



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 01, 2025 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [September 3, 2025 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [732 S Dixie Hwy](#)
[1617 North Lakeside Dr](#)
[Ordinance 2025-15](#)

WITHDRAWALS / POSTPONEMENTS

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB Project Number 25-01500004: Consideration of a variance request for 1617 North Lakeside Drive to allow a boat and boat trailer to be parked in front of the front building line. The subject site is zoned Single Family Residential \(SFR\) and has a future land use designation of Single Family Residential \(SFR\).](#)
- B. [Ordinance 2025-15: City-initiated request for Text Amendments to the City of Lake Worth Beach Comprehensive Plan to update the Future Land Use \(FLU\) table by incorporating the Neighborhood Commercial \(NC\) Zoning District into the Artisanal Mixed Use Land Use Designation \(Table 1, Future Land Use Element\), and by incorporating the Single-Family Residential \(SFR\) Zoning District into the Medium Density Residential \(MDR\) Land Use Designation.](#)
- C. [Ordinance 2025-17: Consideration of an ordinance amending Chapter 23, Article 6, Section 23.6-1\(p\) "Penalties for tree abuse and removal without a permit."](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. (*Sec. 2-12 Lake Worth Code of Ordinances*)

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 03, 2025 -- 6:25 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Dan Walesky, Vice-Chair; Mark Humm; Dave Mathews; Henry Pawski. **Absent:** Juan Contin. Also present were: Karina Maldonado, Senior Community Planner; Anne Hamilton, Senior Preservation Planner; Annie Greening, Principal Planner; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. August 6, 2025 Regular Meeting Minutes

Motion: M. Humm moves to accept August meeting minutes as presented; D. Mathews 2nd.

Vote: Ayes all, unanimous

CASES:

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION

- 1) PZB 25-01500006 - 1919 N. Dixie Hwy- not heard
- PZB 25-01500005 - 1708 N. Lakeside Dr.
- PZB 25-01500003 - 1918 Notre Dame Dr.
- PZB 25-01000001 - Madison Terrace - Ordinance 2025-12

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Ordinance 2025-12 (PZHP Main Project Number 25-01000001): Consideration of a request for a Major Planned Development Amendment for the project commonly referred to as "Madison Terrace," including amendments to the following associated applications: Mixed Use Urban Planned Development (residential only), Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development

Rights. The subject parcels are located in the Transit Oriented Development - East (TOD-E) zoning district and have a future land use designation of Transit Oriented Development (TOD).

Board Attorney: E. Lenihan reads the Ordinance 2025-12 by Title.

Staff: A. Greening – This amendment will increase the number of units from 176 to 182. The six (6) additional units will be one-bedroom units. There will be two (2) platted parcels according to phase lines. The acquisition of the additional lot has allowed the developer to provide more standard size parking spaces as compared to the previous plan. They are providing 129 spaces, one more than the required amount.

With these changes to the previously approved project, the applicants are continuing to request two (2) waivers, Transfer of Development Rights fee and parking rate. The height, previously granted to 68 feet, is now at 71 feet with a TDR fee of \$12,930.00. With the Sustainable Bonus fee, the applicants are providing 100% affordable housing. The value of the additional 6 units equates to \$274,401.00 in excess of the required fee/value.

Applicant: Mike Oliver thanks staff and Board. Phase II should begin in a few months.

Public Comment: None

Motion: H. Pawski moves to recommend approval to City Commission with staff recommended Conditions of Approval for Ordinance 2025-12 PZB 25-0100001 based on competent substantial evidence in the staff report and in the testimony at the public hearing; D. Mathews 2nd.

Vote: Ayes all, unanimous

- B. Ordinance 2025-13: Consideration of a privately-initiated ordinance amending Chapter 23, Article 4, Section 23.4-13(c)(5) "Single destination retail uses including stand alone retail and single destination commercial uses."

Staff: A. Greening – The use is best described as a single-destination commercial use. Currently the applicant could not meet the minimum site area and width. Therefore a privately initiated text amendment to Land Development Regulations was requested affecting the following:

1. minimum site area
2. lot width;
3. being located on a Major Thoroughfare;
4. glazing requirements
- and 5. window display requirements.
6. landscape requirements.

Staff does not support changes to the glazing requirements, window display requirements or landscape requirements.

Board: A question arises about which part of Major Thoroughfare requirements are requested to be changed? Single destination retail commercial is required to be along a major thoroughfare. Staff considered under 2500 sq ft to be an acceptable size.

Applicant: Max Lohman, PRMS- was not aware the requests would entail a city-wide change. The intent is not to escape the landscape code rather they would welcome the opportunity to work with staff. A revised landscape request was not provided in sufficient time to allow staff review prior to this meeting.

Discussion about delegating to staff the ability to work with applicants on existing sites where a five (5) foot perimeter landscape would be required.

Public Comment: Leon Dixon – 1911 Notre Dame Dr – Would the parking requirement be reduced with reduced lot size? **Board:** The parking requirement is tied to the lot sq footage of building, everything scales.

Board: Would like staff to be empowered for reasonable adjustments.

Motion: M. Humm moved to recommend approval of Ordinance 2025-13 to the City Commission with the amendment granting staff the ability to provide flexibility with respect to the perimeter landscape requirement; H. Pawski 2nd.

Vote: Ayes all, unanimous

- C. PZB Project Number 25-01500005: Consideration of two variance requests for 1708 North Lakeside Drive to encroach into the side setback and to exceed the maximum wall height at side setback. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR)

Staff: K. Maldonado- A building permit for new construction of a single-family residence on a vacant lot has resulted in incorrect setbacks for the 2-story structure. The City was provided a formboard survey in March 2025. In June the applicant contacted Planning & Zoning to discuss a setback issue discovered during construction. A variance was applied for side setback and wall height setback due to second-story. There is a greater setback requirement when a wall reaches a certain height. The setback should be 10 feet 4 inches for the highest portion of the structure; a nine (9) foot setback is required for a portion. The structure was built to an eight (8) foot setback.

Variance criteria is not met:

Criteria 1(Special circumstances as it is newly constructed, no hardship), 2 (Strict application of the LDR's would deprive the applicant of reasonable use of the land or building), 3 (The proposed variance is the minimum required which makes possible the reasonable use of the land or building).

Criteria #4 is met as the granting of the variance would not be unduly injurious to the neighborhood or contiguous property. The property to the south being the most affected.

Permit Coordinator and Contractor (Streamline): Originally submitted a survey with the Site Plan review package showing a 10'6 side setback with a vacant lot survey.

