 colored pavement is to be used with restraint. In order to create a pleasant  
323 atmosphere, it is recommended that consideration be given to sculpture,  
324 fountains, gardens, pools and benches. Design emphasis is to be given to the  
325 entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and  
326 mechanical equipment shall be screened from the parking lot.
- 327 4. Lighting is to be designed for visual effects as well as safety and resistance to  
328 vandalism. Care should be taken not to create a nuisance to the neighborhood  
329 from brightness or glare. Low lights in modest scale can be used along with  
330 feature lighting emphasizing plants, trees, barriers, entrances and exits. The  
331 fixtures are to be selected for functional value and aesthetic quality. Fixtures  
332 should be regarded as "furniture of the parking lot" which are visible both day  
333 and night.
- 334 5. Additional regulations for parking lots and vehicular use areas may be found in  
335 Article 4, Supplemental Regulations.
- 336 i) *Required utilities.* All construction of sanitary sewer collection facilities and water  
337 supply and distribution systems shall conform to the requirements of the Florida  
338 Building Code as amended and the Lake Worth Utilities Department construction  
339 standards, and the appropriate state governing agency. The water supply system  
340 within the development shall conform to the City of Lake Worth's fire rescue services  
341 provider requirements for fire protection.
- 342 j) *Design guidelines for major thoroughfares.* The design standards for major  
343 thoroughfares may be adopted and amended from time to time by resolution of the  
344 city commission, and shall apply to the following properties:
- 345 1. Property adjacent to Lake and Lucerne Avenues from the Intracoastal to  
346 Interstate 95 and within the Old Town Historic District;
- 347 2. Lake Worth Road;
- 348 3. Property adjacent to H, J, K, L, and M Streets within the Old Town Historic  
349 District;

- 350 4. Property adjacent to 10th Avenue North from the east side of Dixie Highway west  
351 to Interstate 95;
- 352 5. Property adjacent to 6th Avenue South from the east side of Dixie Highway west  
353 to Interstate 95;
- 354 6. Property adjacent to Federal Highway from the south city limit to the south  
355 boundary of College Park; and
- 356 7. Property adjacent to Dixie Highway from the south city limit to the north City limit.

357 k) *Storefront window treatments.*

- 358 1. All windows or openings of buildings located within the city's zoning districts  
359 including DT, MU-E, MU-FH, MU-DH, MU-W, TOD-E and TOD-W whereby the  
360 interiors of such buildings can be observed from the public streets or sidewalks,  
361 shall be treated or screened in the manner set forth below.
- 362 2. All windows or openings of vacant buildings or buildings under construction  
363 located within all of the city's zoning districts including DT, MU-E, MU-FH, MU-  
364 DH, MU-W, TOD-E and TOD-W, which windows or openings can be viewed from  
365 the public streets and sidewalks and which expose the interiors of such  
366 buildings, shall screen the vacant interior of the building in which they are  
367 located.
- 368 3. Window treatment or screening may be achieved by either constructing within  
369 the window or opening a pocket, equivalent in dimension to the dimension of the  
370 window or opening itself, and forty (40) inches or more in depth, or hanging  
371 curtains or utilizing interior shutters. The pocket shall be used for purposes of  
372 screening the interior of the building, and to provide an attractive display for  
373 those who can observe the window or opening from the streets or public  
374 sidewalks of the town. This pocket shall be decorated by featuring displays of  
375 the incoming tenant, or vignettes representing designs and merchandise of  
376 existing city merchants. The window glass shall be clean both inside and outside.  
377 It is advisable that the window shall be lighted at night.
- 378 4. All windows or openings of businesses that are operational, vacant or under  
379 construction may not have storage materials, such as kitchen equipment,  
380 alcoholic beverage containers, stacked furniture, debris or packing materials  
381 visible from a public street or right-of-way. A window or opening of an operational  
382 business will be decorated with merchandise or screened from view with curtains  
383 or interior shutters.
- 384 5. Any storefront both vacant or operational that has more than twenty-five (25)  
385 feet of frontage on a public sidewalk must provide a vignette display in at least  
386 one-half ( $\frac{1}{2}$ ) of its available window space.
- 387 6. Newspaper, printed paper or unpainted plywood will not be allowed in a window.
- 388 7. No windows or openings of storefronts will utilize a mirrored reflective film. Films  
389 allowing light to pass through, but blocking ultraviolet light will be permitted. The  
390 intent is that interior displays will be visible from the right-of-way.
- 391 8. An owner must comply with these specifications within seven (7) days of  
392 vacancy of a storefront.

393 9. Penalties. Any owner of any building found to be in violation of this division shall  
394 be subject to general penalties as provided by law or to the provisions of the  
395 code enforcement board.

