



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 19, 2022 -- 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 7, 2022 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. **PZB Project Number 22-00500008:** A Conditional Use Permit (CUP) request for Sunbelt Rentals at 1800 Aragon Ave for the establishment of an equipment rental facility designated as an equipment rental and leasing use (high Intensity Industrial Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses) by LDR Section 23.3-6. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I). The project is being processed concurrently with a minor site plan amendment to address new landscaping and accessory outdoor storage.
- B. **PZB Project Number 22-00500013:** A conditional use permit request for Mint Dentistry at 1114 North Dixie Highway for the establishment of an ±5,400 square foot dental office (outpatient clinic/medical office use). The subject site is zoned Mixed Use- Dixie (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).
- C. **PZB Project Number 22-01500004:** Request by Romi DiRoberto of Happy Car Sales for consideration of a Variance to allow a fence to be setback a minimum 5 feet from the front property line at 821 South Dixie Highway. LDR Section 23.4-4 requires that fences on

commercial properties be set back to the minimum building setback line of 10 feet. The subject site is zoned Mixed-Use Dixie Highway (MU-DH) and has a future land use designation of Mixed-Use East (MU-E).

- D. PZB Project Number 22-01400020:** A major site plan, conditional use permit and sustainable bonus requests for the property located at 2202 Lake Worth Rd to construct a 4 story, ±99,800 sf indoor self-storage facility. The sustainable bonus request is for an additional 2-stories in height to allow the 4-story building. The property is zoned Mixed-Use West (MU-W).
- E. Ordinance 2022-20:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 7 “Public Districts,” Section 23.3-26 “P- Public,” and Section 23.3-27 “PROS – Public Recreation and Open Space” for consistency with the use tables in Section 23.3-6 and clarifying the approval process for uses in the public districts; and Division 8 “Conservation District,” Section 23.3-28 “C- Conservation,” for consistency with the use tables in Section 23.3-6, correcting a scrivener’s error and modifying the approval process to require conditional use approval for new uses; and Division 1 “Generally,” Section 23.3-6 “Use Tables,” to remove the P, PROS, and C zoning districts from all use categories in the use tables in this section except from the “Temporary Uses” category.
- F. Ordinance 2022-21 (PZHP 22-03100006):** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SFR – Single-family residential,” Section 23.3-8 “SF-TF – Single-family and two family residential,” Section 23.3-10 “MF-20 – Multifamily residential,” Section 23.3-11 “MF-30 – Medium density multi-family residential,” and Section 23.3-12 “MF-40 – High density multi-family residential,” to reduce the minimum side setback requirement for lots over 50 feet to a minimum of five (5) feet allowing additional flexibility in the placement of accessory structures and pools.

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 REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 07, 2022 -- 6:06 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Mark Humm, Juan Contin, Zade Shamsi-Basha, Daniel Walesky, Evelin Urcuyo, Alexander Cull. Edmond LeBlanc -absent. Also present were: Scott Rodriguez, Principal Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

A. Election of the PZB Chair and Vice Chair

M. Humm nominates Juan Contin as Chair. J. Contin briefly discusses his background as Architect, Cornell graduate and teaching at FAU. **Vote:** Ayes all, unanimous for Juan Contin as Chairperson.

M. Humm nominates Z. Shami-Basha as Vice-Chair, Z. Shami-Basha declines despite having been on the Board for a period of time, defers to either Mark Humm or Edmond LeBlanc. M. Humm has no interest as Chair or Vice-Chair. Z. Shamsi-Basha nominates Daniel Walesky as Vice-Chair. **Vote:** Ayes all, unanimous for Daniel Walesky as Vice-Chair.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

A. August 3, 2022 Meeting Minutes

Motion: M. Humm moves to approve the August 3, 2022 minutes as presented; A. Cull 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 – provided in meeting packet

1749 3rd Ave S- Public Works Facility PZB 22-01500003 - Blockson Variance

PZB 22-00500009 - CA Precision PZB 22-00500010 - Peter's Appliances

PZB 22-01400020 - Self Storage 1800 4th Ave North- Crypto

WITHDRAWALS / POSTPONEMENTS - None

CONSENT - None

PUBLIC HEARINGS:

BOARD DISCLOSURE - None

UNFINISHED BUSINESS: See Election above

NEW BUSINESS:

A. PZB 22-1400020: A major site plan, conditional use permit and sustainable bonus requests 2202 Lake Worth Rd to construct a 4 story, 99,800 sf self-storage facility. The sustainable bonus request is for an additional 2- stories in height to allow the 4-story building. The property is zoned Mixed-Use West (MU-W).

This item is continued to the PZB meeting on October 19, 2022.

Motion: D. Walesky moves to continue to the October regular meeting; A. Cull 2nd.

Vote: Ayes all, unanimous.

B.PZB 22-01400010: Consideration of a request for a Major Site Plan and Conditional Use Permit to construct a new +/-16,803 square foot Public Works fleet maintenance facility, offices and emergency operations center (EOC) to replace the existing fleet maintenance facility at 1749 3rd Ave S. The subject site is zoned Public (P) and has a future land use designation of Public (P).

Staff: E. Sita presents case findings and analysis. The current structures being utilized were constructed in 1963. The uses by Public Works and City Utilities will continue, there will be no change to the use of the property. Phase 1 is the approval of a new 16,803 square foot fleet maintenance facility, public works offices and emergency operation cent (EOC). Phase II includes funding, demolition and removal of impermeable surfaces. The proposed area of development, on the southerly extent of the property, is currently vacant with the exception of an impermeable area of concrete. Fleet maintenance would continue in the current location until the new structure is completed at which time the existing structures could be demolished. Jamie Brown, Public Works Director explains that with each passing hurricane threat there is relief as the structures are still standing. There are Band Aids on top of Band Aids. Temporary portables were added in 2006 and then purchased in 2014. He is looking forward to an office that doesn't have a trailer hitch. All City vehicles are cared for at this location, larger vehicles under warranty will be sent out for repair. Some damage was incurred during the hurricanes of 2004 and 2005.

Public Comment: None

Motion: D. Walesky moves to approve PZB 22-01400010 with staff recommended Conditions of Approval based upon competent substantial evidence in the staff report and testimony at the public hearing; A. Cull and Z. Shamsi-Basha 2nd.

Vote: Ayes all, unanimous.

C.PZB 22-01500003 - Consideration of a Variance to the maximum required fence height for a perimeter concrete wall at 1802 Pierce Dr. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Staff: Only a portion of the fence and berm will reach eight (8) feet based upon the slope and meeting the adjacent neighbor's yard.

Board: Landscape screen with fence setback 30 inches.

Applicant: Carla Blockson explains they have had homeless people on the back porch, that was the driving factor in the request. It is a dead-end street and the ficus hedge is no longer wanted. She is in agreement with the Conditions of Approval. Believes if the City ever develops the park, both properties would be consistent/uniform in presentation.

Public Comment: None

Motion: D. Walesky moves to approve PZB 22-01500003 with staff recommended conditions for a variance to the maximum allowed wall/fence height to allow the placement of a six (6) foot wall supported by a two (2) foot earthen berm; M. Humm 2nd.

Vote: Ayes all, unanimous.

D.PZB 22-00500010: A Conditional Use Permit (CUP) Peter's Appliances & More at 1321 North Dixie Highway for the establishment of an ±7,000 square foot appliance retail facility designated as Single

Destination Commercial use by LDR Section 23.3-6 (Medium Intensity Commercial Uses—Use area less than 7,500 square feet and/or medium intensity impact uses). The subject site is zoned Mixed Use-Dixie Highway (MU-DH) and has a future land use designation of Mixed Use-East (MU-E).

Staff: S. Rodriguez – the site perimeter landscaping is just outside the property line. It was a 1986 agreement between the City and owner to provide maintenance to the landscaping.

Applicant: Plinio Ventura- stores the trucks in Fort Lauderdale, hires within the community. Does not repair appliances. Does have contract for services for certain brands such as Speed Queen. Will service their own customers with that brand. New or new open box with manufacturer warranty. Contract with Lowes and Best Buy display models. As a showroom the product will come from the warehouse. Retail is a service field. Three years in the other store and they understand customer service. They are open 7 days a week with deliveries only Monday-Friday.

Staff: The landscape application must be submitted prior to the application for the Business License. The landscape application must be submitted within six (6) months and installation to be complete by nine (9) months. The applicant and property owner can decide who will pay for the improvements but ultimately it is the property owner who is responsible and making sure the timeline is met.

Motion: A. Cull moves to approve PZB 22-00500010 with staff recommended Conditions of Approval based upon competent substantial evidence in the staff report and in the testimony at the public hearing; D. Walesky 2nd.

Public Comment: None

Vote: Ayes all, unanimous.

E.PZB 22-00500011- A Conditional Use Permit (CUP) request by Hodl Associates LLC at 1800 4th Avenue North Unit C for the establishment of a ±9,600 square foot, High Intensity Industrial Use, Factory or Manufacturing facility. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I).

Staff: S. Rodriguez presents case findings and analysis. The proposal is for manufacturing and factory service for online mining accessories and power supplies.

Applicant: Kasim Shaukat- repair of money boards for blockchain. They go bad. Waste is minimal. Remanufacture and sent back out.

Board: Has concerns with any waste by-products. Glue is the only by-product.

Staff: He would be required to submit an affidavit to PBC Environmental Resources. Regarding landscape-the Conditions would allow two (2) months to install. The permit is already submitted.

Public Comment: None

Motion: E. Urcuyo moves to approve PZB 22-00500011 with staff recommended Conditions of Approval based upon the competent substantial evidence in the staff report and in the testimony at the public hearing; A. Cull 2nd.

Vote: Ayes all, unanimous.

F. PZB 22-00500009 - A Conditional Use Permit (CUP) request by CA Precision at 1106 5th Avenue South for the establishment of a manufacturing facility for prototypes designated as Fabrication Services/Manufacturing/Processing/Assembly excluding retail display and sales use. The subject site is zoned Artisanal Industrial (AI) and has a future land use designation of Artisanal Mixed Use (AMU).

Staff: S. Rodriguez presents case findings and analysis. The proposal is for the manufacturing and processing of prototypes parts using computer numerical control equipment for a single client. A local medical equipment manufacturer. There is an existing landscape plan from 2000 indicating required drainage area installation. It was never installed and it is now conditioned to be completed as per City Engineering stating it needs more mitigation. The property owner has 12 months to mitigate.

Applicant: Will utilize Brass, stainless steel and plastic

Public Comment: None

Motion: D. Walesky moves to approve PZB 22-00500009 with staff recommended Conditions of Approval based upon the competent and substantial evidence provided in the staff report and the testimony given at the public hearing; M. Humm 2nd.