A survey was done with an eight (8) foot setback and a permit was issued with no request to see that proposed survey. The formboard survey prior to slab inspection which showed the 8 foot setback.

In June the contractor realized the error and contacted staff and requested the variance. Staff does not review the survey, only with respect to the property lines. Applied for variance July 3rd.

Failure of the City inspector to properly complete the formboard survey should be grounds to grant the variance. Admits the mistake with the survey is that of the applicant, disagrees with the staff report that the City holds no responsibility as the inspector's sole responsibility is to ensure work matches plans.

To date no stop work order has been issued and applicant continues to work and pass inspections. To undo the mistake would require near demolition of structure with associated costs to correct. Property owner is the brother of the Contractor.

Board: D. Walesky- Recap of survey process. The proposed, revised, survey (not formboard) shows the building placed on the vacant lot survey, inaccurately so and then staked according to those plans. Subsequently built according to those stakes. Saying the City is responsible for this error doesn't make sense. The formboard survey, surveyor checks it, the surveyor provided that to the builder, the problem is compounded. The responsibility is the on the contractor to QC the work. Board does not discuss liability, only the variance criteria. Suggests the building process should stop regardless of whether the City issues a stop work order. To say that the contractor and owner have subsequently spent more money and time doesn't make the City responsibility. D. Mathews – this is an investment property?

Response: Yes. D. Walesky – there do not seem to be any fire code separation issues, mostly a zoning and aesthetics issue as the City does not wish to promulgate non-conformities.

Public Comment: 1711 N. Lakeside – Glen Bayer –Retired Construction superintendent, lives across the street and finds it inconceivable how it happened. It seems like a big structure for the site. It doesn't affect his life but it is a big error. Wouldn't want to be the surveyor. Does not believe the City is liable in any way.

Board: Recent variance training suggests this is not a hardship, this is self-created issue. In general it is wasteful to have it torn down, there will be insurance claims. Question if there was any give and take between applicant and staff to resolve the issue. The variance solution was the only pathway.

Board Attorney: Board would need to state and put on record how the variance does or does not meet all four (4) criteria.

Board: Criteria 1 – Special Circumstance – despite being unintentional and not willful, it remains a result of the action of the applicant/contractor.

Board Attorney: The goal of all code is that you meet code when you can. Variance process exist for properties that cannot, despite the best efforts, meet the code. The variance would allow to come as close as possible to meet the code.

Criteria 2- Applicant would be deprived of the reasonable use of the land. Chair believes Criteria 2 to met as the variance is required in order to make use of the existing building. As all four criteria cannot be met the variance cannot be granted. Appeal would be to the Circuit Court

Motion: H. Pawski moves to disapprove PZB 25-01500005, a request for two variances, as the request does not meet the variance criteria based on the data and analysis in the staff report. M. Humm 2nd.

Vote: Ayes all, unanimous

- D. **PZB Project Number 25-01500003:** Consideration of a variance request for 1918 Notre Dame Drive to exceed the maximum allowable front yard impermeable coverage. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Staff: A. Hamilton provides background information of the request. An application was received for repaving of existing front driveway area. The permit was denied due to age of survey, unpermitted artificial turf and pavers in the rear yard, and exceeding the allowable front yard impermeable coverage. The subject of the request is the front driveway and walkways, not the rear. A large circular drive is included in the request. Land Development Regulations calls for 610 square feet of coverage, the applicant is requesting 1,142 square feet or double the allowable amount. When the property was developed in 2000, there were no front yard permeable requirements; as of 2013 that changed. The non-conformities could continue if no change were requested however with the request comes the requirement to meet the existing code.

With respect to the Variance criteria, staff finds none of the criteria can be met as follows:

1. No special circumstances exist- with the removal of the older pavers the non-conformity would no longer exist and the site could be brought to code with a re-design/layout. The circular drive could be eliminated while continuing to provide access to the 3-car garage. The applicant could construct a drive with 610 sq ft of pavers. Tire strips could be utilized.
2. The strict application of code would not deprive the applicant from utilizing the structures as intended. The circular drive could be eliminated
3. The variance request is not the minimum request to make possible use of the land. The denial of the request does not make the land unusable as a single-family residence.
4. The granting of the variance would be detrimental to the surrounding neighborhood and properties with increased water runoff onto neighboring properties, increased heat island effect and reduced greenspace in the neighborhood.

Board: could permeable pavers be utilized? **Response:** Yes, that would assist with overall coverage, it would not however satisfy the landscape coverage for the front yard.

Deck & Drive- Contractor: Juliana; Steven Pappas 4020 Thor Dr. Boynton Beach- requested to replace current footprint. Presented evidence that the existing was permitted in 2000.

Applicant: Jay Sussman- would like to change color, root damage. The incline (8 feet) prevents walking up (vertically) to the structure, must park parallel to the house in order to get to the structure therefore the circular drive should be preserved.

Board discusses repair versus remove & replace; increase/decrease in non-conformity. Board member believes the issue of non-conformities is recurring and burdensome due to code changes. Cannot grant a variance to code that has changed. Suggests speaking to City about a repair.

Public Comment: Jonathan Nicholas 3 Auburn Drive provided written comment in support of the request.

Motion: H. Pawski moves to disapprove PZB 25-01500003 as it does not meet the variance criteria based on the data and analysis in the staff report; M. Humm 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: Summer LDR's going to City Commission for first reading on Sept. 16.. Be advised recent legislation prohibits changes to LDR's making restrictions more burdensome to development until October 2027. Parking changes and integral generators locations are the items being pulled from the Ordinance.

If the primary use is residential, the second use should be at least 10% of principal use. i.e. 10% retail (2nd use) will be required to get the 25 % reduction in parking.

October 15 will be a special meeting provided quorum can be met.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 8:15 pm



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Lake Worth Beach

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ORDINANCE 2025-15 – COMPREHENSIVE PLAN TEXT AMENDMENTS

A City-initiated request for Text Amendments to the City of Lake Worth Beach Comprehensive Plan to update the Future Land Use (FLU) table by incorporating the Neighborhood Commercial (NC) Zoning District into the Artisanal Mixed Use Land Use Designation (Table I, Future Land Use Element), and by incorporating the Single-Family Residential (SFR) Zoning District into the Medium Density Residential (MDR) Land Use Designation.