396 l) *Community appearance criteria.* The general requirements outlined in this section  
397 are minimum aesthetic standards for all site developments, buildings, structures, or  
398 alterations within the corporate limits of the city, except single-family residences.  
399 However, additions to existing buildings and sites shall be subject to review by the  
400 development review official for a determination regarding submission to the planning  
401 and zoning board or historic resources preservation board for review. All site  
402 development, structures, buildings or alterations to site development, structures or  
403 buildings shall demonstrate proper design concepts, express honest design  
404 construction, be appropriate to surroundings, and meet the following community  
405 appearance criteria:

406 1. The plan for the proposed structure or project is in conformity with good taste,  
407 good design, and in general contributes to the image of the city as a place of  
408 beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

409 2. The proposed structure or project is not, in its exterior design and appearance,  
410 of inferior quality such as to cause the nature of the local environment or evolving  
411 environment to materially depreciate in appearance and value.

412 3. The proposed structure or project is in harmony with the proposed developments  
413 in the general area, with code requirements pertaining to site plan, signage and  
414 landscaping, and the comprehensive plan for the city, and with the criteria set  
415 forth herein.

416 4. The proposed structure or project is in compliance with this section and 23.2-29,  
417 as applicable.

418 m) *Compliance with other requirements.* The requirements of this section are in addition  
419 to any other requirement of the Code of Ordinances of the city, such as the building  
420 code. Approval by the decisionmaking body of a given set of plans and specifications  
421 does not necessarily constitute evidence of applicant's compliance with other  
422 requirements of the city code.

423  
424 **Section 4: Severability.** If any section, subsection, sentence, clause, phrase or  
425 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of  
426 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
427 independent provision, and such holding shall not affect the validity of the remaining  
428 portions thereof.

429  
430 **Section 5: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in  
431 conflict herewith are hereby repealed to the extent of such conflict.

432  
433 **Section 6: Codification.** The sections of the ordinance may be made a part of  
434 the City Code of Laws and ordinances and may be re-numbered or re-lettered to  
435 accomplish such, and the word "ordinance" may be changed to "section", "division", or  
436 any other appropriate word.

437

438 **Section 7: Effective Date.** This ordinance shall become effective 10 days after  
439 passage.

440  
441 The passage of this ordinance on first reading was moved by  
442 \_\_\_\_\_, seconded by \_\_\_\_\_, and upon  
443 being put to a vote, the vote was as follows:

- 444
- 445 Mayor Betty Resch
- 446 Vice Mayor Christopher McVoy
- 447 Commissioner Sarah Malega
- 448 Commissioner Kimberly Stokes
- 449 Commissioner Reinaldo Diaz

450  
451 The Mayor thereupon declared this ordinance duly passed on first reading on the  
452 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

453  
454  
455 The passage of this ordinance on second reading was moved by  
456 \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote,  
457 the vote was as follows:

- 458
- 459 Mayor Betty Resch
- 460 Vice Mayor Christopher McVoy
- 461 Commissioner Sarah Malega
- 462 Commissioner Kimberly Stokes
- 463 Commissioner Reinaldo Diaz

464  
465 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
466 \_\_\_\_\_, 2022.

467 LAKE WORTH BEACH CITY COMMISSION

470  
471 By: \_\_\_\_\_  
472 Betty Resch, Mayor

473  
474 ATTEST:

475  
476  
477 \_\_\_\_\_  
478 Melissa Ann Coyne, City Clerk  
479





DATE: May 25, 2022

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

SUBJECT: **Ordinance 2022-11:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 related to “Site Design Qualitative Standards.”

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**PROPOSAL / BACKGROUND/ ANALYSIS:**

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to revise the site design qualitative standards to provide additional guidance, consistency, clarity and additional standards related to building design and sustainable performance. The City Commission also expressed a desire to ensure the design of new buildings would be of a high-quality architectural design that also would be respectful of the existing streetscape. The new building performance standards would require new buildings to exceed industry standards with regard to greenhouse emissions, carbon footprint and utilization of recycled materials as well as reductions in water and energy usage. New buildings also shall be required to incorporate design features that support multi-modal transportation, amenities that are conducive to enhancing community pride and social interaction, and safety features. Further, design elements, performance standards and/or specifications to enhance the public’s awareness and appreciation of the community’s commitment to the incorporation of sustainable qualities, values and principles as outlined in the ordinance on page 6.

Due to the complexity and comprehensive nature of the newly proposed sustainability requirements, an additional staff position or the use of outside consultants shall be required for the review of the proposed building performance standards.

The proposed amendments would amend the LDR in Chapter 23 of the City’s Code of Ordinances as follows:

- Article 2, Section 23.2-31 – Site Design Qualitative Standards

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-11.

**POTENTIAL MOTION:**

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-11.