Vote: Ayes all, unanimous

PLANNING ISSUES: E. Sita- Apprises Board of the different types of applications that will be seen. There are three (3) types of uses: Permitted by right, Administrative Uses and Conditional Uses. Look to Major Thoroughfare Design Guidelines to bring these uses into better agreement with the policy and guidelines. Board acts either as a recommending body or in the quasi-judicial capacity.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS:

A. The October PZB meeting has been rescheduled to October 19, 2022 due to the Yom Kippur holiday.

BOARD MEMBER COMMENTS: D. Walesky is not comfortable with the interpretation in terms of the height of the project that was recently recommended. Would like this to be a topic of discussion with regard to cleaning up the language.

This should be directed to staff who then prepares the discussion. Board Attorney discusses advocating for public projects, Board members in a quasi-judicial setting and disclosure; whether Board members can remain neutral. Social media posting can be used during litigation. A site visit versus a site tour with the owner is different. This is where disclosures become very important.

ADJOURNMENT: 7:29 PM

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00500008: A Conditional Use Permit (CUP) request for Sunbelt Rentals at 1800 Aragon Ave for the establishment of an equipment rental facility designated as an equipment rental and leasing use (high Intensity Industrial Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses) by LDR Section 23.3-6. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I). The project is being processed concurrently with a minor site plan amendment to address new landscaping and accessory outdoor storage.

Meeting Date: October 19, 2022

Property Owner: Susan King, Marlesu, Inc.

Applicant: Joseph Hill, Sunbelt Rentals, Inc.

Project Manager: Josh Nichols, Schmidt Nichols

Address: 1800 Aragon Avenue

PCNs: 38-43-44-21-04-004-0010

Size: .98-acre lot / 12,000 square feet of existing structure

General Location: West of I-95 and north side of Aragon Avenue

Existing Land Use: Industrial

Current Future Land Use Designation: Industrial (I)

Zoning District: Industrial Park of Commerce (I-POC)

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 and Strategic Plan. The proposed Conditional Use Permit is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. A recommendation of approval with conditions is provided to the Planning and Zoning Board. The conditions are outlined on page 5-6 of this report.

PROJECT DESCRIPTION

The applicant, Joseph Hill with Sunbelt Rentals, Inc., is requesting a **Conditional Use Permit (CUP)** to establish an equipment rental and leasing use ($\pm 12,000$ square feet of use area) in the Industrial Park of Commerce (I-POC) zoning district located at 1800 Aragon Avenue. The subject site is located West of I-95 on the north side of Aragon Avenue. The building is currently configured as warehouse/light manufacturing space.

The applicant is proposing to utilize the existing $\pm 12,000$ square foot structure for the purpose of opening a Sunbelt rental facility. This facility will support the company's flooring division and handles the rental of equipment to other businesses and delivers said equipment to the renter's place of business. The equipment consists of mainly commercial grade floor cleaners and polishers. The use is entirely enclosed and not open to the public. The use is not a retail-based business or operation and is not approved for the sale of any product. The facility will operate Monday through Friday from 7:00 A.M. to 5 P.M., with a maximum number of five (5) to eight (8) employees. The applicant is requesting an equipment rental and leasing use to be located within the building which will require a conditional use permit. The applicant has informed staff that deliveries of product is generally two (2) times per month.

An *Equipment Rental and Leasing* use is allowed in the I-POC zoning district subject to a Conditional Use Permit approval. Additionally, the applicant is proposing a minor site plan amendment to address landscaping and outdoor storage.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

Construction: According to the Palm Beach County Property Appraiser's Office, the $\pm 12,000$ square foot structure was built around 1973.

Use: The property's use is warehouse/light manufacturing. Sunbelt Rentals, Inc., will be operating an equipment rental and leasing use at the site and does not have an active business license.

Code Compliance: There are no open code violations on the subject site.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). Per Policy 1.1.1.10, The Industrial land use category is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed use of Factory or Manufacturing use is allowed in the I-POC zoning

district as a Conditional Use. The proposal is associated with an existing ±12,000 square foot building. Therefore, the proposal can be deemed consistent with the intent and desired uses for the Industrial FLU.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Conditional Use will allow for the establishment of a heavy intensity industrial use (Equipment Rental and Leasing use) that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit request is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Minor Site Plan Amendment

A concurrent minor site plan is being processed with this application to address landscaping and outdoor storage. The site plan will provide the location of the storage cages for propane tanks that will be utilized by the business for their equipment in the outdoor storage area. The site plan will also provide the location of parking/storage areas for a commercial vehicle and equipment on an improved surface as required by LDR Section 23.4-19.A.b).

Per LDR Section 23.4-19.A.b), Outdoor storage and open air-operations: *Outdoor storage in the I-POC industrial districts shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles, boats, parts, materials, or chemicals are required to be stored on an impervious paved surface to reduce pollutants in stormwater runoff.* The applicant has submitted a landscape plan to enhance the roadway and interior landscaping of the site to comply with LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.4-19, *Outdoor storage and open-air operations*.

The applicant is proposing to store a 16-foot box truck with two trailers in the outdoor storage area. The type of commercial vehicle being stored is defined as a medium or heavy duty commercial vehicle: *vehicles that include any construction vehicle or equipment, other motor vehicles classified by the Federal Highway Administration as a class 3 or greater with a curb weight more than eight thousand (8,000) lbs., towed trailers regardless of size and weight, vehicles with an openly visible or an unconcealed load of equipment, cargo, tools, construction materials, mounted accessories that a reasonable person would associate with commercial activity. Such may vehicles may include the display of a business name, logo, address, telephone number, or business license number. Medium and heavy-duty vehicles or construction vehicles includes but is not limited to: commercial trailers (e.g. landscape trailers), tow trucks, service trucks, rental trucks, tracker trailers and construction vehicles or equipment, such as a bulldozer, backhoe, and vehicles with blades attached for plowing or grading.*

Staff is proposing conditions to ensure compliance with LDR Section 23.4-22, Parking, storing or keeping of commercial vehicles in non-residential districts related to the storage of the commercial vehicle, outdoor activity, restriction on the vehicle size, and screening.

Consistency with the City's Land Development Regulations

The Industrial Park of Commerce (I-POC) zoning district *is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas.*

Analysis: The proposed Equipment Rental and Leasing use requested is consistent with the intent of the I-POC zoning district as conditioned.

The analysis for the conditional use permit is provided in this section below and as consistent with the review criteria located in Attachment A.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), “on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping”* consistent with this section including a landscape strip ten (10) feet in depth.

Analysis: The existing condition of the landscaping does not comply with Section 23.6-1. Therefore, the applicant was required to submit a landscape plan with the use approval and minor site plan request. The proposed landscaping improvements for the overall site and existing structure generally are consistent with the City’s landscape code. The proposed project provides perimeter and interior landscaping and shade trees. Multiple trees such as Silver and Green Buttonwood trees will be added to replace missing or damaged trees and Cocoplum, Green Island Ficus and Virburnum will be added to fill in missing shrubs.

The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City’s LDRs [Section 23.2-29(i)], for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

Section 23.2-29(a), Conditional Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

Section 23.2-29(b), Approval Authority: *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

Analysis: A recommendation by the development review official is provided on page 2 of this report, under Recommendation.

Section 23.2-29(c), General Procedures: *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

Staff Analysis: The structure on the property was built around 1973. The building and site presently do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed conditional use is consistent with the City’s LDRs as conditioned based on the following data and analysis:**

Section 23.4-10.f)2.A., Exceptions (Off-Street Parking). *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

Staff Analysis: The entire site area has a total of 21 parking spaces with one (1) handicap parking space and one (1) loading space (12' x 25') designated for the proposed use. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied, and therefore, the proposal does not require additional parking spaces and meets the parking requirement. The conditional use requested is an industrial use. The required parking for the subject site complies with LDRs.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met. A summary of the findings are provided below with a review of the individual finding in the tables in Attachment A:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.

Staff Analysis: The proposed conditional use is in harmony with the surrounding area. An equipment rental and leasing use is an anticipated use in the Industrial Park of Commerce (I-POC) zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated the zoning district in the comprehensive plan.

Section 23.2-29.e) Specific findings for all conditional uses.

Staff Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the site and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there are no active code compliance cases for the subject property.

CONCLUSION AND CONDITIONS

The Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

The proposed *equipment rental and leasing* use is appropriate for this zoning district. The use is located adjacent to compatible uses. Further, the proposed conditional use and improved landscaping will be compatible with the neighboring uses. The use has additional state licensing requirements and security measures in place to mitigate any potential adverse impacts. The use will not create excessive problems for through traffic, or have a negative impact on nearby compatible uses or the commercial viability of their neighbors. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. The conditions are outlined below:

Planning and Zoning:

1. Outdoor parking, storage or keeping of commercial vehicles shall be permitted only in the I-POC industrial district on impervious approved surfaces. The outdoor parking, storage or keeping of these vehicles shall be considered an outdoor storage use and the requirements in section 23.4-19, outdoor storage, shall apply.
2. A minor site plan to address landscaping and outdoor storage shall be required.
3. No major vehicle repair work may be conducted on the premises.
4. There shall be no restriction on size other than the requirement that the vehicle shall not extend onto or over public property or abutting private properties.
5. All commercial vehicles in this category shall be effectively screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use.
6. All business activity shall be conducted within the enclosed structure.
7. Documentation that PBC Wellfield Permit affidavit of notification was submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
8. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
9. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.
10. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the equipment rental and leasing business.
11. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the business or accessory outdoor storage.


Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
4. Prior to the issuance of a building permit, contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.

Utilities, Water, and Sewer

1. Please provide the annual certification for all the back-flow devices on the property: six-inch DDCA on fire line, RPZ for potable water, and the irrigation device.

Building Division

1. Any proposed interior renovations will require applicable building permits.
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I move to **approve** PZB Project Number 22-00500008 with staff recommended conditions for a Conditional Use Permit request to establish a factory or manufacturing use in the Industrial Park of Commerce (I-POC) zoning district located at 1800 4th Avenue North based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 22-00500008 for a Conditional Use Permit request to establish a factory or manufacturing use in the Industrial Park of Commerce (I-POC) zoning district located at 1800 4th Avenue North. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board’s decision will be final decision for the Conditional Use Permit. The Applicant may appeal the Board’s decision to the City Commission.*

ATTACHMENTS

- A. Findings for Conditional Uses
- B. Application Package (survey, preliminary site plan and landscape plan, & supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance

Section 23.2-29.e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance

3. *The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.* **In compliance**
4. *The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.* **In compliance**
5. *The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.* **In compliance**
6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **In compliance**
7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

Section 23.2-29.g) Additional requirements.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00500013: A conditional use permit request for Mint Dentistry at 1114 North Dixie Highway for the establishment of a ±5,400 square foot dental office (outpatient clinic/medical office use). The subject site is zoned Mixed Use - Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: October 19, 2022

Property Owner: Clint Rachal - Chrysos Wealth Management LLC

Applicant: Andrea Cortez – Mint Dentistry

Address: 1114 North Dixie Highway with additional parking located on 1109 N J Street

PCNs: 38-43-44-21-15-344-0030

Size: 0.3131 ac Lot / ±5,400 square feet of existing Structures

General Location: East side of Dixie Highway (US Highway 1) between 12th Avenue North and 11th Avenue North

Existing Land Use: Vacant Commercial Building

Current Future Land Use Designation: Mixed Use – East (MU-E)

Zoning District: Mixed Use – Dixie Highway (MU-DH)

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 and Strategic Plan. The proposed use is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on page 6 and 7 of this report.