Wed, Sep 24, 2025

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PZB 25-00500003

PZB 24-00500003 & 24-01400012: Major Site Plan, Conditional Use Permit, and Street Wall Waiver requests for the property located at 732 South Dixie Highway to construct a two-story addition to the existing building and expand the minor vehicular repair use.

Tue, Sep 16, 2025

[object Object]


Quasi-Judicial Hearings - Lake Worth Beach

Tue, Sep 16, 2025, 2:56 p.m. EDT

[24-00500003 - Legal Ad](#)

scoale@lakeworthbeachfl.gov

Yes



[PZB 25-00500003](#)

[object Object]



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PZB Project Number 25-01500004: A variance request for 1617 North Lakeside Drive to allow a boat and boat trailer to be parked in front of the front building line.

PZB Project Number 25-01500004: A variance request for 1617 North Lakeside Drive to allow a boat and boat trailer to be parked in front of the front building line.

Mon, Sep 15, 2025

[object Object]

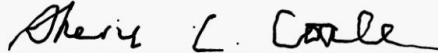
Quasi-Judicial Hearings - Lake Worth Beach

Mon, Sep 15, 2025, 2:25 p.m. EDT

[24-01500004 - Legal Ad](#)

scoale@lakeworthbeachfl.gov

Yes



[PZB Project Number 25-01500004: A variance request for 1617 North Lakeside Drive to allow a boat and boat trailer to be parked in front of the front building line.](#)

[object Object]



LEGAL NOTICES

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A City-initiated request for Text Amendments to the City of Lake Worth Beach Comprehensive Plan to update the Future Land Use (FLU) table by incorporating the Neighborhood Commercial (NC) Zoning District into the Artisanal Mixed Use Land Use Designation (Table I, Future Land Use Element), and by incorporating the Single-Family Residential (SFR) Zoning District into the Medium Density Residential (MDR) Land Use Designation.

Wed, Sep 24, 2025

[See More](#)

PLANNING AND ZONING BOARD REPORT

PZB Project Number 25-01500004: Consideration of a variance request for 1617 North Lakeside Drive to allow a boat and boat trailer to be parked in front of the front building line. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Meeting Date: October 1, 2025

Applicant/Property Owner: Anthony Michuda

Address: 1617 North Lakeside Drive

PCN: 38-43-44-15-16-056-0120

Size: 0.11 acres

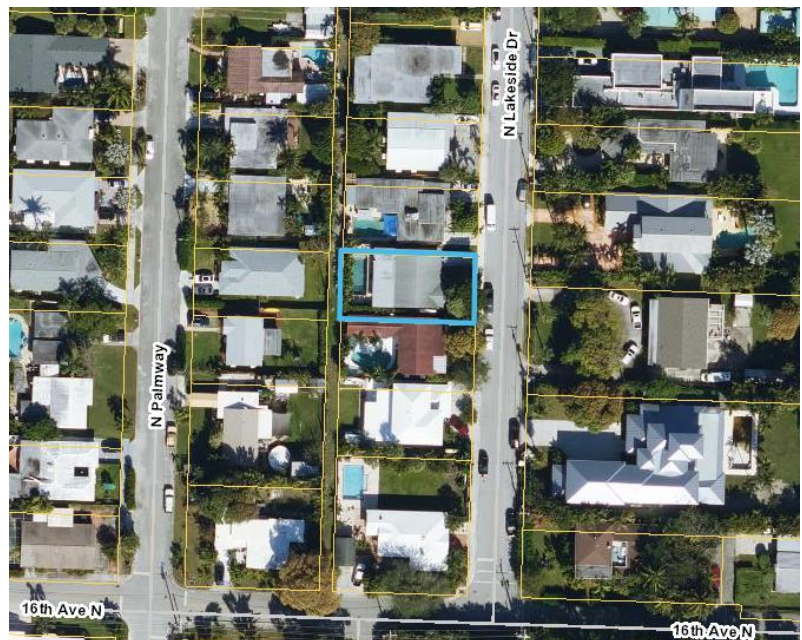
General Location: West side of North Lakeside Drive, between 16th Avenue North and 18th Avenue North

Existing Land Use: Single-family residence

Current Future Land Use Designation: Single Family Residential (SFR)

Zoning District: Single Family Residential (SFR)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan. The proposed variance request is not consistent with all of the variance criteria in LDR Section 23.2-26(b). Therefore, staff is recommending denial of the proposed variance.

PROJECT DESCRIPTION

The applicant, Anthony Michuda, is requesting a variance to allow a boat and boat trailer to be parked in front of the front building line at 1617 North Lakeside Drive. The subject site is a single-family zoned property located on the west side of North Lakeside Drive, between 16th Avenue North and 18th Avenue North. The subject site is surrounded by properties zoned for single-family use to the north, south, east, and west.

COMMUNITY OUTREACH

As of publication, staff has received one comment in opposition to the proposal. Staff will read the comment into the record at the Planning and Zoning Board meeting on October 1st.

BACKGROUND

The subject site is a ± 0.11-acre parcel with a single-family home. Below is a general timeline summary of the residential property based on City records:

- 08/01/1979 – A building permit was issued to construct a single-family home.
- 04/11/2025 – Code Enforcement cited the property (Case 25-888) for parking a recreational vehicle in front of the front building line.
- 05/21/2025 – Applicant applied for a variance to allow a boat and boat trailer to be parked in front of the front building line, staff review found that four variances would have been required.
- 05/22/2025 – The code violation (Case 25-888) was resolved as the property owner removed the boat and trailer from front of home.
- 06/18/2025 – 08/25/2025 – Applicant submitted 3 different site plans in attempts to reduce the number of variance requested from four to one.

ANALYSIS

Consistency with the Comprehensive Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per Policy 1.1.1.2, the SFR future land use area is *“intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household.”*

Analysis: The existing principal structure is a single-family house that is consistent with the intent of the Single-Family Residential designation. The variance being sought will not change the use of the property.

Based on the analysis above, the proposed development request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach’s Comprehensive Plan.

Consistency with the City’s Land Development Regulations

Per Section 23.2-26, variances are authorized for height, area, size of structures, size of yards, parking requirements, and other area requirements and open spaces. The Department of Community Sustainability is tasked in the Code to review variance applications for consistency with the City’s LDRs, for compliance with the findings for granting variances (analyzed in the next section) and to provide a recommendation for whether the application should be approved or denied. The applicant’s justification statement is included in **Attachment A**.

Analysis: The parking of a boat and boat trailer in front of the front building line conflicts with development requirements in the City's Land Development Regulations. Specifically, per [LDR Section 23.4-11](#) recreational vehicles must be parked or stored behind the front building line.