PROJECT DESCRIPTION

The applicant, Andrea Cortez with Mint Dentistry, is requesting a **Conditional Use Permit (CUP)** to establish dental office, which is classified as an outpatient clinic/medical office use medium-intensity ($\pm 5,400$ square feet of use area) in the Mixed Use – Dixie Highway (MU-DH) zoning district. The subject site is located east side of Dixie Highway (US Highway 1) between 12th Avenue North and 11th Avenue North. According to the property appraiser, the subject site has an existing $\pm 5,400$ square foot commercial building. The applicant is proposing to reconfigure the building's interior as a dental office with fifteen (15) individual working spaces. No additional outdoor site improvements are being proposed with this application. However, staff has proposed conditions of approval requiring landscaping improvements and requiring a unity of title and shared parking agreement for staff parking.

The dental office for Mint Dentistry will operate Monday through Friday from 8:00 A.M. to 5:30 PM, and have up to 25 employees and 29 designated parking spaces. A dental office, which is classified as an Outpatient Clinic/Medical Office use, is allowed in the MU-DH zoning district subject to a Conditional Use Permit approval.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: The existing structure was constructed in 1940. Per the survey provided, the existing building is $\pm 5,400$ square feet.

Use: The property's use is vacant commercial building.

Code Compliance: The property located at 1114 North Dixie Highway has an open lien for code enforcement violations. A summary of the violations are as follows:

March 1st 2022: code enforcement officer Lateasa Dale cited the property for the following reasons:

1. Parking lot not maintained (REMOVE WEEDS FROM PARKING LOT)
2. Boards on windows (REMOVE)
3. Outdoor storage (REMOVE)
4. Cracks in stucco on structure (REPAIR/REPAINT)
5. Dirt build up/ discolored areas on structure (PRESSURE WASH/REPAINT)
6. Rusted metal pole in rear of property (REMOVE)
7. Bugs on structure (REMOVE)
8. Damaged fascia/soffit (REPAIR/REPAINT)
9. Garbage/debris/trash around property (REMOVE)
10. Overgrown landscape around property (REMOVE)
11. Graffiti on property (REMOVE)
12. Property not registered as vacant (REGISTER THE PROPERTY AS VACANT THROUGH PROCHAMPS)
13. Discolored walkway/porch area (REPAINT)

March 25, 2022: Notice of violation/hearing to the property and City Hall were posted

May 20, 2022: Violations still stand after an inspection was completed.

June 30, 2022: Defendant was not present at magistrate hearing. Property owner was ordered compliance by 9.30.22 or pay fines of \$150 per day.

As the property is prepared for the proposed use, the property owner and applicant will address the violations indicated above. Staff has also proposed a condition that all code violations are met prior to the issuance of a business license.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). The MU-E FLU is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed-Use East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts. The proposed request is seeking to add a medium intensity medical office use to be allowed in the existing 5,400 square foot commercial building

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Conditional Use will allow for the establishment of a medium-intensity use that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use request as conditioned is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The **Mixed Use-Dixie Highway (MU-DH) zoning district** *is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the Mixed Use – East future land use category of the Lake Worth Comprehensive Plan.*

Analysis: The applicant is requesting a Conditional Use Permit for a medium-intensity (use area less than 7,500 square feet and/or medium intensity impact uses) use. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use. Per LDR Section 23.3-6, a medical office use requires a conditional use permit and is also subject to additional supplemental regulations per LDR Section 23.4-13(c)15, *Medical related uses*. The use is consistent with the intent of the MU-DH zoning district as conditioned. The analysis for the conditional use permit is provided in this section below and is consistent with the review criteria located in Attachment A. The proposed outpatient clinic/medical office use is also consistent with the additional supplemental regulations located in Attachment A.

The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29(i)), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

Section 23.2-29.a), Conditional Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

Section 23.2-29.b), Approval Authority: *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

Analysis: A recommendation by the development review official is provided on page 2 of this report, under Recommendation.

Section 23.2-29.c), General Procedures: *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

Staff Analysis: The structure on the property was constructed in 1940. The existing site conditions do not conform to the current LDRs. Therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3, is applicable. The existing nonconformities are not proposed to be increased by the subject Conditional Use request. Further, staff has proposed landscape condition of approval that will reduce the non-conformities with the City's landscape code. **The proposed Conditional Use is consistent with the City's LDRs on the following data and analysis:**

Per LDRs Section 23.4-10.f)2.A., Exceptions (Off-street Parking). *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

Staff Analysis: The request is for the conditional use without increasing the existing building floor area, and as such additional parking is not required. The parking spaces for medical related office uses (Section 23.4-10.f)1.B.) is one (1) space per 250 gross square feet of space. The required parking for the proposed use is 22 spaces. The applicant is proposing 29 parking spaces including 17 parking spaces located at 1114 North Dixie and an additional 12 parking spaces east of the site located at 1109 North J Street. The site located at 1109 North J Street is an existing parking area. Both sites are under the same ownership. Staff is proposing a condition that will require a unity of title to be recorded prior to issuance of a business license.

Staff has concerns with the anticipated numbers of employees that parking may impact the adjacent residential to the east. Staff has proposed a condition of approval requiring a shared parking agreement and parking plan for staff parking. Additionally, per the building code, one (1) handicap parking space is required for every 25 parking spaces. The site will require two (2) handicap parking spaces. Staff is proposing a condition to coordinate with the building division on the addition of the handicap parking spaces.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by*

an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping” consistent with this section including a landscape strip ten (10) feet in depth.

Analysis: The applicant did not submit a landscape plan and a landscape plan was not found within the City’s internal property records. The existing nonconforming property is devoid of any required landscaping and is not meeting the intent of LDR Section 23.6-1, *Environmental regulations* and LDR Section 23.2.31.j), *Design guidelines for major thoroughfares*. Staff is proposing conditions to ensure that the site is brought into conformity to the greatest extent feasible and reduce the nonconformity with both the LDRs and Major Thoroughfare Design Guidelines. This will include landscaping along the North Dixie ROW, screening for the refuse area, and additional screening of the vehicular use areas.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.

Staff Analysis: The proposed conditional uses are in general harmony with the surrounding area and consistent with development of the corridor. The requested uses are anticipated uses in the Mixed-Use Dixie Highway (MU-DH) zoning district. The proposed uses will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan. However, it was noted in the review that there is no existing screened refuse area on the property and does not have adequate landscaping. Therefore, staff has proposed conditions of approval addressing these concerns.

Section 23.2-29.e) Specific findings for all conditional uses.

Staff Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, refuse, fire and police. No additional public expenditures are required to service the proposed use. The site is located on an arterial roadway, and as such traffic flow and movements related to the proposed use are not anticipated to negatively impact the street greater than a use permitted by right. The proposed use will not change the existing on-site traffic circulation. Staff has proposed landscaping conditions of approval to ensure adequate screening is provided of the vehicular use area and compliance with the LDRs and Major Thoroughfare Design Guidelines.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there is an active code compliance case for the subject property. The applicant is addressing the violations through the conditional use permit process and staff has proposed a condition ensuring compliance prior to the issuance of a business license.

CONCLUSION AND CONDITIONS

The Mixed Use-Dixie Highway (MU-DH) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting materials by the applicant, the requested use is not anticipated to negatively impact adjacent properties as conditioned. Further, the proposed conditional use will be compatible with the neighboring uses in the Dixie Highway corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. The dental office shall comply with the following supplemental regulations per LDR Section 23.4-13(c)15., *Medical related uses*:
 - a. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district.
 - b. Once established, said use may not be expanded without conditional use approval regardless of increased size of use.
 - c. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
2. All applicable code enforcement violations shall be addressed prior to issuance of a business license.
3. Prior to the issuance of a business license for the dental office:
 - a. A unity of title shall be recorded for 1114 North Dixie Highway and 1109 North J Street.
 - b. A staff parking plan and off-site shared parking agreement shall be provided to the Department of Community Sustainability.
4. Coordinate with the Building Division on ADA requirements related to parking.
5. Coordinate with Public Works on the location and screening of the refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
6. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
7. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the dental office business. This approval letter only applies to this address, 1114 North Dixie Highway, and does not constitute approval for any new location.
8. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
9. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
10. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Landscaping Services

1. Prior to issuance of a business license, a landscape permit application shall be submitted and approved to address the following:
 - a. A landscape plan shall be provided in accordance with LDR Section 23.6-1 (c) (2) (b) for the landscape areas that are adjacent to Dixie Highway and North J Street.
 - b. Remove existing concrete on the west side of the building adjacent to Dixie Highway and add shade trees and shrubs according to the City's Landscape regulations.
 - c. Provide landscape plan in accordance with code section 23.6-1 (c) (2) (b) for the landscape areas that are adjacent to Dixie Hwy and North J Street.
 - d. The landscape plan shall show the location and screening of the refuse area as approved by the Public Works Department.
 - e. A landscape screen of the vehicle use area shall be provided along the perimeter of 1109 N J Street.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on

Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.

2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. In the event of a legal challenge to this approval, the applicant shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
4. Prior to the issuance of a certificate of occupancy, alleyway improvements consisting of mill and overlay shall be constructed. The alleyway between Dixie Highway and North J Street shall be milled and paved from the northernmost property line south to 10th Avenue North.
5. Prior to the issuance of a building permit, contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
6. Prior to the issuance of a Certificate of Occupancy, fine grade and sod all disturbed areas with bahia sod.
7. Prior to the issuance of a Certificate of Occupancy, broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
8. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
9. Prior to the issuance of a Certificate of Occupancy, restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.

Community Redevelopment Agency (CRA)

1. Any and all new modifications or additions to the exterior need to adhere to the major thoroughfare guidelines. Specifically: new signage, awnings, lighting, landscaping and/or architectural changes to the exterior of the building facing Dixie Highway. Parking lot should be improved to include security lighting, blacktop, patching and parking spot stops, where necessary.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 22-00500013 Conditional Use Permit for a dental office based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 22-00500013 Conditional Use Permit for a dental office. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons].