In LDR Section 23.1-12, the City defines **Recreational vehicle (RV)** as: Any "motor home," "converted bus," "camper shell," "camper cabins," "travel trailers," "collapsible camper trailers," "light-duty utility trailers," "all-terrain and/or sport vehicles," "**boats**," "rafts," "watercraft," "horse/animal trailers," and **their trailers**.

The applicant is seeking a variance to allow a boat and boat trailer to be parked in front of the front building line on the east side of the property.

LDR Citation	Proposed
LDR Section 23.4-11(d)(1): Recreational vehicles must be parked or stored behind the front building line.	Parking/storing a boat with boat trailer in front of the front building line.

Section 23.2-26(b) Variances, Required findings for approval:

The Land Development Regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b). Staff has reviewed the application against this section which the analysis outlined as follows:

1. Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings, and that this is not the result of the action of the applicant.

Analysis: The subject property, located at 1617 North Lakeside Drive, was constructed in 1979 with side yard setbacks ranging from 4.6 feet to 5.25 feet, and a front setback of 25.6 feet. Due to the narrow side yards, there is insufficient room to park a boat and trailer alongside the home. Additionally, the front setback does not provide adequate space to park in front of the home while remaining behind the front building line. The rear of the property is further constrained by the presence of a pool and lack of access from the rear alley, eliminating rear yard parking as an option. These site limitations are specific to the subject property and are not typical for all properties within the City. Furthermore, these conditions are not the result of actions taken by the applicant but are inherent to the original construction and layout of the property. **Meets criterion.**

2. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought.

Analysis: The subject property has been used continuously as a single-family residence for nearly five decades and remains fully functional for that purpose under current zoning regulations. While the LDRs limit the ability to store a recreational boat and trailer on-site, particularly in front of the front building line, this limitation does not prevent the reasonable use of the land as a single-family home. Recreational boat storage, while a convenience, is not considered a fundamental component of reasonable residential use under the LDRs. The inability to store a boat and trailer on-site does not render the property unusable or deprive the applicant of a single-family residential use. **Does Not Meet Criterion.**

3. The variance proposed is the minimum variance which makes possible the reasonable use of the land or building.

Analysis: As noted above, the property has been used continuously as a single-family residence and remains fully functional for that purpose under current zoning regulations. The applicant has proposed site improvements including a defined parking area and additional landscaping to mitigate visual impact, while complying with applicable LDRs such as parking, landscaping, and impervious surface coverage. These measures demonstrate

an effort to minimize the scope of the request; however, the proposed variance is not necessary to enable reasonable use of the property as a single-family residence and therefore does not meet this criterion. **Does Not Meet Criterion.**

4. The granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare.

Analysis: The granting of the variance to allow a boat and boat trailer to be parked in front of the front building line would likely not be unduly injurious or detrimental to the public welfare. While the LDRs prohibit the parking of boats and trailers in front of the front building line, the applicant has proposed reasonable measures to minimize potential impacts on the neighborhood. Specifically, the applicant has committed to establishing a defined parking area that complies with applicable parking, front yard landscaping requirements, and impervious surface requirements and will install landscape screening along the north property line to reduce visibility from the street and adjacent properties. Additionally, the applicant proposes the creation of an on-site parking space to avoid the need for on-street parking, which will lessen the burden on neighbors. Given these mitigation efforts, the proposed variance is not expected to be detrimental to the public welfare or injurious to neighboring properties. **Meets criterion.**

CONCLUSION

Pursuant to Section 23.2-26(b) of the Land Development Regulations (LDRs), variance requests must be evaluated for consistency with all applicable review criteria. The applicants have not demonstrated, through competent and substantial evidence, that the requested variance satisfies the full scope of these criteria. Staff finds that the request does not meet the criteria regarding the necessity of the variance to allow for reasonable use of the property, as the property continues to function as a single-family residence without the variance. As a result, the request does not meet the necessary standards for approval. Therefore, staff are recommending that the Planning and Zoning Board do not approve the proposed variance.

Should the Planning and Zoning Board choose to approve the request, staff has prepared conditions of approval, including requirements for a building and landscape permit, to ensure compliance with the intent of the LDRs and to mitigate potential impacts.

Conditions of Approval:

1. A building permit to create an additional parking space to park and store the boat and boat trailer shall be approved and installed within 90 days of this approval. The additional parking space must meet current Land Development Regulations.
2. A landscape permit to provide additional native landscape screening shall be approved and installed within 90 days of this approval. The boat must be screened from abutting properties with a continuous landscape screen to be installed at a minimum height of 24 inches.
3. This variance shall remain valid only for the duration of ownership by the current property owner. Upon transfer of ownership, the variance shall automatically become null and void, and the parking or storing of a boat within the front building line shall require a new variance approval.
4. The south side of the property shall maintain landscape screening as long as the variance remains active.
5. The boat and trailer must be registered, licensed, and permitted by appropriate governing authorities.
6. The boat and trailer must be owned by the occupant of the property.
7. At no time shall such parked or stored boat be occupied or used for living, sleeping or housekeeping purposes.
8. The boat and trailer must be kept in a neat and operable condition, not wrecked, junked or partially dismantled. Additionally, no boat and trailer shall be affixed to the ground or otherwise supported in a manner that would prevent its ease of removal from the property.

9. The parking of the boat and trailer shall not cause other vehicles to be parked on sidewalks or on public right-of-way so as to create a hazard.
10. No major repair work may be conducted on the premises.

BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** PZB Project Number 25-01500004 a variance request for 1617 North Lakeside Drive to allow a boat and boat trailer to be parked in front of the front building line. The project does not meet the variance criteria based on the data and analysis in the staff report.

I MOVE TO **APPROVE** PZB Project Number 25-01500004 a variance request for 1617 North Lakeside Drive to allow a boat and boat trailer to be parked in front of the front building line. The application meets the variance criteria for the following reasons [Board member please state reasons].