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Conditional Use Permit and Major Site Plan. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Conditional Use Findings
- B. Application Package (survey/site plan, floor plan, and supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

Sec. 23.4-13.(c)15. - Administrative uses and conditional uses/Standards/Medical related uses	Analysis
1. <i>All such uses shall front a major thoroughfare;</i>	In compliance
2. <i>Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district;</i>	In compliance as conditioned
3. <i>Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use;</i>	In compliance
4. <i>In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement;</i>	Not applicable
5. <i>Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement;</i>	Not applicable
6. <i>Once established, said use may not be expanded without conditional use approval regardless of increased size of use;</i>	In compliance as conditioned
7. <i>All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.</i>	In compliance as conditioned

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01500004: Request by Romi DiRoberto of Happy Car Sales for consideration of a Variance to allow a fence to be setback a minimum 5 feet from the front property line at 821 South Dixie Highway. LDR Section 23.4-4 requires that fences on commercial properties be set back to the minimum building setback line of 10 feet. The subject site is zoned Mixed-Use Dixie Highway (MU-DH) and has a future land use designation of Mixed-Use East (MU-E).

Meeting Date: October 19, 2022

Property Owner: Buyers Choice Auto Sales

Applicant: Romi DiRoberto

Address: 821 South Dixie Highway

PCNs: 38-43-44-21-15-253-0110

Size: 0.9298-acre lot / ±40,500 square feet

General Location: Southeastern 800 block of Dixie Highway

Existing Land Use:

Vehicle/Motorcycle/Moped/Motorscooter/
Golfcart/Boat rentals and sales

Current Future Land Use Designation: Mixed-Use East (MU-E)

Zoning District: Mixed-Use Dixie Hwy (MU-DH)

Location Map:



Proposed Fence Variance:



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 and the Strategic Plan. Staff has proposed conditions of approval including a condition requiring a continuous landscape screen with shade trees and a condition requiring the City Engineer's review and approval of the gate configuration for traffic safety. Staff is recommending that the PZB discuss the appropriateness of the proposed fence and accordion gate and determine if the request is consistent with the required variance criteria.

PROJECT DESCRIPTION

The applicant, Romi DiRoberto is requesting \pm 300 linear feet of fencing installed a minimum 5 feet from the front property line at 821 South Dixie Highway. Section 23.4-4 requires that a commercial fence be setback to the minimum building setback line, which is 10 feet. The subject site is located in the southeastern corner of the 800 block of Dixie Highway and has an existing nonconforming vehicle sales use. The property currently consists of a \pm 780 square foot building and a \pm 600 square foot building that are connected through a shared metal roof. The subject site is surrounded by commercial properties to the north, south, and east, as well as residential uses to the western rear portion of the property.

COMMUNITY OUTREACH

Staff has not received public comments regarding the 821 South Dixie Highway variance.

BACKGROUND

The subject site is a 40,500 square foot commercial lot. The existing \pm 780 square foot building was constructed in 1946 and the existing \pm 600 square foot building was constructed in 1947. The subject property's existing conditions and structures are not consistent with the City's Land Development Regulations (LDRs) or the Major Thoroughfare Design Guidelines, including the requirement that the front building setback shall be a minimum of 10 feet not to exceed 22 feet from the front property line and to include a continuous landscape screen within the front setback. The existing structure is setback \pm 28 feet from the front property line. The existing use of the lot and structures is classified as Vehicle/Motorcycle/Moped/Motorscooter/Golfcart/Boat rentals and sales. The use is non-conforming as the property does not meet the minimum site area (2.50 acres) required for this use. However, as the subject property has had an active business tax receipt (BTR) for an Auto Dealer Over 20 Vehicles since 2002 and has been in continuous use based on the business license history, the non-conforming use may continue subject to the provisions in Section 23.5-3 Nonconformities.

The applicant has stated in their variance application that the proposed variance would allow them to secure their vehicle inventory. If the variance request is approved, the applicant will be required to submit a minor site plan amendment to install the proposed fence.

Below is a fence timeline summary based on City records:

- 1946 – A \pm 780 square foot building was constructed.
- 1947 – A \pm 600 square foot building was constructed.
- 04/29/2020 – Permarc Development applied for a fence permit. The permit failed plan review because a site plan modification was required. The fence permit is currently open.
- 12/16/2021 – A site plan modification was approved to add fencing around the property and to add bollards a minimum of 6 inches from the front property line.
- 03/07/2022 – The new tenant, Happy Car Sales, applied for a City business license.

- 04/04/2022 – The property was cited by Code Enforcement for installing a fence without a building permit.
- 05/02/2022 – Oceanview Renovations applied for a fence permit. The permit failed plan review because it did not match the previously approved site plan. The fence permit is currently open.
- 05/10/2022 – The business license Use & Occupancy inspection was conducted. The business license was put on hold due to open permits on the property.
- 07/22/2022 – The applicant applied for a variance to allow a fence in front of the required building setback.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed-Use East (MU-E). Per Policy 1.1.1.5, the MU-E category is intended to provide for a mixture of residential, office, service, and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. The variance request does not propose to change the commercial vehicular use of the property, which is an existing non-conforming use. The proposed variance would allow for a five (5) foot fence setback with a continuous landscape screen that would screen the vehicular use area, reducing the visual impact of the non-conforming use and site conditions. Therefore, the proposal will generally improve the corridor aesthetics over the existing conditions, which are permitted to continue subject to the provisions in Section 23.5-3, Nonconformities. The review of the strategic plan is not applicable to an improvement of this scale.

Based on the analysis above, the proposed variance is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and the Strategic 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 approval, approval with conditions, or denial.

Analysis: As stated in the background section, the subject property is non-conforming with the City's LDRs in use, structure, lot, and site development requirements including but not limited to maximum impermeable surface and minimum building setback. Non-conformities are allowed to continue as consistent with the provisions in Section 23.5-3, Nonconformities. The proposed variance is to allow for the aluminum fence to be setback a minimum of 5 feet from the front property line. The proposed accordion gate is a manual gate that will remain open during business hours. Staff has proposed a condition of approval requiring review and approval of the gate location and operation by the City Engineer. The current site has an existing landscape screen and does not meet the City's landscaping code, including Section 23.6-1(c)(2), New and existing multiple-family, commercial and industrial development. The landscape area in front of the proposed fence is large enough to allow the property to comply with the landscape code in that area. Therefore, staff recommends a condition of approval to provide a continuous landscaping screen and shade trees made up of predominately native species.

Section 23.2-26(b) Regular findings of approval

The land development regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b), Variances. Staff has reviewed the application in regards to this section which the analysis outlined is 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 action of the applicant.

Staff Analysis: The subject site is used for vehicle sales. Part of that use, the applicant keeps a portion of their vehicle inventory within the west side of the property adjacent to the Dixie Highway thoroughfare. The applicant narrative indicates that the existing business has had multiple break-ins and altercations with trespassers after business hours. The purpose of the proposed fence is to provide additional site security. The applicant has stated that if the fence were to meet the current LDRs to set the fence back to the front building line, they would lose a significant amount of parking area. The required 10-foot setback would remove approximately $\pm 1,500$ square feet of area and would remove 20 parking spaces from the site. **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 Applicant's project narrative states that if the proposed fence conforms to the current fence setback requirement of 10 feet that they would lose a significant amount of area ($\pm 1,500$ square feet), which would deprive them of reasonable use of the property as the lost area would no longer be usable by their business. Further, the Applicant states that as the tenant they will continue to be responsible to pay rent for the use of the entire lot including the unusable areas. In staff's analysis, the location of the fence along the rear of the landscape area fronting S. Dixie Highway is a logical location for the fence based on the site's existing development, and would allow for reasonable use of the property. Further, staff has added landscaping conditions of approval that balance necessary improvements to the visual appearance of the property with the functional component of improved security. **Meets Criterion.**

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

Analysis: The Applicant states the proposed fence is the minimum variance to allow for reasonable use of land. The fence is proposed to be setback a minimum of 5 feet from the front property line close to the interior edge of the existing landscape area. Staff concurs that the location of the fence along the interior edge of the landscape area is logical and appropriate to allow for reasonable use of the property as it is currently configured. The property is very open to Dixie Highway and the Applicant states that they have experienced security issues on the property. The subject request would allow for the property to fully fenced, providing additional security for the vehicle sales inventory and allowing for the existing site circulation and parking to be maintained. **Meets 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: Staff has proposed a condition of approval requiring that the Department of Community Sustainability and the City Engineer review and approve the gate location and operation at minor site plan review. The front property line currently contains a landscape screen with a mixture of palms and hedging. Staff has also conditioned the approval to a native or drought tolerant continuous landscape screen with a minimum average height of three (3) feet for shrubs and native shade trees to provide additional screening of the business use area. As conditioned, the proposed request is in accordance with the spirit and purpose of the LDRs as conditioned. **Meets Criterion.**

CONCLUSION AND CONDITIONS

Based on staff analysis, the variance request generally complies with all the variance criteria outlined above as conditioned. The applicant's request to install approximately 300 linear feet of 5-foot tall black aluminum fencing with matching accordion gates to be setback a minimum of 5 feet from the front property line. **Staff is recommending that the PZB discuss the appropriateness of the proposed fence location and accordion gate and determine if the proposed variance is consistent with the required variance criteria. Staff has drafted conditions of approval including a condition requiring a continuous landscape screen with shade trees and a condition requiring the City Engineer's review and approval of the gate configuration.**

1. A Minor Site Plan Amendment shall be required to reduce non-conformities with the City's landscaping requirements insofar as feasible and provide a continuous landscaping screen with new native shade trees along the S. Dixie Highway right-of-way.
2. The landscape screen shall predominately consist of native species.
3. Required landscape screen must be a minimum of 2 feet in height at the time of planting and the entire landscape screen must attain an average minimum height of 3 feet within a year of planting.
4. The Department of Community Sustainability and the City Engineer shall review and approve the gate location and operation at minor site plan review.
5. The variance shall be void upon redevelopment of the property and/reconfiguration of the vehicular use areas.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 22-01500004 with staff recommended conditions for a **variance** to install approximately 300 linear feet of black aluminum fencing and gate setback a minimum of 5 feet from the front property line. The application meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 22-01500004 for a fence and gate **variance**. The project does not meet the variance criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Variance. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Zoning Map
- B. Application Package (survey, site plan, landscape plan & supporting documents)

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01400020: A request for a major site plan, conditional use permit and sustainable bonus for the property located at 2202 Lake Worth Rd to construct a 4 story, ±99,800 sf indoor self-storage facility. The sustainable bonus request is for an additional 2-stories in height to allow the 4-story building. The property is zoned Mixed-Use West (MU-W).