Consequent Action: *The Planning & Zoning Board's decision will be the final decision for the variance. The applicants may appeal the Board's decision directly to Circuit Court.*

ATTACHMENTS

- A. Application Package (survey/site plan and supporting documents)
- B. Photos



DATE: September 24, 2025

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

FROM: Nilsa Zacarias, Director of Planning, Chen Moore and Associates (CMA)
Lance Lilly, Senior Planner, Chen Moore and Associates (CMA)
On behalf of William Waters, Director of Community Sustainability

MEETING: October 1 and October 8, 2025

SUBJECT: **Ordinance 2025-15:** City-initiated request for Text Amendments to the City of Lake Worth Beach Comprehensive Plan to update the Future Land Use (FLU) table by incorporating the Neighborhood Commercial (NC) Zoning District into the Artisanal Mixed Use Land Use Designation (Table 1, Future Land Use Element), and by incorporating the Single-Family Residential (SFR) Zoning District into the Medium Density Residential (MDR) Land Use Designation.

BACKGROUND:

The City of Lake Worth Beach is proposing two (2) City-initiated text amendments to update Table 1 of the Future Land Use (FLU) Goals, Objectives, and Policies (GOPs) document within the City's Comprehensive Plan, to ensure consistency with existing City land use patterns, conditions, and current zoning map.

Furthermore, the amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report.

The two (2) proposed text amendments to incorporate additional zoning districts into two (2) sections of Table 1 in the Future Land Use Element are described as follows:

1. Comprehensive Plan Text Amendment to revise the existing Future Land Use Table 1 to allow for Neighborhood Commercial (NC) Zoning District within the Artisanal Mixed Use (AMU) Land Use Designation; and,
2. Comprehensive Plan Text Amendment to revise the existing Future Land Use Table 1 to allow for the Single Family Residential (SFR) Zoning District within the Medium Density Residential (MDR) Land Use Designation.

The proposed text amendments do **NOT** alter the existing FLU map due to only revising the FLU table in the GOPs. The proposed FLU table has been included as Exhibit A in the attached proposed Ordinance. The data and analysis section in the staff report was prepared in accordance with the requirement of F.S. 163.3177, and provides relevant and appropriate data based on the City's community goals and vision, and compliance with Level of Service (LOS) requirements.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and the Historic Resources Preservation Board recommend transmittal of the City-initiated Comprehensive Plan text amendments (Ordinance 2025-15) to the City Commission for submission to the Florida Department of Commerce under the Expedited Review Process.

DATA & ANALYSIS:

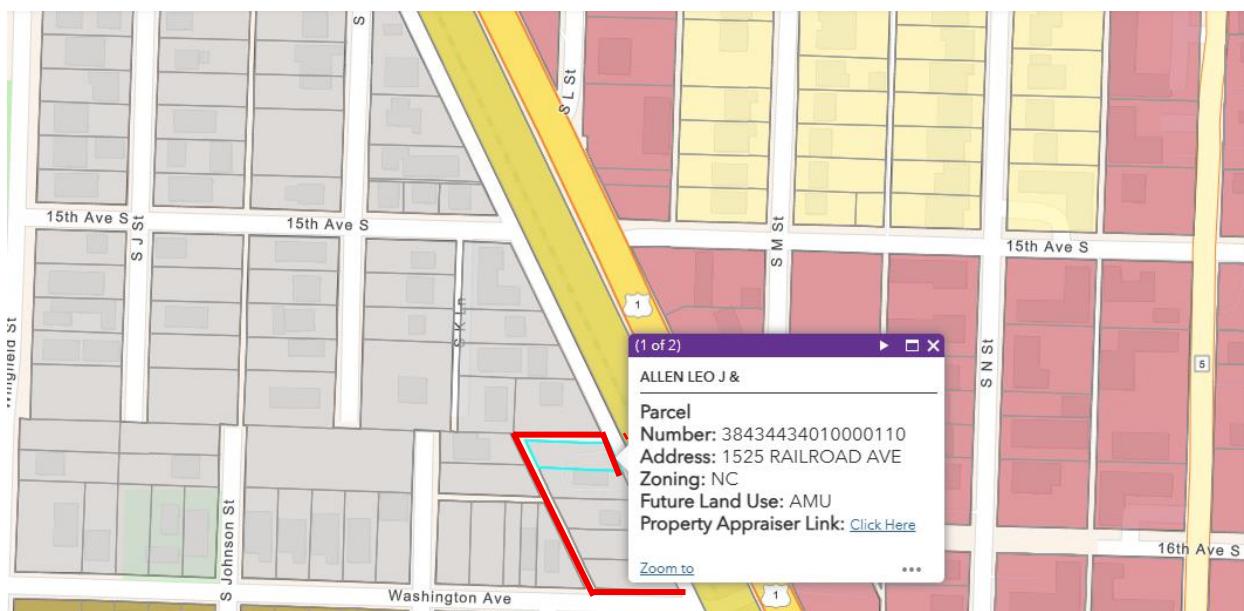
1. Data and Analysis for NC Zoning District incorporation into the Artisanal Mixed Use (AMU) FLU Designation

Currently, AMU Future Land Use designation of Table 1 only incorporates the Artisanal Industrial (AI) Zoning District (see graphic below). However, there are properties with an AMU Future Land Use Designation that are currently zoned Neighborhood Commercial (NC), and the subject table does **NOT** include NC in the FLU designation.

Existing Table

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation(1)	Allowable Mix of Uses per District	Floor Area Ratio
Industrial	Artisanal Mixed Use (AMU) 35' Max.	AI	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)	50% residential/ 50% non-res.	1.55
	Industrial (I) 45' Max.	IPOC	N/A	30 feet (max 2 stories)	plus 15 feet (max 4 stories)	N/A	2.25

For example, five (5) properties along Railroad Avenue have a NC zoning classification with an underlying AMU Future Land Use designation (see below map). Despite this, Table 1 of the Future Land Use Element does **NOT** list the NC Zoning District within the table.



The proposed text amendment will update Future Land Use Table 1 to incorporate a zoning district that should already be included, ensuring consistency between the zoning map, the Future Land Use Map (FLUM), and the Future Land Use table (see the proposed table below). The incorporation of the NC Zoning District into FLU Table 1 would **NOT** be any more restrictive or burdensome than the density or height permitted within the residential future land use categories. The NC district allows a maximum of 20 dwelling units per acre and a maximum building height of 30 feet (2 stories). These standards are consistent with the dwelling unit and height allowances established for the residential future land uses and would neither exceed nor fall below what is already permissible.

Proposed Table

Industrial	Artisanal Mixed Use (AMU) 35' Max.	AI	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)	50% residential/ 50% non-res.	1.55
		NC	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)	N/A	
	Industrial (I) 45' Max.	IPOC	N/A	30 feet (max 2 stories)	plus 15 feet (max 4 stories)	N/A	2.25

2. Data and Analysis for SFR Zoning District incorporation into the Medium Density Residential (MDR) FLU Designation

In addition, the proposed Comprehensive Plan text amendment includes the incorporation of the Single-Family Residential Zoning District into the Medium Density Residential (MDR) Future Land Use Designation. The existing MDR Future Land Use Designation permits Single-family and two-family residential (SF/TF-14), multi-family and two-family residential (MF-20), and Neighborhood Commercial (NC) (see below graphic for permit zoning districts).

Existing Table

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation(1)	Allowable Mix of Uses per District	Floor Area Ratio
Residential	Medium Density Residential (MDR) 35' Max.	SF/TF-14	14 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)	N/A	1.15
		MF-20	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		NC	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

Per the existing FLU table, the SF/TF-14, which is a single family and two-family residential zoning district is a permitted zoning district; however, the Single-Family Residential (SFR) Zoning District is **NOT** included. The proposed text amendment will provide consistency for the types of uses within the MDR Future Land Use designation by allowing the SFR Zoning District (see the proposed table below).

Proposed Table

Residential	Medium Density Residential (MDR) 35' Max.	SFR	7 du/acre	30 feet (max 2 stories)	N/A	N/A	0.65
		SF/TF-14	14 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)	N/A	1.15
		MF-20	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		NC	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

JUSTIFICATION:

Currently, the AMU FLU designation does **NOT** include the NC Zoning District as a permitted zoning district. In addition, the SFR Zoning District is not included in the permitted zoning districts of the MDR FLU designation. The proposed Comprehensive Plan text amendments will incorporate both of these zoning districts into the appropriate FLU designations, ensuring a diversity of uses and consistency between existing property conditions and the Comprehensive Plan.

1. Justification for NC Zoning District in the Artisanal Mixed Use (AMU) FLU Designation

The City’s Land Development Regulations (LDR) along with the Comprehensive Plan align with the purpose and intent of the NC Zoning District within the AMU FLU designation. Per the LDRs, NC neighborhood commercial district" is designed to permit the establishment of convenience commercial uses in areas which are not suitable for a broader range of commercial uses, but where it is desirable to provide for the everyday shopping needs of nearby residents. The "NC neighborhood commercial district" permits the establishment and expansion of a limited range of neighborhood commercial uses. Certain other uses which would cause minimum problems for residential neighbors are also permitted to make the "neighborhood commercial district" more flexible in use."

Also, the Comprehensive Plan mentions that the Artisanal Mixed Use land use category is "intended to provide for the establishment and enlargement of office, retail and industrial uses related to the arts, other low intensity industrial uses, and medium density residential opportunities. The maximum density of permitted residential development is 30 dwelling units per acre."

According to the Comprehensive Plan, the Artisanal Mixed Use (AMU) designation permits a combination of commercial and residential uses. Incorporating the NC zoning district into the AMU FLU designation will add a zoning district that accommodates a mixture of residential, commercial, and other compatible uses. As noted in the Data & Analysis section of this report, there are currently five (5) properties with an AMU FLU designation and NC zoning classification, even though the existing Comprehensive Plan does **NOT** recognize NC as a permitted zoning district. The proposed text amendment will resolve this inconsistency by aligning land use designations with zoning classifications.

2. Justification for SFR Zoning District in the Medium Density Residential (MDR) FLU Designation

In addition to adding the NC zoning district to the AMU FLU designation, the City is also proposing to include the SFR zoning district as a permitted district within the MDR FLU designation. Currently, the MDR designation allows the SF/TF-14, MF-20, and NC zoning districts, but **NOT** SFR. At present, single-family residential uses are permitted in the SF/TF-14 district, along with two-family and multi-family residential uses. Adding the SFR zoning district will expand the zoning options available under the MDR designation, promote greater housing diversity, and provide a smoother transition between single-family and multi-family neighborhoods.

COMPREHENSIVE PLAN AND STRATEGIC PLAN ANALYSIS:

Consistency with the Comprehensive Plan

The proposed FLUM amendments are consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach's Comprehensive Plan. The **bold** text emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments.

1. FUTURE LAND USE ELEMENT

Objective 1.1.1: Future Land Use Designations

The City shall adopt future land use designations to provide for an **efficient distribution and compatible pattern of land uses and to maintain and enhance the character of the community.**

Policy 1.1.3.4: **Zoning map designations and Zoning provisions shall be consistent with the Future Land Use map and each future land use explanatory text** and related provisions in the Future Land Use Element.

Objective 1.3.1: The City shall continue to **adopt Comprehensive Plan amendments and new land development regulations to eliminate or reduce land uses inconsistent with the community character**, as set forth on the Future Land Use Map Future Land Use explanatory text and this element.

Consistency with the Strategic Plan

The proposed amendments further the City's Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and support the Strategic Pillars of Positioning Lake Worth Beach to be a competitive viable location of choice, Strengthening Lake Worth Beach as a "Community of Neighborhoods", and Navigating towards a sustainable community.

Specifically, the proposed amendments are consistency with the following Strategic Plan Pillars:

Pillar I: Positioning Lake Worth Beach to be a competitive viable location of choice

A: Ensure effective economic development incentives and zones

B. Adopt and implement clear, concise, consistent, predictable and unified rules, regulations and processes

Pillar II: Strengthening Lake Worth Beach as a 'Community of Neighborhoods'

A: Diversify housing options

Pillar IV: Navigating Towards a Sustainable Community

E: Ensure facility placement, construction and development that anticipates and embraces the future.

Level of Service Analysis

Pursuant to Chapter 163 of the Florida Statutes, any FLU amendments must be evaluated to determine if the proposed future land use will have a significant impact on the long range Level of Service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, parks, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the maximum development potential for the existing and proposed FLU, and whether or not each public facility has capacity to accommodate any additional demands.

1. Justification for NC Zoning District in the Artisanal Mixed Use (AMU) FLU Designation

According to the City's Comprehensive Plan, the Artisanal Mixed Use allows a maximum of 30 du/acre, the incorporation of the NC Zoning District will be consistent with the 30 du/acre and will **NOT** impact the existing LOS for the Artisanal Mixed Use. The update of Table 1 of the FLU Element does **NOT** impact the level of service since the proposed text amendments are solely to provide consistency between the existing City land use patterns, conditions, and current zoning map.

Also, the density within the NC is the density as all other Future Land Use designations where NC is permitted. Alternatively, this zoning district allows the same height restrictions, sustainable bonus incentives, maximum floor area ratio, and allowable mix of uses. The inclusion of the NC Zoning District into the AMU FLU designation will **NOT** affect the existing level of service numbers relative to traffic, potable water, sanitary sewer, schools, drainage, or parks.