Meeting Date: October 19, 2022

Property Owner: 2202 Lake Worth Road LLC
(Juan and Sylvia Pardon)

Applicant: Rosemurgy Acquisitions, LLC

Agent: Richard Stephano of Rosemurgy Properties

Address: 2202 Lake Worth Road

PCNs: 38-43-44-20-01-117-0020

Size: 1.7927 acres

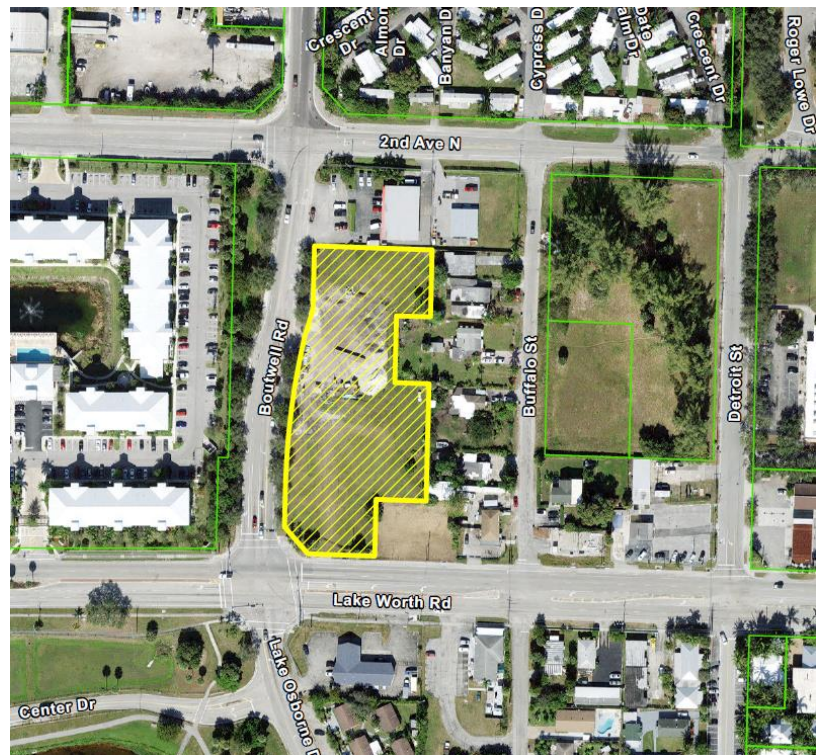
General Location: Northeast corner of Lake Worth Road and Boutwell Road

Existing Land Use: Vacant

Current Future Land Use Designation: Transit Oriented Development (TOD)

Zoning District: Mixed Used – West (MU-W)

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 and Strategic Plan. The proposed Major Site Plan, Conditional Use, and Sustainable Bonus request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on page 6 of this report.

PROJECT DESCRIPTION

The applicant, Rosemurgy Properties, LLC, is requesting approval of the following for Rosemurgy Self Storage at 2202 Lake Worth Road:

- A **major site plan** request to construct a ±99,800 square foot indoor self-storage facility.
- A **conditional use permit** request to develop a ±99,800 square foot indoor self-storage facility, which is classified as mini-storage, high-intensity greater than 7,500 sf with additional site improvements.
- A **Sustainable Bonus** request for an additional two (2) stories of bonus height.

The Applicant is proposing an indoor self-storage development on the subject 1.797-acre vacant lot with the stated purpose of improving the area while contributing to the commercial, residential, and recreational uses surrounding the area as well as the surrounding mixed uses that promote walkable and interconnected uses with a mix of densities and intensities and access to transit, bicycle, pedestrian, and other modes of transportation. The proposed project will also implement the Sustainable Bonus Incentive Program to attain an increase in height (15 feet) and an additional two stories which in exchange will contribute to the purpose of the comprehensive plan, to incorporate sustainable design features, community-based improvements, and overall design excellence as part of a development proposal.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Use/Construction: Currently, the property is vacant with no existing structures on the site.

Code Compliance: There are no active code cases on the subject site.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Transit-Oriented Development (TOD). Per Policy 1.1.1.8, the TOD FLU is intended to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The self-storage use is an anticipated use in the implementing zoning district (MU-W) of the TOD future land use designation. This use supports residential uses in the city, including smaller multi-family units where off-site storage may be desired. The site plan and building location is also designed to minimize impacts on the adjacent residential uses to the east.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar

II and Pilar IV of the Strategic Plan state that the City shall work to strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall continue crime reduction and prevention in achieving a safe, livable and friendly community, achieve economic and financial sustainability through a versatile and stable tax base, and ensure facility placement, construction and development that anticipates and embraces the future. The self-storage building and associated site improvements will contribute towards the City's Pillars II.B, IV.A, and IV.E of the Strategic Plan.

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

Consistency with the Land Development Regulations

Mixed Use – West (MU-W): Per LDR Section 23.3-18(a), the MU-W zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed-use land use category of the Lake Worth Beach Comprehensive Plan.

Analysis: The proposed indoor self-storage use is classified as an indoor mini-storage use, which is allowed as conditional uses in the MU-W zoning district, subject to the regulations and standards as set forth in Article 4, Section 23.3-18 Development Standards. The proposed use is consistent with the intent of the MU-W zoning district as conditioned. The analysis for both the major site plan and the conditional use permit requests is provided in this section below and as consistent with the review criteria located in Attachments A & B.

The table and topic area analysis below evaluate the proposed site features and the project's compliance with the Land Development Regulations, including the first tier of the Sustainable Bonus Incentive Program:

Development Standard		Base Zoning District Mixed Used – West (MU-W)	MU-W with Sustainable Bonus Incentive Program (Tier 1)	Provided
Lot Size (min) In square feet (sf)		13,000 sf	13,000 sf	78,089 sf (1.7927 acres)
Lot Width (min)		100'	100'	125' 6"
Setbacks	Front (min build-to line)	28' to 32' for buildings taller than 30'	28' to 32' for buildings taller than 30'	32'
	Rear (min)	18' to 22' for buildings taller than 30'	18' to 22' for buildings taller than 30'	212'
	Street Side (min)	20'	20'	25'-4"
	Side Interior (min)	20'	20'	20'-6"
Impermeable Surface Coverage (maximum)		65%	65%	53.5% (41,788 sf)
Open Space (minimum)		35%	35%	46.48% (36,301 sf)

Structure Coverage (max)	50%	50%	32% (24,950)
Building Height (max)	30' (max. 2 stories)	45' (max. 4-stories)	45' (4-stories) 45' at top of parapet
Maximum Wall Height at Side Setback	30'	65'	45'
Floor Area Ratio (FAR) (max)	1.3	2.3 (179,604 sf)	1.28
Wellfield Zone	Located in Zones 2 and 3		
Parking	Parking Calculated per unit, room, and non-residential square footage. See page 4 for detailed parking analysis.	15	24

Section 12-7, Dumpster Requirements: *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

Analysis: The proposed dumpster location was reviewed by Public Works, who determined that the dumpster was consistent with the location, size, and screening requirements. The dumpster is located north of the structure and is fully screened with landscaping. The dumpster enclosure material shall be reviewed at the time of building permit for architectural consistency with the project.

Section 23.4-3, Exterior Lighting: *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

Analysis: A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3 and does not allow light to trespass upon neighboring residential properties or districts in excess of 12.57 lumens. A recommended condition of approval has been provided requiring the proposed lighting to comply with Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000 K or less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

Section 23.4-10. - Off-street parking: *This section provides general provisions for off-street parking. The standards “apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes.”*

Analysis: The required parking was calculated using industry standards for self-storage facilities. The total number of required parking spaces is 15. The parking was calculated at one (1) space per 5,000 square feet of gross floor area (GFA) for the first 20,000 square feet then one (1) space per 10,000 square feet of GFA thereafter. The applicant is providing 24 total parking spaces including two (2) electrical vehicle parking spaces and bike racks totaling five (5) parking spaces. The additional parking spaces for the accessory office use was calculated using LDR Section 23.4-10, for office uses at one (1) space per 400 gross square feet.

Signage: Signage is required to comply with the size and design requirements of LDR Section 23.5-1, *Signs*. Ground or monument signage shall require a minor site plan amendment where the ground sign shall be depicted on the site and landscape plans. The signage shall be reviewed at minor site plan and building permit for consistency with the sign requirements.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping".*

Analysis: The eastern portion of the subject site is adjacent to single-family homes and retail. Generally, the proposed landscaping along the eastern property line, adjacent to the residential, would require large shade trees with corresponding vegetation to adequately screen the project from the adjacent uses. However, the location is within utility easements. Per LDR Section 23.6-1(k)(5)a, *Tree selection adjacent to or within utility easements*, tree selection is required to minimize conflicts with overhead or underground powerlines. The ultimate mature height and width of a tree to be planted should not exceed the available overhead growing space. Tree species shall be consistent with the recommendation in the most recent publication of Florida Power and Light Company's "Plant the Right Tree in the Right Place" which provides recommendations for tree selections. The applicant has proposed medium, maturing, native trees located along the eastern property line, adjacent to the residential uses, to meet the Right Tree, Right Place requirements. The size of the trees follows FPL guidelines and will provide adequate screening for trees located underneath powerlines.

The development proposal provides perimeter (south, west, and north property lines) and interior landscaping. The proposed landscaping is consistent with the City's landscape regulations and the Major Thoroughfare Design Guidelines. Tree species include a mix of Pigeon Plum, Simpsons Stopper, Live Oak and Bald Cypress trees for the perimeter and interior plantings along with multiple native and non-native shrubs, grasses and groundcovers. The proposed landscape complies with the City's requirement that 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. Although two live oaks are proposed removed from the City ROW to facilitate the entrance to the project and 3 Sabal Palms are also proposed to be removed, no mitigation is required due to onsite replacement.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards are intended to *"promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards."* These qualitative standards are applicable to site plan applications as well as all conditional uses. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A and in the Major Thoroughfare Design Guidelines.**

Site Design Qualitative Standards Analysis (including vehicular use areas) and Major Thoroughfare Design Guidelines: The proposed improvements to the site, including landscaping and architecture are consistent with the Site Design Qualitative Standards and the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the vision for the Major Thoroughfare Design Guidelines, providing for vibrant, diverse, safe, inviting, and sustainable features. The proposed mural, landscaping, and sculpture at the southwest corner of Lake Worth Road and Boutwell Road enhances the pedestrian experience, streetscape, and building's architecture. The perimeter public sidewalks provide connectivity to the on-site pedestrian walkways. The building is placed at the southwest corner of Lake Worth Road and Boutwell Road corridors, with surface parking north of the building, such that it minimizes any adverse effects to the residential properties to the east. Driveway access is placed on the west side of the project, minimizing vehicular interaction with the pedestrian circulation. On-site parking is

designed along the north and west of the property and is screened from public view by landscaping and building placement. The dumpster will be located in an enclosure located north of the building and will provide collection and storage of solid waste and recyclables. Site lighting will comply with the City's lighting design and illumination standards, so that it will not spill over to surrounding properties. Landscaping of the perimeter buffers will be designed in such a manner as to compliment the architectural style of the buildings and screen the vehicular use areas.

The proposed improvements to the site are harmonious as a whole, are visually appealing, and will be an asset to the neighborhood with the proposed landscaping, building security cameras, lighting and public art.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Unincorporated Palm Beach County Commercial High with an underlying right (8) units/ acre (CH/8)	Unincorporated Palm Beach County Commercial General (CG)	Office Use/2 nd Avenue ROW
South	Unincorporated Palm Beach County Commercial High with underlying 8 units per acre (CH/8)/ High Residential 18 units per acre	Unincorporated Palm Beach County Neighborhood Commercial (CN)/Specialized Commercial (CS)	Vacant Parcel/Lake Worth Road ROW/ Commercial & Civic Uses
East	Unincorporated Palm Beach County Commercial High with an underlying right (8) units/ acre (CH/8)	Unincorporated Palm Beach County Neighborhood Commercial (NC)	Single-Family Homes & Retail Use/Bufalo Street ROW
West	Mixed Use – West (MU-W)	Mixed Use – West (MU-W)	Boutwell Road ROW/Multi-Family Homes

The proposed use and site improvements will not negatively affect the existing surrounding properties and uses. The proposed changes are harmonious and compatible with the existing mixed-use and residential area.

Community Appearance Criteria:

The proposed building and associated site improvements represent a substantial improvement in the general appearance of the property by providing new landscape screening around the perimeter of the property, new architecturally appropriate building, and improved site circulation. The proposed architecture of the building is appropriate and in harmony with the surrounding residential and nonresidential area (industrial and commercial). Overall, the proposed development proposal represents a substantial improvement in the visual appearance of the property over the current vacant condition.

Conditional Use Findings (Attachment B)

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the

imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The project proposal includes a conditional use request to establish a residential master plan greater than 7,500 square feet.

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the previous funeral home and crematorium use on the property. The site is currently vacant and is proposing a self-storage facility that does not utilize the maximum development potential. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. The proposed associated site improvements would provide new screening and site circulation.

Section 23.2-33(c) - Sustainable Bonus Incentive Program (SBIP)

The City of Lake Worth Beach Sustainable Bonus Incentive Program (SBIP) is intended to implement Objective 1.2.3 of the City's Comprehensive Plan which states the City shall establish incentives to help support the creation of a compact, sustainable, community-oriented development by implementing a Sustainable Bonus Incentive Program. The Program offers the opportunity to attain an option for increased height in exchange for the incorporation of sustainable design features, community-based improvements, and overall design excellence as part of a development proposal.

Per Policy 1.2.3.4 of the City's Comprehensive Plan, a project over two stories require sustainable features which allows for increases in height over baseline maximums. Additionally, for each project requesting an additional bonus above the maximum base threshold, twice the baseline sustainable bonus value shall apply to each square foot of the additional bonus. The total square footage of bonus area above the second floor is +/-49,900 square feet (3rd and 4th floors) in total for the building. Therefore, the value of the required improvements for the SBIP is \$374,250 (49,900 square feet x \$7.50). The multiplier is based on the board approved fee schedule. The applicant is required to pay 50% of the incentive value is (\$187,125). For the remaining 50% of the incentive award value (\$187,125), the applicant is proposing a large sculpture (min. \$35,000), a mural located on the east façade (\$20,000), enhanced landscaping (\$45,000), and Florida Green Building certification (\$93,563). The total value of the qualifying improvements is \$193,563, which exceeds the required value of \$187,125. **Therefore, total payment by the applicant to the City for the additional height and 2 - stories is \$187,125.**

CONCLUSION AND CONDITIONS

The MU-W district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting materials by the applicant, the use is not anticipated to negatively impact adjacent residential property, or have a negative impact on the commercial viability of neighboring commercial businesses. Further, the proposed site improvements are consistent with the City's LDR requirements and will be an asset to the area with the proposed landscaping, building security cameras, lighting and public art. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent of the sustainable bonus fee (\$187,125) shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall provide qualifying sustainable bonus features equal to \$187,125, or shall be required to pay the remaining 50% of the incentive value in its entirety (\$187,125).
3. A video security system shall be required for the property.

4. Minor site plan amendment shall be required prior to the issuance of a building permit for a ground sign depicting the location of ground mounted signage on the landscape and site plans.
5. Exterior lighting shall be required to comply Dark Sky lighting guidelines, including using fully shielded fixtures and LED lighting that has a color temperature of no more than 3000 Kelvins. www.darksky.org
6. Dumpster enclosure material shall be reviewed for architectural consistency and for compliance with all applicable City requirements at building permit.

Utilities (Water, Sewer & Stormwater)

1. Prior to building permit issuance, the applicant shall provide the following:
 - a. Provide the SFWMD and/or LWDD permits if applicable.
 - b. Capacity fees for water and sewer must be paid in full. The capacity charge for water is \$3,569/ERU and sewer is \$2,483/ERU.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Services Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Services.
3. Prior to the issuance of a building permit, the applicant shall contact the Lake Worth Drainage District's (LWDD) Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
4. Prior to the issuance of a building permit, the Applicant shall contact and meet with a representative from the Public Services Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Services. Solid Waste Division contact number is 561-533-7344.
5. Prior to the issuance of a certificate of occupancy, the Applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction.
6. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
7. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all disturbed areas with bahia sod.
8. Prior to the issuance of a Certificate of Occupancy, the applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
9. Prior to the issuance of a Certificate of Occupancy, the applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.

Building Division

1. Finished floor must be 12 inches above the crown of the road.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** of PZB Project #22-01400020 for a Major Site Plan, Conditional Use, and Sustainable Bonus request to construct a 4 story, ±99,800 sf indoor self-storage facility on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project #22-01400020 for a Major Site Plan, Conditional Use, and Sustainable Bonus request to construct a 4 story, ±99,800 sf self-storage facility at the subject site. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Conditional Use Permit and Major Site Plan. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, architectural plans & supporting documents)

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	In Compliance
<p>2. Preservation of natural conditions. The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four feet or more.</p>	Not Applicable
<p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	In compliance
<p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p>	In compliance
<p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	In compliance
<p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p>	In compliance
<p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	In compliance
<p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p>	In compliance
<p>9. Coordination of on-site circulation with off-site circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of</p>	In compliance

existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.

10. Design of on-site public right-of-way (ROW). On-site public street and rights-of-way shall be designed to for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited access to parcels. **Not applicable**

11. Off-street parking, loading and vehicular circulation areas. Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

12. Refuse and service areas. Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

13. Protection of property values. The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property. **In compliance**

14. Transitional development. Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development. **In compliance**

15. Consideration of future development. In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development. **In compliance**

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
<p>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</p>	In compliance
<p>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</p>	In compliance
<p>3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.</p>	In compliance

4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.* **Not applicable**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **In compliance**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **In compliance**
7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p>	In compliance
<p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p>	In compliance
<p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.</i></p>	In compliance
<p>4. <i>Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.</i></p>	In compliance

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<p>1. <i>The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i></p>	In compliance
<p>2. <i>The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i></p>	In compliance
<p>3. <i>The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.</i></p>	In compliance
<p>4. <i>The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i></p>	In compliance

ATTACHMENT B - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**

8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**



DATE: October 5, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: October 12 and October 19, 2022

SUBJECT: **Ordinance 2022-20:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 7 “Public Districts,” Section 23.3-26 “P- Public,” and Section 23.3-27 “PROS – Public Recreation and Open Space” for consistency with the use tables in Section 23.3-6 and clarifying the approval process for uses in the public districts; and Division 8 “Conservation District,” Section 23.3-28 “C- Conservation,” for consistency with the use tables in Section 23.3-6, correcting a scrivener’s error and modifying the approval process to require conditional use approval for new uses; and Division 1 “Generally,” Section 23.3-6 “Use Tables,” to remove the P, PROS, and C zoning districts from all use categories in the use tables in this section except from the “Temporary Uses” category.

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 indoor storage (warehouse) in the Public (P) Zoning District as consistent with existing and proposed uses on publicly owned lands. In preparation of the subject text amendment, it was determined that removal of the public and conservation districts from the use table and clarification of the permitted uses and review processes in those zoning districts sections would enhance the ease of use and clarity of the LDR.

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

- Article 3 “Zoning Districts,” Section 23.3-26 - P- Public,
- Article 3 “Zoning Districts,” Section 23.3-27 - PROS – Public Recreation and Open Space
- Article 3 “Zoning Districts,” Section 23.3-28 - C- Conservation
- Article 3 “Zoning Districts,” Section 23.3-6 - Use Tables

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-20.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2022-20.

Attachments

- A. Draft Ordinance 2022-20

1
2
3 **ORDINANCE 2022-20 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 3 “ZONING DISTRICTS,”**
6 **DIVISION 7 “PUBLIC DISTRICTS,” SECTION 23.3-26 “P-PUBLIC” AND**
7 **SECTION 23.3-27 “PROS – PUBLIC RECREATION AND OPEN SPACE,”**
8 **FOR CONSISTENCY WITH THE USE TABLES IN SECTION 23.3-6 AND**
9 **CLARIFYING THE APPROVAL PROCESS FOR USES IN THE PUBLIC**
10 **DISTRICTS; AMENDING ARTICLE 3 “ZONING DISTRICTS,” DIVISION 8**
11 **“CONSERVATION DISTRICT” SECTION 23.3-28 “C –**
12 **CONSERVATION” FOR CONSISTENCY WITH THE USE TABLES IN**
13 **SECTION 23.3-6, CORRECTING A SCRIVENER’S ERROR AND**
14 **MODIFYING THE APPROVAL PROCESS TO REQUIRE CONDITIONAL**
15 **USE APPROVAL FOR NEW USES; AND AMENDING ARTICLE 3**
16 **“ZONING DISTRICTS,” DIVISION 1 “GENERALLY” SECTION 23.3-6**
17 **“USE TABLES” BY REMOVING THE “P,” “PROS” AND “C” ZONING**
18 **DISTRICTS FROM ALL USE CATEGORIES IN THE USE TABLE**
19 **EXCEPT FROM THE “TEMPORARY USES” CATEGORY; AND**
20 **PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND**
21 **AN EFFECTIVE DATE**
22

23 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
24 municipality having such power and authority conferred upon it by the Florida Constitution
25 and Chapter 166, Florida Statutes; and
26

27 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
28 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
29 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
30 municipal government, perform municipal functions, and render municipal services, and
31 may exercise any power for municipal purposes, except as expressly prohibited by law;
32 and
33

34 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
35 body of each municipality in the state has the power to enact legislation concerning any
36 subject matter upon which the state legislature may act, except when expressly prohibited
37 by law; and
38

39 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
40 Regulations,” Article 3 “Zoning Districts,” Division 7 “Public Districts,” Section 23.3-26 “P-
41 Public,” and Section 23.3-27 “PROS – Public Recreation and Open Space” for
42 consistency with the use tables in Section 23.3-6 and clarifying the approval process for
43 uses in the public districts; and
44

45 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
46 Regulations,” Article 3 “Zoning Districts,” Division 8 “Conservation District,” Section 23.3-
47 28 “C- Conservation,” for consistency with the use tables in Section 23.3-6, correcting a
48 scrivener’s error and modifying the approval process to require conditional use approval
49 for new uses; and
50

51 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
52 Regulations,” Article 3 “Zoning Districts,” Division 1 “Generally,” Section 23.3-6 “Use
53 Tables,” to remove the P, PROS, and C zoning districts from all use categories in the use
54 tables in this section except from the “Temporary Uses” category; and

55
56 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
57 agency, considered the proposed amendments at a duly advertised public hearing; and

58
59 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
60 planning agency, considered the proposed amendments at a duly advertised public
61 hearing; and

62
63 **WHEREAS**, the City Commission finds and declares that the adoption of this
64 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
65 City, its residents and visitors.

66
67 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
68 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

69
70 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
71 being true and correct and are made a specific part of this ordinance as if set forth herein.

72
73 **Section 2:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
74 Districts,” Division 7 “Public Districts,” Section 23.3-26 “P- Public,” is hereby amended to
75 read as follows:
76

77 **Sec. 23.3-26. P—Public.**

78 a) *Intent.* The "public district" designates locations for public schools and municipal facilities
79 including City Hall, City Hall Annex, Lake Worth Public Library, Pine Crest Cemetery and
80 the reclaimed landfill site at the southern city limits. It also provides for publicly owned utility
81 facilities. Because of the diverse variety of uses permitted in the "public district" and the
82 mapping of the district throughout the city, all uses are permitted as conditional uses. The
83 P public district implements the P public land use category of the Lake Worth
84 Comprehensive Plan.

85 b) *Use restrictions.* Uses permitted by right and as conditional uses shall be subject to the
86 applicable provisions of Article 4, Development Standards. ~~Refer to the permitted use table~~
87 ~~at section 23.3-6 for a complete list of uses.~~

88 1. *Principal uses permitted by right in P public district.* No uses are permitted by right
89 in the P public district. All principal uses shall be subject to conditional use review.

90 2. *Principal uses permitted as ~~either administrative or conditional~~ uses in P public*
91 *district.*

92 A. Office uses - low to high intensity.

93 B. Institutional uses - low to high intensity.

94 C. Public uses, including recreational facilities - low to high intensity.

95 D. Cultural & Artisanal uses, including radio and television broadcasting studios &
96 assembly uses such as a performing arts theater - low to high intensity.

97 E. Vehicular & Industrial uses in support of governmental & school/educational
98 operations, including warehouse (indoor storage) and repair and maintenance
99 facilities - low to high intensity.

100 ~~E.D.~~ Heavy utility facilities.

101 ~~G E.~~ Light utility facilities.

102 ~~H.F.~~ Marinas.

103 ~~I.G.~~ Power plants generation facilities & substations.

104 ~~J.H.~~ Public safety facilities, including fire stations and police stations.

105 ~~K. I.~~ Water towers.

106 ~~L. J.~~ Essential services.

107 ~~M. K.~~ Communication towers.

108 ~~L.~~ Radio and television broadcasting studios

109 N. Cemetery

110 O. Community facilities such as community centers, nature centers, community
111 gardens, libraries, museums, and ballroom, banquet, and meeting rooms.

112 P. Outdoor Markets & Mobile Food Vending Courts

113 3. *Accessory uses permitted as either administrative or conditional uses in P public*
114 *district. Any use accessory to and customarily incidental to a permitted principal use,*
115 *including commercial, retail and educational uses, permitted as either an*
116 *administrative if less than 2,500 sf, or as a conditional use if greater than 2,500 sf.*

117 c) *Development regulations for P public district sites which lie adjacent to land zoned for*
118 *residential use. P public district sites which lie adjacent to any parcel zoned with a district*
119 *with the term "residential" in its name shall be subject to minimum development regulations*
120 *as set forth below, or by higher development regulations if determined necessary pursuant*
121 *to conditional use review and approval. All new public buildings shall use green/sustainable*
122 *building design and obtain LEED certification.*

123 1. *Minimum lot dimension for P public district.*

124 A. Minimum lot area: Six thousand five hundred (6,500) square feet.

125 B. Minimum lot width: Fifty (50) feet.

126 2. *Maximum height of buildings in P public district.*

127 A. Principal building: Sixty-five (65) feet.

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

129 3. *Minimum setbacks for building in P public district.*

130 A. Minimum front setback: Twenty (20) feet.

131 B. Minimum side setback:

132 (1) From street side lot lines: Twenty (20) feet.

133 (2) From interior side lot lines adjacent to land zoned in any district other than
134 a district with the term "residential" in its name: none.

135 (3) From interior side lot lines adjacent to land zoned in any district with the
136 term "residential" in its name: Ten (10) feet.

137 C. Minimum rear setback: Ten (10) feet.

138 D. Buildings in excess of thirty-five (35) feet in height shall provide an additional
139 front and rear setback of between eight (8) and twelve (12) feet to the minimum
140 required front and rear setbacks.

141 4. *Floor area ratio.* The maximum FAR is 2.0.

142 5. *Maximum impermeable surface for use in P public district.* The maximum permitted
143 impermeable surface for nonresidential uses in the P public district shall be sixty-
144 five (65) percent.

145 d) *Development regulations for P public district sites which do not lie adjacent to land zoned*
146 *for residential use.* P public district sites which do not lie adjacent to any parcel zoned with
147 a district with the term "residential" in its name shall be subject to minimum development
148 regulations as set forth in the most restrictive adjacent district.

149 e) *Supplemental regulations for the P public district.* ~~Uses permitted by right and uses~~
150 ~~permitted as either administrative or conditional~~ All uses shall be subject to applicable
151 provisions of Article 4, Development Standards.

152

153 **Section 3:** Chapter 23 "Land Development Regulations," Article 3 "Zoning
154 Districts," Division 7 "Public Districts," Section 23.3-27 "PROS—Public recreation and
155 open space," is hereby amended to read as follows:
156

157 **Sec. 23.3-27. PROS—Public recreation and open space.**

158 a) *Intent.* The public recreation and open space district designates locations for parks and
159 other outdoor open space areas intended for active and passive use. The district
160 implements the public recreation and open space land use category in the Lake Worth
161 Comprehensive Plan.

162 b) *Use restrictions.* Uses permitted by right and as conditional uses shall be subject to the
163 applicable provisions of Article 4, Development Standards. ~~Refer to the permitted use table~~
164 ~~at section 23.3-6 for a complete list of uses.~~

165 1. *Principal uses permitted by right in PROS district.*

166 A. Parks and other outdoor open space areas intended for passive use.

167 B. Essential services.

168 2. *Principal uses permitted as ~~either administrative or conditional~~ uses.*

169 A. Public uses - medium to high intensity.

170 B. Institutional uses - medium to high intensity.

171 C. Cemetery.

172 D. Gymnastic studios / training facilities & gym/studio for dance or fitness

173 E. Ballroom, banquet and meeting rooms

174 F. Governmental Administrative Office

175

176 3. *Accessory uses permitted by right.* Any use accessory to and customarily incidental
177 to a principal use permitted by right.

178 4. *Accessory uses permitted as either administrative or conditional uses in PROS*
179 *district. Any use accessory to and customarily incidental to a principal use permitted*

as a conditional use shall be permitted as either an administrative use if less than 2,500 sf, or as a conditional use if greater than 2,500 sf.

c) *Development regulations.*

1. Height: Thirty-five (35) feet.
2. Setback: Twenty (20) feet from all lot lines.
3. Floor area ratio: Maximum FAR of 0.1.

Section 4: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 8 “Conservation District,” Section .3-28 “C—Conservation,” is hereby amended to read as follows:

Sec. 23.3-28. C—Conservation.

a) *Intent.* The C conservation district is intended to provide standards for the protection and preservation of areas having natural beauty and to mitigate the effects of development on the environment. A conservation area designation can be applied to a tract of land to provide protected status in order to ensure that natural features or biota are safeguarded. A conservation area may be a nature reserve, a park, a land reclamation project or other area.

b) *Use restrictions.* Uses permitted by right and as either administrative or conditional uses shall be subject to the applicable provisions of Article 4, Development Standards. ~~Refer to the permitted use table at section 23.3-6 for a complete list of uses.~~

1. *Permitted uses by right.* No uses are permitted by right in the C – conservation district. ~~P-public district~~. All uses shall be subject to conditional use review.

2. *Principal u*~~Uses permitted as either administrative or conditional uses.~~

- A. Botanical research and education.
- B. Marine uses, kayak, canoe and other non-motorized watercraft.
- C. Marine research and education.
- D. Marinas and associated uses.
- E. Limited dockage.
- F. Nature, foot and bicycle trails.
- G. Public and private nature preserves.
- H. Public parks.
- I. Water conservation areas, reservoirs and control structures.
- J. Accessory structures not exceeding five hundred (500) square feet.
- K. Accessory uses in support of the intent of the district that facilitate public access to the conservation area, including nature and welcome centers.

c) *Prohibited uses.* The following uses are prohibited in the CON conservation district:

1. Wheeled or tracked vehicles, prop (agitation) dredging and airboats are prohibited. Government and emergency vehicles are exempt.
2. Any use which has an adverse impact upon the habitat, bird roosting areas, archaeological sites, endangered or threatened wildlife species causing the

221 deterioration of the habitat, physical alteration of the environment, or prohibiting the
222 propagation or causing the extermination thereof is prohibited.

223 d) *Development regulations.*

- 224 1. Height: Thirty-five (35) feet.
- 225 2. Setback: Twenty (20) feet from all lot lines.

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228 **Section 5:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
229 Districts,” Division 1 “Generally,” Section 23.3-6 “Use Tables,” is hereby amended to
230 remove the P, PROS, and C zoning districts from all use categories in the use tables
231 except from the “Temporary Uses” category.

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233

234 **Section 6:** Severability. If any section, subsection, sentence, clause, phrase or
235 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
236 competent jurisdiction, such portion shall be deemed a separate, distinct, and
237 independent provision, and such holding shall not affect the validity of the remaining
238 portions thereof.

239

240 **Section 7:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
241 conflict herewith are hereby repealed to the extent of such conflict.

242
243

244 **Section 8:** Codification. The sections of the ordinance may be made a part of
245 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
246 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
247 any other appropriate word.

248

249 **Section 9:** Effective Date. This ordinance shall become effective 10 days after
250 passage.

251

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

255

- 255 Mayor Betty Resch
- 256 Vice Mayor Christopher McVoy
- 257 Commissioner Sarah Malega
- 258 Commissioner Kimberly Stokes
- 259 Commissioner Reinaldo Diaz

260

261 The Mayor thereupon declared this ordinance duly passed on first reading on the
262 _____ day of _____, 2022.

263
264

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

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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: October 12, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: October 19, 2022 and November 9, 2022

SUBJECT: **Ordinance 2022-21 (PZHP 22-03100006)**: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SFR – Single-family residential,” Section 23.3-8 “SF-TF – Single-family and two family residential,” Section 23.3-10 “MF-20 – Multifamily residential,” Section 23.3-11 “MF-30 – Medium density multi-family residential,” and Section 23.312 “MF-40 – High density multi-family residential,” to reduce the minimum side setback requirement for lots over 50 feet to a minimum of five (5) feet allowing additional flexibility in the placement of accessory structures and pools.

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted to reduce the side setback for accessory structures and pools for lots greater than 50 feet to a minimum of five (5) feet to allow for additional flexibility in their placement. Additional flexibility would also benefit the placement of accessory dwelling units (ADU), which are permitted in the multi-family residential and SF-TF - single-family and two-family residential zoning district.

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

- Article 3 “Zoning Districts,” Section 23.3-7 - SFR – Single-family residential
- Article 3 “Zoning Districts,” Section 23.3-8- SF-TF – Single-family and two family residential
- Article 3 “Zoning Districts,” Section 23.3-10 - MF-20 – Multifamily residential
- Article 3 “Zoning Districts,” Section 23.3-11 -MF-30 – Medium density multi-family residential
- Article 3 “Zoning Districts,” Section 23.312 -MF-40 – High density multi-family residential

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-21.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-21.

Attachments

- A. Draft Ordinance 2022-21

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3 **ORDINANCE 2022-xx - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 3 “ZONING DISTRICTS,”**
6 **DIVISION 2 “RESIDENTIAL DISTRICTS,” SECTION 23.3-7 “SFR –**
7 **SINGLE-FAMILY RESIDENTIAL,” SECTION 23.3-8 “SF-TF – SINGLE-**
8 **FAMILY AND TWO FAMILY RESIDENTIAL,” SECTION 23.3-10 “MF-20**
9 **– MULTIFAMILY RESIDENTIAL,” SECTION 23.3-11 “MF-30 – MEDIUM**
10 **DENSITY MULTI-FAMILY RESIDENTIAL,” AND SECTION 23.3-12 “MF-**
11 **40 – HIGH DENSITY MULTI-FAMILY RESIDENTIAL,” TO REDUCE THE**
12 **MINIMUM SIDE SETBACK REQUIREMENT FOR LOTS OVER 50 FEET**
13 **TO A MINIMUM OF FIVE (5) FEET; AND PROVIDING FOR**
14 **SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE**
15 **DATE**

16
17 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
18 municipality having such power and authority conferred upon it by the Florida Constitution
19 and Chapter 166, Florida Statutes; and
20

21 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
22 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
23 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
24 municipal government, perform municipal functions, and render municipal services, and
25 may exercise any power for municipal purposes, except as expressly prohibited by law;
26 and
27

28 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
29 body of each municipality in the state has the power to enact legislation concerning any
30 subject matter upon which the state legislature may act, except when expressly prohibited
31 by law; and
32

33 **WHEREAS**, the City wishes to amend Chapter 23 “Land Development
34 Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-
35 7 “SFR – Single-family residential,” Section 23.3-8 “SF-TF – Single-family and two family
36 residential,” Section 23.3-10 “MF-20 – Multifamily residential,” Section 23.3-11 “MF-30 –
37 Medium density multi-family residential,” and Section 23.312 “MF-40 – High density multi-
38 family residential,” to reduce the minimum side setback requirement for lots over 50 feet
39 to a minimum of five (5) feet allowing additional flexibility in the placement of accessory
40 structures and pools; and
41

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

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

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

53 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
54 CITY OF LAKE WORTH BEACH, FLORIDA, that:
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56 Section 1: The foregoing "WHEREAS" clauses are ratified and confirmed as
57 being true and correct and are made a specific part of this ordinance as if set forth herein.
58

59 Section 2: Chapter 23 "Land Development Regulations," Article 3 "Zoning
60 Districts," Division 2 "Residential Districts," Section 23.3-7 "SF-R – Single-family
61 residential," is hereby amended to read as follows:
62

63 Sec. 23.3-7. SFR – Single-family residential.

64 c) Development regulations for uses permitted by right

65 portion of table omitted for brevity.
66

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth for primary structures, whichever is less. 5 ft. for accessory structures.
	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.
	Accessory	A. 10% lot width, minimum side setback of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width. B. Minimum rear setback of five (5) feet
	Bonus Height	N/A

67 portion of table omitted for brevity.
68

69 3. Minimum setbacks.

70 B. Minimum side setback:

- 71 (1) Ten (10) percent of lot width, with a minimum of three (3) feet up to a
72 minimum of ten (10) feet for lots over one hundred (100) feet in width.
- 73 (2) Two-story buildings shall have side set back of five (5) feet minimum.
- 74 (3) Roof overhangs shall not project more than two (2) feet into the setback.
- 75 (4) Accessory structures and pools shall have a side setback of 10% of lot
76 width, with a minimum setback of three (3) feet up to a minimum of five
77 (5) feet for lots over 50 ft. in width.

78
79 Section 3: Chapter 23 "Land Development Regulations," Article 3 "Zoning
80 Districts," Division 2 "Residential Districts," Section 23.3-8 "SF-TF – Single-family and
81 two-family residential," is hereby amended to read as follows:
82

83 **Sec. 23.3-8. SF-TF – Single-family and two-family residential.**

84 c) *Development regulations for uses permitted by right.*

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86

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth for primary structures, 5 ft. for accessory structures
	Side	10% of lot width, minimum of 3 feet up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.
	Accessory	A. <u>10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width.</u> B. <u>Minimum rear set back of five (5) feet</u>
High Rise	N/A	

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portion of table omitted for brevity.

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3. *Minimum setbacks.*

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B. Minimum side setback:

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(1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.

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(2) Two-story buildings shall have side set back of five (5) feet minimum.

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(3) Roof overhangs shall not project more than two (2) feet into the setback.

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(4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width.

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Section 4: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-10 “MF-20 – Multi-family residential,” is hereby amended to read as follows:

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Sec. 23.3-28. MF-20 – Multi-family residential.

105

c) *Development regulations for uses permitted by right.*

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portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth. 5 ft. for accessory structures.
	Side	10% of lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. <u>10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width.</u> B. <u>Minimum rear set back of five (5) feet</u>
High Rise	N/A	

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portion of table omitted for brevity.

- 110 3. **Minimum setbacks.**
 111 B. Minimum side setback:
 112 (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum
 113 of ten (10) feet for lots over one hundred (100) feet in width.
 114 (2) Two-story buildings shall have a side set back of five (5) feet minimum.
 115 (3) Roof overhangs shall not project more than two (2) feet into the setback.
 116 (4) Accessory structures and pools shall have a side setback of 10% of lot width,
 117 with a minimum setback of three (3) feet up to a minimum of five (5) feet for
 118 lots over 50 ft. in width.
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120
 121 **Section 5:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
 122 Districts,” Division 2 “Residential Districts,” Section 23.3-11 “MF-30 – Medium density
 123 multi-family residential,” is hereby amended to read as follows:
 124

125 **Sec. 23.3-28. MF-30 – Medium density multi-family residential.**

126 c) *Development regulations for uses permitted by right.*

127
 128 *portion of table omitted for brevity.*

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth. 5 ft. for accessory structures.
	Side	10% of lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. 10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width. B. Minimum rear set back of five (5) feet
	Bonus Height and Stories	For all stories above the second story, both the front façade and rear façade must be set back an additional distance beyond the minimum.
		A. Front façade for third story must have front setback of eight (8) to twelve (12) feet in addition to minimum.
		B. Rear façade for third floor must have rear setback of eight (8) to twelve (12) feet in addition to minimum.

129 *portion of table omitted for brevity.*

- 130
 131 3. **Minimum setbacks.**
 132 B. Minimum side setback:
 133 (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum
 134 of ten (10) feet for lots over one hundred (100) feet in width.
 135 (2) Two-story buildings shall have a side set back of five (5) feet.
 136 (3) Roof overhangs shall not project more than two (2) feet into the setback.
 137 (4) Minimum street side setback: Ten (10) feet up to a maximum of twenty-two (22)
 138 feet.

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(5) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width.

Section 6: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-10 “MF-40 – High density multi-family residential,” is hereby amended to read as follows:

149 **Sec. 23.3-28. MF-40 – High density multi-family residential.**

150 c) *Development regulations for uses permitted by right.*

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portion of table omitted for brevity.

Setback	Front	10 ft.
	Rear	15 ft. or 10% of lot depth when next to a residential district. 10 ft. in general. 5 ft. for accessory structure
	Side	Street lot side - 10 ft. minimum up to a maximum of 22 ft.
		Interior lot side - 10% of width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. <u>10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width.</u> B. Minimum rear set back of five (5) feet
	Bonus Height and Stories	For all stories above the second story, both the front façade and rear façade must be set back an additional distance beyond the minimum.
		A. Front façade for third story must have front setback of eight (8) to twelve (12) feet in addition to minimum.
		B. Rear façade for third floor must have rear setback of eight (8) to twelve (12) feet in addition to minimum.
		C. Façades facing major thoroughfares must have setbacks of eight (8) to twelve (12) feet in addition to minimum for third story and above.

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portion of table omitted for brevity.

155 **3. Minimum setbacks.**

156 **B. Minimum side setback:**

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- (1) Minimum street side setback: Ten (10) feet up to a maximum of twenty-two (22) feet.
- (2) Minimum interior side setback: Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (3) Two-story buildings shall have a side set back of at least five (5) feet.
- (4) Roof overhangs shall not project more than two (2) feet into the setback.

(5) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width.

Section 7: 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 8: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9: 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 10: 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

212 The Mayor thereupon declared this ordinance duly passed on the _____ day of
213 _____, 2022.

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LAKE WORTH BEACH CITY COMMISSION

216

217

By: _____

218

Betty Resch, Mayor

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ATTEST:

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224

Melissa Ann Coyne, City Clerk

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