2. Level of Service Analysis for SFR Zoning District in the Medium Density Residential (MDR) FLU Designation

For the MDR FLU designation, the SF/TF-14 Zoning District contemplates single family and more dense residential uses such as two-family and multi-family properties. In addition, existing zoning districts permitted within the MDR FLU ha a maximum density of 20 du/acre, while the SFR Zoning District has a maximum density of 7 du/acre. The inclusion of the SFR Zoning District into the MDR FLU designation does **NOT** affect the existing level of service numbers relative to traffic, potable water, sanitary sewer, schools, drainage, or parks.

CONCLUSION:

Staff **recommends that the PZB and HRPB recommend approval of the draft City-initiated Comprehensive Plan text amendments**, as:

- The amendments are consistent the City's goals of housing diversity and economic development by expanding the allowable uses within two Future Land Use designations.
- The amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report; and
- The amendments are supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based the City's community goals and vision and does **NOT** affect the existing level of service.
- The amendments will update the FLU table and provide consistency with existing City land use patterns, conditions, and current zoning map.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION TO ADOPT** the proposed Comprehensive Plan text amendments included in Ordinance 2025-15.

Attachments

- A. Draft Ordinance 2025-15

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ORDINANCE 2025-15 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, section 163.3220, *et seq.*, Florida Statutes, requires each municipality to adopt a comprehensive plan, including a future land use map and authorizes amendments to an adopted comprehensive plan; and

WHEREAS, the City wishes up amend Table 1 of the Future Land Use Element to provide consistency with existing land use patterns, existing conditions, and the current zoning map; and

WHEREAS, on October 1, 2025, the Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of the proposed amendments to the Comprehensive Plan of the City; and

WHEREAS, on October 8, 2025, the Historic Resources Preservation Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of the proposed amendments to the Comprehensive Plan of the City; and

WHEREAS, the City has received public input and participation through hearings before the Local Planning Agency and the City Commission in accordance with Section 163.3181, Florida Statutes; and

WHEREAS, the City Commission has reviewed the proposed amendments and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

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

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: The Future Land Use Element is hereby amended by adding the words shown in underline type as indicated in **Exhibit A**.

Section 3: 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 4: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

50 **Section 5: Codification.** The sections of the ordinance may be made a part of the City
51 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
52 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

53
54 **Section 6: Effective Date.** The effective date of this ordinance shall be thirty-one (31)
55 days after the Department of Economic Opportunity notifies the City that the plan amendment
56 package is complete. If timely challenged, this amendment does not become effective until the
57 Department of Economic Opportunity of the Administration Commission enters a final order
58 determining the adopted amendment to be in compliance.

59
60 The passage of this ordinance on first reading was moved by _____,
61 seconded by _____, and upon being put to a vote, the vote was as follows:

- 62
- 63 Mayor Betty Resch
- 64 Vice Mayor Sarah Malega
- 65 Commissioner Christopher McVoy
- 66 Commissioner Mimi May
- 67 Commissioner Anthony Segrich
- 68

69 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
70 day of _____, 2025, and shall be transmitted to the Florida Department of
71 Economic Opportunity for review.

72
73
74 The passage of this ordinance on second reading was moved by _____,
75 seconded by _____, and upon being put to a vote, the vote was as follows:

- 76
- 77 Mayor Betty Resch
- 78 Vice Mayor Sarah Malega
- 79 Commissioner Christopher McVoy
- 80 Commissioner Mimi May
- 81 Commissioner Anthony Segrich
- 82

83 The Mayor thereupon declared this ordinance duly passed on the _____ day of
84 _____, 2025.

85
86 LAKE WORTH BEACH CITY COMMISSION

87
88
89 By: _____
90 Betty Resch, Mayor

91
92 ATTEST:

93
94
95 _____
96 Melissa Ann Coyne, MMC, City Clerk

EXHIBIT A

1. FUTURE LAND USE ELEMENT

TABLE 1

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation(1)	Allowable Mix of Uses per District	Floor Area Ratio
Residential	Single Family Residential (SFR) 35' Max.	SFR	7 du/acre	30 feet (max 2 stories)	N/A	N/A	0.65
		MH-7	7 du/acre	15 feet	N/A		
		NC	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
	Medium Density Residential (MDR) 35' Max.	SFR	7 du/acre	30 feet (max 2 stories)	N/A	N/A	0.65
		SF/TF-14	14 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		1.15
		MF-20	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		NC	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
	High Density Residential (HDR) 35' Max.	MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)	N/A	1.55
		MF-40	40 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		NC	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
Mixed Use	Mixed Use East (MU-E) 45' Max.	MU-DH	30 du/acre	30 feet (max 2 stories)	plus 15 feet max 4 stories)	75% residential/ 25% non-residential	1.55
		MU-FH	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MU-E	30 du/acre	30 feet (max 2 stories)	plus 15 feet (max 4 stories)		
	Mixed Use West (MU-W) 65' Max.	MU-W	30 du/acre	30 feet (max 2 stories)	plus 35 feet (max 6 stories)	75% residential/ 25% non-residential	3.0
	Downtown Mixed Use (DMU) 45' – 65' Max.	DT	40 du/acre	30 feet (max 2 stories)	plus 35 feet (max 6 stories– east of FH)	75% residential/ 25% non-residential	2.45
		MU-E	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
MF-20		20	30 feet	plus 5 feet			

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			du/acre	(max 2 stories)	(max 3 stories)		
		MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

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TABLE 1 Cont'd.

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation (1)	Allowable Mix of Uses per District	Floor Area Ratio
Transit-Oriented Development	Transit-Oriented Development (TOD) 45' – 55' Max.	TOD-E	50 du/acre	30 feet (max 2 stories)	plus 25 feet (max 5 stories – train station.)	75% residential/ 25% non-res.	2.65
		TOD-W	50 du/acre	30 feet (max 2 stories)	plus 25 feet (max 5 stories – train station.)		
		SFR	7 du/acre	30 feet (max 2 stories)	N/A		
		MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MU-DH	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		AI	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
Industrial	Artisanal Mixed Use (AMU) 35' Max.	AI	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)	50% residential/ 50% non-res.	1.55
		NC	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)	N/A	
	Industrial (I) 45' Max.	IPOC	N/A	30 feet (max 2 stories)	plus 15 feet (max 4 stories)	N/A	2.25
Public	Public (P) 65' Max.	P	N/A	65 feet	N/A	N/A	0.1
	Public Recreation and Open Space (PROS) 35' Max.	PROS	N/A	35 feet	N/A	N/A	0.15
	Conservation (CON) 35' Max.	CON	N/A	35 feet	N/A	N/A	0.1
	Beach and Casino (BAC) 45' Max.	BAC	N/A	45 feet	N/A	N/A	0.15

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City Of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North · Lake Worth · Florida 33461 · Phone: 561-586-1687

DATE: September 24, 2025

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

FROM: William Waters, Director of Community Sustainability

MEETING: October 1 and October 8, 2024

SUBJECT: **Ordinance 2025-17**: Consideration of an ordinance amending Chapter 23, Article 6, Section 23.6-1(p) "Penalties for tree abuse and removal without a permit."

PROPOSAL / BACKGROUND/ ANALYSIS:

The proposed LDR Amendments will modify the following sections of the City's Land Development Regulations:

- Article 6 – Section 23.6-1: Environmental Regulations, paragraph (p) "Penalties for tree abuse and removal without a permit"

Penalties for tree abuse and removal without a permit: Amending the subsection regarding penalties for tree abuse and/or removal of a tree without proper permits to clarify the calculation of the penalty, timing for payment of the penalty, and requirements for mitigation through a restoration plan or replacement of the tree(s).

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2025-17.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2025-17.

Attachments

- A. Draft Ordinance 2025-17

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ORDINANCE 2025-17 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS”, ARTICLE 6 “ENVIRONMENTAL REGULATIONS,” SECTION 23.6-1 – LANDSCAPE REGULATIONS, PARAGRAPH (p), RELATED TO PENALTIES FOR TREE ABUSE AND REMOVAL WITHOUT A PERMIT; 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 6 “Environmental Regulations,” Section 23.6-1 – “Landscape regulations,” paragraph (p) to clarify the penalties for tree abuse and removal without a permit; and

WHEREAS, on October 1, 2025, the Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of the proposed amendments to the Land Development Regulations; and

WHEREAS, on October 8, 2025, the Historic Resources Preservation Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of the proposed amendments to the Land Development Regulations; and

WHEREAS, the City Commission has reviewed the proposed amendments and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

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

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 6 “Environmental Regulations,” Section 23.6-1 “Landscape Regulations,” paragraph (p) is hereby amended by adding the words shown in underline type and deleting the words struck through as follows:

(p) *Penalties for tree abuse and removal without a permit.*

51 (1) Any person who violates this section shall pay to the city ~~within days the base rate penalty,~~
 52 calculated pursuant to this section. ~~Penalties are levied in addition to replacement, inch~~
 53 ~~for inch, with trees on site to meet the minimum requirements if the city horticulturist deems~~
 54 ~~the tree unsalvageable.~~ Penalties shall be paid into the Tree Canopy Restoration Fund. ~~If~~
 55 ~~the replacement tree cannot be located on site, the full cost of replacing the tree (specified~~
 56 ~~in subsection p m(7)(c)) shall also be paid into the Tree Canopy Restoration Fund.~~
 57

<i>Residential—Tree DBH</i>	<i>Fine or fee per inch</i>
3" - < 6"	\$60.00
6" - < 9"	\$80.00
9" - < 12"	\$100.00
12" - < 18"	\$200.00
18" or greater	\$400.00
<i>Non-Residential—Tree DBH</i>	<i>Fine or fee per inch</i>
3" - < 6"	\$120.00
6" - < 9"	\$160.00
9" - < 12"	\$200.00
12" - < 18"	\$400.00
18" or greater	\$800.00

58 (2) If a historic, specimen or champion tree is removed the ~~fine~~ penalty shall be two thousand
 59 dollars (\$2,000.00) per DBH inch.
 60

61 (3) Payment of penalties shall be made to the city within ten (10) days after receipt of written
 62 notice by the city of the violation or as provided by order of the city's code compliance
 63 magistrate. Notice shall be provided in accordance with Section 2-70 of the city's code of
 64 ordinances.
 65

66 (34) If the city horticulturist deems the tree salvageable, the city horticulturist shall recommend
 67 an arborist be contracted for three (3) to five (5) years by the property owner for corrective
 68 pruning for violations under subsection m). A signed contract with an arborist for corrective
 69 pruning and restoration over a period of three (3) to five (5) years must be submitted for
 70 approval to the city horticulturist within thirty (30) days of written notice from the city of the
 71 city horticulturalist's determination that the tree is salvageable ~~or a fifty dollars (\$50.00)~~
 72 ~~per day fine will be imposed.~~
 73
 74

75 (4) If the city horticulturalist deems the tree unsalvageable, penalties are levied in addition to
76 replacement, inch for inch, with trees on site to meet the minimum requirements. If the
77 replacement tree cannot be located on site, the full cost of replacing the tree (specified in
78 subsection m(7)(c)) shall be paid into the Tree Canopy Restoration Fund, along with the
79 penalties.

80
81 (4-5) To enforce compliance with this chapter, Lake Worth Beach city officials may issue a
82 cease and desist order or require that a building permit or certificate of occupancy be
83 withheld.

84
85 **Section 3:** Severability. If any section, subsection, sentence, clause, phrase or portion
86 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
87 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
88 such holding shall not affect the validity of the remaining portions thereof.

89
90 **Section 4:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
91 herewith are hereby repealed to the extent of such conflict.

92
93 **Section 5:** Codification. The sections of the ordinance may be made a part of the City
94 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
95 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

96
97 **Section 6:** Effective Date. This ordinance shall become effective 10 days after
98 passage.

99
100 The passage of this ordinance on first reading was moved by _____,
101 seconded by _____, and upon being put to a vote, the vote was as follows:

- 102
103 Mayor Betty Resch
104 Vice Mayor Sarah Malega
105 Commissioner Christopher McVoy
106 Commissioner Mimi May
107 Commissioner Anthony Segrich

108
109 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
110 day of _____, 2025.

111
112
113 The passage of this ordinance on second reading was moved by _____,
114 seconded by _____, and upon being put to a vote, the vote was as follows:

- 115
116 Mayor Betty Resch
117 Vice Mayor Sarah Malega
118 Commissioner Christopher McVoy
119 Commissioner Mimi May
120 Commissioner Anthony Segrich

121
122 The Mayor thereupon declared this ordinance duly passed on the _____ day of
123 _____, 2025.

126
127
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136

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk