



**AGENDA**  
**CITY OF LAKE WORTH BEACH**  
**HISTORIC RESOURCES PRESERVATION BOARD MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**WEDNESDAY, APRIL 10, 2024 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

A. [March 13, 2024](#)

**CASES**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) [Ordinance 2024-05 - Affordable Workforce Housing](#)  
[Ordinance 2024-06 - Spring 2024 LDR](#)

**WITHDRAWALS / POSTPONEMENTS**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A. [Ordinance 2024-05: Consideration of an ordinance amending Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 3 "Permits," Section 23.2-39 "Affordable/Workforce Housing Program" to provide minor changes for clarity to the Affordable/Workforce Housing Program Tiers.](#)
- B. [Ordinance 2024-06: Consideration of an ordinance amending multiple sections of Chapter 23 "Land Development Regulations" to address several housekeeping items and minor changes for clarity.](#)
- C. [Ordinance 2024-07: Consideration of an ordinance amending Chapter 23 "Land Development Regulations," Article 4 "Development Standards," Section 23.4-25 "Micro-Units" to provide minor changes to the development standards for Micro-Units.](#)

**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**  
**HISTORIC RESOURCES PRESERVATION BOARD MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**WEDNESDAY, MARCH 13, 2024 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Nadine Heitz, Vice-Chair; Ed LeBlanc; Laura Devlin; Ed Deveaux. Elaine DeRiso arrives 6:08 pm. Also present were: A. Greening, Senior Preservation Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; William Waters, Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA** None

**APPROVAL OF MINUTES:**

A. January 10, 2024 Meeting Minutes

February 14, 2024 Meeting Minutes

**Motion:** L. Devlin moves to approve the January 10, 2024 Meeting minutes as presented; E. Deveaux  
2<sup>nd</sup> **Vote:** Ayes all, unanimous

**Motion:** L. Devlin moves to approve the January 10, 2024 Meeting minutes as presented; E. Deveaux  
2<sup>nd</sup> **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 the meeting packet along with the previously advertised (Jan. 2024) 826 Sunset Drive.

1) 927 South Palmway

804 Lake Avenue

403 South Ocean Breeze

**WITHDRAWALS / POSTPONEMENTS** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** A neighbor approached Mr. Deveaux however he never discussed the application or situation.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**A. HRPB Project Number 24-00600001:** Consideration of an alcoholic beverage distance waiver to allow non-package sales of wine for on-site consumption at V Gallery at 804 Lake Avenue. The subject property is a contributing resource to the Old Lucerne National Historic District and is located in the Downtown (DT) zoning district. The future land use designation is Downtown Mixed Use (DMU).

**Staff:** A. Greening presents case analysis. V-Gallery is an existing art gallery which is requesting wine sales by the glass, not package to allow the clientele to partake as they browse the art work or attend events. City code requires a separation of 500 linear feet from others establishments selling alcohol and protected land uses. As this is downtown, and many other establishments exist that are selling alcohol, Code allows for a waiver. No exterior improvements are requested.

**Board:** Members ask why the Board is reviewing this item since it has nothing to do with exterior renovations? Clarification of the reason or need of a waiver. Is there employee training to ascertain the signs of intoxication? How does it improve the nature of the business?

**Applicant: Steve Sposato-** Trying to get the clientele to linger longer while in the gallery. Is the only one providing the drinks and has been tending bar for over 35 years.

**Public Comment:** None

**Motion:** E. DeRiso moves to approve HRPB 24-00600001 with Conditions of Approval based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Beach Land Development Regulations; L. Devlin 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**B. HRPB Project Number 23-00100248:** Consideration of a Certificate of Appropriateness (COA) for an addition on the northwest corner of the existing principal structure (Phase I) and demolition of the existing garage to build a new two (2) story accessory structure (Phase II) at 403 South Ocean Breeze. The subject property is a contributing resource to the South Palm Park District and is located in the Multi-Family Residential (MF-20) Zoning District.

**Staff:** A. Greening-The request entails several parts including demolition of a non-contributing existing accessory structure, garage. It is recommended to remain non-contributing. Staff contends it would meet requirements for demolition. This area would become a new accessory structure with a carport and 2<sup>nd</sup> floor guesthouse. Parking and the backout distance into the alley is deficient, by approximately three (3) feet as well as needing an improved surface. Proposed is a bungalow style structure with elements of stucco, roofing and windows related to the contributing structure; differentiation is achieved through the structure setbacks, door and column styles.

The streetscape indicates it is compatible with the surrounding two-story structures.

The addition would add a master suite, closet and patio. The differentiation is shown primarily through the offset setbacks.

**Public Comments:** None

**Board:** Is it overbuilt for the lot size and will pavers cause less pervious? **Response:** No, the MF-20 zoning district allows for more flexibility than would be allowed in a SFR zoning district, would be well within the impermeable requirements. Normally addressed at time of permit or be brought back to Board if non-conformities continue to exist.

Why are they not allowed to utilize on-street space? **Response:** Existing duplex requires a total of 3 off-street parking spaces. Two spaces on-site would decrease the non-conformity; while on-street parking only counts as 50% of the required spaces, the one on-street space would bring them into compliance.

The guesthouse would not be a legal accessory dwelling unit, only a kitchenette is included. Not an income producing unit.

Has the applicant agreed to or not objected to the Conditions? **Response:** The applicant has not had any questions. What will the green space look like? **Response:** They will need to provide a landscape plan at time of permit. Is it unusual to have to utilize an outside staircase? **Response:** It may save on interior space.

**Public Comment:** None

**Motion:** E. LeBlanc moves to approve HRPB 23-00100248 for the demolition of an existing accessory structure; construction of a new accessory structure and addition to the primary structure with Conditions of Approval based upon competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; L. Devlin 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**C. HRPB Project Number 24-00100032:** Consideration of a Certificate of Appropriateness (COA) for construction of a new single-family residential structure at 927 South Palmway. The subject property is a non-contributing resource to the South Palm Park Historic District and is located in the Single Family Residential (SFR) Zoning District. The future land use designation is Single Family Residential (SFR).

**Staff:** A. Greening provides background information for the parcel and structures. The proposal would change the existing contributing structure to guesthouse while constructing a new primary dwelling unit in front of the guesthouse. The proposal would be nearly in compliance with zoning code with the exception of the base flood elevation. Current base flood zone is six (6) feet and the pending flood zone would be nine (9) feet. The streetscape drawings show the 2-story as taller than the adjacent homes. The proposed base flood elevation is 18 inches above the crown of road. They will have to meet the base flood elevation at time of permit. Should the design and height substantially change, the applicant would need to return to the Board.

The design is generally compatible with Med-Rev style but concerns exist about scale, mass and height. Other elements would be an asymmetrical design and elaborate ornamentation that is not evident. Surrounding properties are generally low, single-story houses. The visibility of the historic structure is provided by utilizing a two-story structure as the applicant was advised the complete obstructed view of the contributing structure would not be met with any appreciation by the Board. The relationship of the width and height differs from the neighboring properties, it emphasizes the verticality of the structure.

**Applicant:** Russell Ayers – Wanting to provide for elderly parents. The realtor stated they had already completed this process.

**Staff:** The proposed elevation is not known, staff was provided with a boundary survey, they may not have to go to six (6) feet. NAVD is different from base flood elevation.

**Board:** A retaining wall would or could resolve the added height; an exfiltration trench could handle drainage. The final height won't be known until the elevation is set. This is more of a building division permit issue.

**Applicant:** States there is a precedent set as there is a two-story being built across the street.

**Public Comment:** Friederike Mittner 909 S. Palmway-Asking for design modifications by reducing height by two (2) feet. This could be achieved with reduced ceiling heights on the first and second floor with trayed ceilings to retain the interior height. This would help with reducing the height. Also hoping the Board could recommend an asymmetrical front elevation.

**Board:** Is the applicant amenable to some of the suggestions?

**Staff:** The Board is not obligated to make changes based on public comment, it would be up to the Board if they choose to request changes.

**Board:** Discussion of possible approval based on a range of height. The applicant would be motivated to keep the height within a range.

The grade will come from a civil engineer, then the range could be determined. It is almost guaranteed to be at least three to four feet higher. They will have to meet the base flood elevation.

**W. Waters:** Board could give a range of acceptable heights; if not met, then it would have to come back before the Board for consideration. The building is shown now at grade which we know is not the case. It is shown to be in conformity with the other properties. The building height measurement is to the midpoint of the roof. The struggle is with the visual compatibility in a historic district. The issue is with the appropriate height, on a base-flood elevated raised slab (which is unknown), which would be compatible within the district.

**Board:** Maximum wall height at side setback. They cannot go higher than 30 feet. Member not comfortable approving as Board already knows it is too high and we don't want to take a chance that it could be higher due to meeting the base flood elevation. We should have a plan that shows how it won't go over 30 feet.

**Applicant:** The height shown on the streetscape is distorted as the drawing had to be narrowed to show the existing structures. If it meets code, isn't the Board here only to approve the design?

**Board:** The design might have steps and a porch which is not depicted. If you are showing one design but it turns out to be another design, the Board would want to know. Can the applicant discover the elevation within a month and return to Board?

**Motion:** E. DeRiso moves to approve HRPB 24-00100032 amending Condition #1 allowing up to 30 feet for the building height based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements: E. Deveaux 2<sup>nd</sup> **Vote:** 4/1 L. Devlin nay

**Staff:** The Board just approved a structure with a wall height that can be up to 6 feet taller regardless of the base flood elevation that is unknown at this time. Right now the measurement is from the flood elevation to the mid-point of the ridge in the eave or 24 feet at this time. It is measured from the crown of the road or the minimum flood elevation whichever is higher.

**Board:** E. Deveaux states the flood elevation is going to change whether anyone likes it or not. Based on FEMA and insurance the minimum flood elevation has to be met. Get ready for change with all the new construction, whether it is with a flat roof or other modification, not everything has to be hipped. There are ways to remain within the 30-foot wall height.

**D. Ordinance 2024-03:** Consideration of an ordinance amending Chapter 23, Section 23.3-25 "Planned Development District," to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Residential Only Mixed-Use Urban Planned Development.

**Board Attorney:** Reads the Ordinance Title

**Staff:** S. Rodriguez- A privately initiated amendment to the Land Development Regulations to allow townhouses in the SFR zoning district as part of a Residential Only Mixed-Use Urban Planned Development thus providing greater flexibility in housing options within the City. The language within the Ordinance can be customized and staff has prepared discussion points to aid in the Board's consideration of said Ordinance.

Among them:

- Where it could be allowed (location within the City)?
- Appropriate parcel size and/or project size.
- Maximum number of allowed units with the development.
- Should the Affordable/Workforce Housing Program provide additional stipulations for the development?
- Should the definition of townhouses be evaluated to include not only attached units but also zero lot line homes, patio homes, small villa homes quadraplex housing, tiny homes or other non-traditional single-family detached homes?

**Staff:** A. Greening reminds the Board that this is a recommendation only item to City Commission, a legislative item.

**William Waters:** The City has arrived at this place in time after fifteen years of litigation regarding the parcel. Good faith negotiations between the property owner and the City resulted in a proposed settlement agreement, FLEUDRA. Per the judge/magistrate, the agreement provides for townhouses within Single-Family zoning districts and would not be considered spot zoning. To-date the agreement has not been signed by the City Commission. Approximately sixty percent to two thirds of the City is zoned Single-Family Residential. To be clear, staff does not support putting townhouses everywhere in the City's SFR districts. Townhouses, per the Building Code, are considered single family residences as they are on separate lots of record. Townhouses could be found appropriate only in a Planned Development as it requires a minimum lot size. The City code provides several types of Planned Developments. PBC and Regional authorities are also pushing for creative ways to provide affordable housing. This is seen as a way to secure affordable housing as building three walls is more cost effective versus building four walls on independent properties while also encouraging home ownership. The Planning & Zoning Board recommended denial, this Board may choose to do the same or consider the points. Density will remain at 7 units per acre, but could increase to 8 with affordable housing. The Ordinance would be applicable to the entire City.

**Board:** Why is the Historic Board hearing this item? **Response:** The Board is a Local Planning Agency. This is the legislative activity of the Board.

**Board Attorney:** Reminder this is for a City-wide Ordinance, not for any particular property.

**Staff:** Options for decision making: Approve as proposed, Approve with any or all of the points defined or additional options, table, recommend denial, workshop to date certain. Density has not changed.

**Board:** What is the difference between townhouses vs rentals? **Response:** Townhouses must be on individual lots of record, mixed ownership is an issue. Condo association owns everything from ½ through the wall and outside.

**Board:** E. DeRiso believes it requires more time to fully sort out all the suggestions and possible implications. At what point could a planned development come under consideration? This smaller Residential Only Urban Mixed-Use Planned Development is smaller than the normal five (5) acres required, west of I-95.

**Staff:** In 2012 the SFR districts size increased. Where does the Future Land Use which allows a higher density map overlap with a Single Family District? The settlement still has to go to Commission. The language in the settlement is that the City will take it under consideration.

All Planned Development approvals require at least 3 public hearings. This Urban Mixed-Use Residential Planned Development can be on as small as ½ acre. Additionally, this Planned Development is the only way to avail oneself of additional height, density, FAR and Transfer of Development Rights (TDR). This discussion could further limit the size and where.

**Public Comment: 7:46 – 8:44 pm see attached spreadsheet with comments and digital comments.**

**Board:** There are many valid points that the Board does not have answers to at this time.

Could the item be referred to the City Commission? If and when Commission comes back with a recommendation to review, then the Board will review? Staff states that is not the process. It is the duty of the Board to hear the item.

Does this mean that properties can be torn down? This Board must still hear and approve demolitions in the Historic Districts. The Board does not know of possible effects the Ordinance would have on property values. The Board could possibly table in favor of a charrette, or a joint meeting. Board members are not comfortable recommending approval without more information and discussion.

**Staff:** Ms. Mahoney's example is a good example of what could happen.

Various ideas for recommendations with options for additional input via workshops or a charrette .

**Motion:** E. Deveaux moves to recommend denial of Ordinance 2024-03 as the change is not appropriate for Single Family zoned areas (SFR) in the Historic Districts; further the Historic Preservation Board affirms and supports the recommendation by the Planning & Zoning Board denying the approval in the rest of the City; L. Devlin 2<sup>nd</sup>.

**Vote:** 4/1 E. DeRiso dissenting. Motion carries to deny.

**PLANNING ISSUES:** A. Greening reminds all of the upcoming May Historic Preservation Awards and Historic Preservation month.

**PUBLIC COMMENTS:** (3 minute limit) None

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** None

**ADJOURNMENT** 9:20 PM



Speaker	Address	for /against	Comment
Cathy McLeod	124 S. K St	against	Why HP doesn't have information. The last historic house on the property.
George Adams	3320 Lake Osborne Dr	against	PZB voted down. 10 units per acre possible. Ordinance has the appearance of spot zoning. Will impact underserved and make housing situation worse
Mariette Adams de Villiers	5820 Lake Osborne Dr	against	safeguard natural environment
Nickotta Louis	821 Sunset Dr	against	Bonus and Incentives, Transfer of Development Rights and density
John Hoogstrate	3080 Lake Osborne Dr	against	Don't set a precedent
Peggy Fisher	508 N. A Street	against	Should communicate to property owners in the city, doesn't want townhome developments in a Single Family district
Kathy Musgrave	2920 Lake Osborne Dr	against	Going to lose the ability to keep from things being built. In the past the City has been able to prevent huge places from being built on the sand on the Beach. Keep townhomes out of Single Family areas.
Bill Musgrave	2920 Lake Osborne Dr	against	Came from a Single Family area in Missouri that was overrun by developers building townhomes in single family residences. Urges Board members to remember scale mass and compatibility when making blanket changes.
Carol Michalski	3360 Lake Osborne Dr	against	Single family homes are special. No shared walls, pets, pride of ownership and strong work ethic . Doesn't happen when HOA maintains all.
Joann Gillies	719 Sunset Dr	against	When you buy in a SFR district, you have bought the right to live in a Single Family home. Townhomes should not be allowed.
Greg Harmon	2840 Lake Osborne Dr	against	From Historic Preservation Guidelines in a Historic District-Scale height and mass are considered.
Jill Karlin	2381 Sunset Dr	against	Does not understand why HPB is hearing the Ordinance. Speaks to a specific property.
Renee Frost	2212 Quail Trl	against	No need to change zoning to allow townhouses in a Single Family Neighborhood
David Simms	715 N. L St	against	If approved the Ordinance will affect more than half the City.
Amy Mihelich	2032 Collier Ave	against	Is concerned with increasing Density . Townhouses are shared by multiple families.
Janice Russillo	2101 Collier Ave	against	You can't have Single Family and then change things.
Tom Conboy	Willa Park WPB	against	Brought by a developer. Not spot zoning.
Catherine Cargill	3320 Lake Osborne Dr #102	against	Will affect the entire City
Ruth Lynch	2802 Lake Osborne Dr	against	Speaks to the elevation of a property in the area of Lake Osborne site. Deny the Ordinance City wide
John Lynch		against	Believes this was to be about the site plan. May sell his home if it passes.
John Rentfrow	3280 Lake Osborne Dr 109	against	The only reason the Ordinance is being heard is because of the developer
Bill Yates	3120 Cynthia Lane	against	Disputing whether this is a City initiated or Privately initiated Ordinance.
James Pelligrino	3200 Lake Osborne Dr 101	against	Made by a builder for a builder, not the residences. Wait until they start building in Historic Districts. Questions whether workforce housing is really affordable.

Jane Schumacher	3402 Cynthia Ln #201	against	Created for a specific property, settlement agreement is not binding.
Lynda Mahoney	2818 Northside Dr	against	Previously owned nearly a half acre. She could have re-platted and sold it for townhomes. It would have forever changed the block and Historic District.
<b>Chose not to speak</b>			
Karen Risch	2960 Cynthia Ln #204		
Susan Boneschansker	3000 Lake Osborne Dr		
Roland Rentfrow	3280 Lake Osborne Dr		
<b>Read by Board Secretary</b>			
Thomas Voss	3080 Cynthia Lane	against	Rule changes to existing neighborhoods unfair
Celeste Deguzis	3360 Lake Osborne Dr 211	against	Do not allow townhouses in existing SFR established neighborhoods.
Michael McLeod	429 N J St	against	Approve only to a specific property; a City-wide zoning change should not be approved without greater consultation of LWB residents.
Brooke Wesche	219 S K St	against	Provided digital comment
Gael Silverblatt	414 N Ocean Breeze	against	Provided digital comment
Joseph Kolb	3360 Lake Osborne Dr 101	against	Provided digital comment
Laurie Witkin	1008 N Lakeside Dr	against	Provided digital comment
Sam Smith	109 N Palmway	against	Provided digital comment
Lorene Tapellini	2840 Lake Osborne Dr	against	Provided digital comment
Matthew Prichard	418 S L St	against	Provided digital comment

**PUBLIC COMMENT  
CARD - ADVISORY  
BOARD - {AGENDA  
SECTION:10} -  
BROOKE - WESCHE**

{Topic of Agenda Item on  
which you want to  
speak:12}



<b>WHICH BOARD MEETING IS THIS COMMENT FOR?</b>	Historic Resources Preservation Board
<b>MEETING DATE</b>	03/13/2024
<b>COMMENT TOPIC</b>	proposed LDR Amendments to modify Article 3 – Section 23.3-25
<b>NAME</b>	Brooke Wesche
<b>EMAIL</b>	<a href="mailto:WescheB291@gmail.com">WescheB291@gmail.com</a>
<b>ADDRESS</b>	219 S K st Lake Worth Beach, FL 33460 United States
<b>TESTIMONY CONSENT</b>	<input checked="" type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
<b>HOW WOULD YOU LIKE TO PARTICIPATE?</b>	I would like the city to read my comments below
<b>COMMENTS TO BE READ INTO RECORD</b>	<p>I would like to encourage the HRBP board and our elected city officials to vote AGAINST amending the LDR that would allow townhouses to be built within SF-R. I purchased my LWB Cottage because I wanted to live in a SF-R neighborhood that has an active community. LWB residents take great care in restoring, preserving and maintaining our historic Cottages. It is up to the city to ensure that our neighborhoods and its residents are heard and protected from unwanted (modern) development that would alter the character of our neighborhoods and negatively impact residents. Townhouses and Multifamily housing units do not belong in the Historic Downtown and other SF-R throughout the city - we are not Delray Beach/ Boca etc. I ask that you please vote against amending the LDR.</p>

# PUBLIC COMMENT CARD - ADVISORY BOARD - {AGENDA SECTION:10} - GAEL - SILVERBLATT

{Topic of Agenda Item on  
which you want to  
speak:12}



<b>WHICH BOARD MEETING IS THIS COMMENT FOR?</b>	Historic Resources Preservation Board
<b>MEETING DATE</b>	03/13/2024
<b>COMMENT TOPIC</b>	New Business D. Ordinance 2024-03:
<b>NAME</b>	Gael Silverblatt
<b>EMAIL</b>	<a href="mailto:gaelsilverblatt@earthlink.net">gaelsilverblatt@earthlink.net</a>
<b>ADDRESS</b>	414 N Ocean Breeze Lake Worth Beach, FL 33460 United States
<b>TESTIMONY CONSENT</b>	<input checked="" type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
<b>HOW WOULD YOU LIKE TO PARTICIPATE?</b>	I would like the city to read my comments below
<b>COMMENTS TO BE READ INTO RECORD</b>	<p>Dear Board Members: My husband and I own a home in the single family district of Parrot Cove. We are very much against this proposed Ordinance 2024-03 Townhouse LDR Amendment.</p> <p>Under past zoning considerations the idea was to build townhouses on the main roadways such as 6th Ave South, 10th Ave North, Dixie Hwy and Federal Hwy. in order to protect the neighborhoods from increased density and the intensity of traffic. But now staff is proposing building townhouses within the single family neighborhoods.</p> <p>There is an expectation from homeowners who buy a home in a single-family neighborhood that is shall remain single-family zoning. The homeowner shouldn't have to worry that it will be changed or that the density will be increased.</p> <p>Please do not recommend approval of this ordinance.</p> <p>Thank you. Gael and Howard Silverblatt</p>

**From:** [Historic Preservation](#)  
**To:** [Sherie Coale](#)  
**Subject:** FW: Single family homes in Lake Worth Beach  
**Date:** Wednesday, March 13, 2024 2:00:39 PM  
**Attachments:** [image002.png](#)

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Another public comment for the LDR ordinance.

Annie Greening, GGEP  
Senior Preservation Planner | Community Sustainability Department



City of Lake Worth Beach  
1900 Second Avenue North  
Lake Worth Beach, FL 33461  
V: 561-586-1703  
[agreening@lakeworthbeachfl.gov](mailto:agreening@lakeworthbeachfl.gov)  
[www.lakeworthbeachfl.gov](http://www.lakeworthbeachfl.gov)

#### **Departmental Operating Hours**

Monday – Friday 8:00 am – 4:00 pm

**“We are LAKE WORTH BEACH. A hometown City that is committed to delivering the highest level of customer service through a commitment to integrity, hard work and a friendly attitude. We strive to exceed the expectations of our citizens, our businesses, our elected officials and our fellow employees.”**

CITY OF LAKE WORTH BEACH E-MAIL DISCLAIMER:

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from local officials regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

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**From:** [graphiciss@aol.com](mailto:graphiciss@aol.com) <[graphiciss@aol.com](mailto:graphiciss@aol.com)>  
**Sent:** Wednesday, March 13, 2024 1:30 PM  
**To:** Historic Preservation <[historicpreservation@LakeWorthBeachfl.gov](mailto:historicpreservation@LakeWorthBeachfl.gov)>  
**Subject:** Single family homes in Lake Worth Beach

**Caution:** *This is an external email. Do not click links or open attachments from unknown or unverified sources.*

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Please be advise that I am not against single family homes being built in Lake Worth Beach, but it strains all credulity to consider a townhouse development "Single Family Homes". It's important that we keep the atmosphere of Lake Worth Beach and not

over crowd it with townhouse developments. Please vote to keep Lake Worth Beach the family friendly environment we are all striving maintain.

Creative solutions to all your design, marketing and print needs.

Joseph L. Kolb

**The Graphic Issue**  
3360 Lake Osborne Drive  
Bldg. 1, Suite 101  
Lake Worth, FL 33461

202.256.2269

[graphiciss@aol.com](mailto:graphiciss@aol.com)

**PUBLIC COMMENT  
CARD - ADVISORY  
BOARD - {AGENDA  
SECTION:10} -  
LAURIE - WITKIN**



{Topic of Agenda Item on  
which you want to  
speak:12}

<b>WHICH BOARD MEETING IS THIS COMMENT FOR?</b>	Historic Resources Preservation Board
<b>MEETING DATE</b>	03/13/2024
<b>COMMENT TOPIC</b>	New Business D Townhouses in single families
<b>NAME</b>	Laurie Witkin
<b>EMAIL</b>	<a href="mailto:lw majestic@msn.com">lw majestic@msn.com</a>
<b>ADDRESS</b>	1008 North Lakeside Drive LAKE WORTH BEACH, FL 33460 United States
<b>TESTIMONY CONSENT</b>	<input checked="" type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
<b>HOW WOULD YOU LIKE TO PARTICIPATE?</b>	I would like the city to read my comments below
<b>COMMENTS TO BE READ INTO RECORD</b>	I am totally against letting townhouses into single family neighborhoods. Adding density would destroy the charm of these areas. We would lose green space as developers cover most of the lots with concrete. There would be increased traffic, parking, and noise issues. It will bring a boring uniformity to what are neighborhoods with diverse architectural styles. There are plenty of empty lots on Federal if a developer feels like building townhouses. Let them go there.

**PUBLIC COMMENT  
CARD - ADVISORY  
BOARD - {AGENDA  
SECTION:10} - SAM -  
SMITH**



{Topic of Agenda Item on  
which you want to  
speak:12}

<b>WHICH BOARD MEETING IS THIS COMMENT FOR?</b>	Historic Resources Preservation Board
<b>MEETING DATE</b>	03/13/2024
<b>COMMENT TOPIC</b>	new biz, item d
<b>NAME</b>	Sam Smith
<b>EMAIL</b>	<a href="mailto:samstersmithy@yahoo.com">samstersmithy@yahoo.com</a>
<b>ADDRESS</b>	109 n palmway Lake Worth Beach, FL 33460 United States
<b>TESTIMONY CONSENT</b>	<input checked="" type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
<b>HOW WOULD YOU LIKE TO PARTICIPATE?</b>	I would like the city to read my comments below
<b>COMMENTS TO BE READ INTO RECORD</b>	<p>I'm not sure why this board is considering Ordinance 2024-03: g "Planned Development District," to allow townhouses within the Single-Family Residential (SF-R) Zoning District" when planning and zoning already rejected same. Nevertheless, I write (as a tax paying resident) that it is wrong to change the zoning of all the single family zoned neighborhoods to permit multifamily townhomes. Current residents who bought homes in single family zoned districts should be able to rely on that zoning designation and not have the City (or a developer) attempt to rezone our homes. Those of us who bought single family homes in this City in reliance on the current zoning are now having to fight this terrible bait and switch. This is wrong and should be rejected.</p>



**From:** [Lorene Tapellini](#)  
**To:** [Historic Preservation](#)  
**Subject:** Change in Zoning law proposal  
**Date:** Tuesday, March 12, 2024 12:12:48 PM

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**Caution:** *This is an external email. Do not click links or open attachments from unknown or unverified sources.*

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Good day,

My name is Lorene Tapellini. I live year round at 2840 Lake Osborne Drive, Murry Hills.

One week ago, I attended a meeting of the planning and zoning commission regarding zoning law changes and development of the Sunset property. I am quite surprised to see the zoning change to allow townhomes to be developed in single family zoning areas on the agenda after so many residents came out in opposition to this. I am vehemently opposed to the Sunset Property development and also opposed to spot zoning. We cannot become another Delray Beach. We cannot drop a 42 unit townhome development in a single-family zoned area.

By allowing this zoning change, we would do irreparable harm to our community, our infrastructure, and our already fragile surrounding environment. Please vote NO to the Sunset property development and to any future change in existing single family housing areas to change existing zoning laws to spot zoning.

This issue has too many far reaching implications to be voted on without informing the public in a more open forum. If I am interpreting this proposal incorrectly please do inform me.

Thank you.

Lorene Tapellini

**PUBLIC COMMENT  
CARD - ADVISORY  
BOARD - {AGENDA  
SECTION:10} -  
MATTHEW -  
PRICHARD**



{Topic of Agenda Item on  
which you want to  
speak:12}

<b>WHICH BOARD MEETING IS THIS COMMENT FOR?</b>	Historic Resources Preservation Board
<b>MEETING DATE</b>	03/13/2024
<b>COMMENT TOPIC</b>	Allowing townhomes in single family
<b>NAME</b>	Matthew Prichard
<b>EMAIL</b>	<a href="mailto:editormatthew@gmail.com">editormatthew@gmail.com</a>
<b>ADDRESS</b>	418 S. L St. Lake Worth Beach, FL 33460 United States
<b>TESTIMONY CONSENT</b>	<input checked="" type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
<b>HOW WOULD YOU LIKE TO PARTICIPATE?</b>	I would like the city to read my comments below
<b>COMMENTS TO BE READ INTO RECORD</b>	Preserving our historic single-family areas goes to the very nature of our city. I oppose, therefore, allowing townhome developments in our single-family zoned areas.

## ORDINANCE 2024-05

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 N Dixie Highway, Lake Worth Beach on **April 3, 2024** at 6:00 pm or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on **April 10, 2024** at 6:00 pm or soon thereafter to consider the following ordinance that includes minor changes for clarity to the Affordable/Workforce Housing Program Tiers:

**ORDINANCE 2024-05 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," SECTION 23.2-39 "AFFORDABLE/WORKFORCE HOUSING PROGRAM," AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE**

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at: <https://lakeworthbeachfl.gov/government/commission-agendas-and-minutes/>.

**Public comment** will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov) for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

**For additional information, please contact City Staff at 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov).** 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 (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. **Persons in need of special accommodation** to participate in this proceeding are entitled to the provision of certain assistance. **Please call 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov) no later than five (5) days before the hearing if assistance is required.**

Publish: The Lake Worth Herald  
March 21, 2024

## ORDINANCE 2024-06

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 N Dixie Highway, Lake Worth Beach on **April 3, 2024** at 6:00 pm or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on **April 10, 2024** at 6:00 pm or soon thereafter to consider the following ordinance that includes multiple housekeeping and minor changes for clarity:

**ORDINANCE 2024-06 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS", ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2 "DEFINITIONS"; SECTION 23.1-12 - DEFINITIONS; ARTICLE 2 "ADMINISTRATION," DIVISION 3 "PERMITS," SECTION 23.2-28 ADMINISTRATIVE ADJUSTMENTS/ ADMINISTRATIVE USE PERMITS; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-7 - SF-R - SINGLE-FAMILY RESIDENTIAL, SECTION 23.3-8 - SF-TF 14 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL, SECTION 23.3-10 - MF-20 - MULTI-FAMILY RESIDENTIAL, SECTION 23.3-11 - MF-30 - MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL, AND SECTION 23.3-12 - MF-40 - HIGH DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 3, "MIXED USE DISTRICTS," SECTION 23.3-13 - MU-E - MIXED USE EAST AND SECTION 23.3-16 - MU-FH - MIXED USE - FEDERAL HIGHWAY; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-3 EXTERIOR LIGHTING, SECTION 23.4-4 FENCES, WALLS AND GATES, SECTION 23.4-16 MECHANICAL SYSTEMS/EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES, AND SECTION 23.4-19 OUTDOOR STORAGE AND OPEN-AIR OPERATIONS; ARTICLE 5 "SUPPLEMENTAL REGULATIONS," SECTION 23.5-1 SIGNS AND SECTION 23.5-4 HISTORIC PRESERVATION; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.**

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at: <https://lakeworthbeachfl.gov/government/commission-agendas-and-minutes/>

**Public comment** will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov) for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

**For additional information, please contact City Staff at 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov).** 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 (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. **Persons in need of special accommodation** to participate in this proceeding are entitled to the provision of certain assistance. **Please call 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov) no later than five (5) days before the hearing if assistance is required.**



DATE: March 27, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: April 3 & April 10, 2024

SUBJECT: **Ordinance 2024-05:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 3 “Permits,” Section 23.2-39 “Affordable/Workforce Housing Program” to provide minor changes for clarity to the Affordable/Workforce Housing Program Tiers.

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**PROPOSAL / BACKGROUND/ ANALYSIS:**

The recently adopted (10/6/2022) Ordinance 2022-12 created the City’s Affordable/Workforce Housing Program to encourage the development of affordable and/or workforce housing units within the City. The program allows several incentives, including a 15% density bonus and additionally flexibility in unit size, parking requirements and financial incentives provided that no less than 15% of the total dwelling units are deed restricted as affordable. The City Commission has subsequently directed staff to develop additional affordability buy down options. Further, in the recent implementation of the ordinance, staff has identified some minor housekeeping changes that would provide additional clarity on the program’s implementation as well as foster an increase in the number of new affordable/workforce housing units being proposed including accessory dwelling units.

The proposed ordinance would amend the recently adopted new section of the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 2, Section 23.2-39 – Affordable/Workforce Housing Program

The proposed amendments are in response to the following input received over the past year.

- The City Commission requested further opportunities to encourage the creation of affordable/workforce housing including accessory dwelling units.
- The Florida Legislature has adopted a series of policies to encourage the building of accessory dwelling units.
- The recently completed Florida Atlantic University Housing Study for Lake Worth Beach recommends several policy amendments to encourage the creation of affordable/workforce housing including accessory dwelling units.
- The LWB CRA has requested more flexibility in development more residential units on lots of record that can be deed restricted as affordable/workforce housing
- The Palm Beach County Housing Leadership Council and Palm Beach County encourage innovative approaches to improve the delivery of new affordable/workforce housing units including accessory dwelling units.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-05.

**POTENTIAL MOTION:**

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2024-05.

**Attachments**

- A. Draft Ordinance 2024-05

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**ORDINANCE 2024-\_\_ - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” SECTION 23.2-39 “AFFORDABLE/WORKFORCE HOUSING PROGRAM,” AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE**

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

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

**WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” Section 23.2-39 – Affordable/Workforce Housing Program; and

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

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

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

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

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

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

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

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

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- a) *Intent.* The Affordable/Workforce Housing Program is intended to implement Objective 3.1.2 of the city comprehensive plan future land use element and provisions therein regarding affordable and workforce housing. The Affordable/Workforce Housing Program provides for a density bonus and a reduction in overall housing unit areas for developments that incorporate residential units with restrictive covenants that meet the requirements of the program.
  
- b) *Purpose.* The purpose of the Affordable/Workforce Housing Program is to encourage the inclusion of affordable and workforce housing units within both residential and mixed-use projects as well as planned developments of all types to provide for broader and more accessible housing options within the City. The Affordable/Workforce Housing Program offers the following as “Program Incentives”;
  - 1. Tier One: may apply to all development projects consistent with the provisions of this section
    - (a) Up to a fifteen percent (15%) increase in overall project density;
    - (b) Up to a fifteen percent (15%) reduction in the gross area requirements based on unit type;
    - (c) Up to a twenty five percent (25%) reduction in required parking, provided that each residential dwelling unit is provided at least one (1) parking space. This reduction may not be combined with other parking reduction provisions of these LDRs;
    - (d) Any additional density and/or other benefits provided under this tier shall require that those units benefiting from the provisions be restricted as affordable/workforce housing meeting the requirements of this section through a restrictive covenant.
    - (e) Additional financial incentives may be considered on a case by case basis by the applicable decision-making entity if the project provides more affordable/workforce units that the minimum required.
    - (f) Any lot within either any residential or any mixed-use zoning district is entitled to at least one (1) additional affordable/workforce unit governed by a restrictive covenant meeting this section.
    - (g) Any platted lot of record within the CRA area boundaries, regardless of lot width or lot area, is entitled to one (1) additional affordable/workforce unit governed by a restrictive covenant meeting this section, even where the platted lot(s) of record are combined into a single parcel.
  - 2. Tier Two: applies to all projects utilizing other city incentive and/or bonus program(s)
    - (a) For all projects utilizing any other city incentive or bonus program(s), Fifteen percent (15%) of the total number of dwelling units within added to the project through the increased density under any other city incentive or bonus program(s) without using Tier One incentives must be restricted as affordable/workforce dwelling units meeting the requirements of this section through a restrictive covenant.



98 (b) Any combination of Tier One incentives with other city incentive and/or  
99 bonus program(s) related to density, intensity and/or height shall  
100 require that all units benefiting from these increases and/or incentives  
101 be restricted as affordable/workforce dwelling units meeting the  
102 requirements of this section through a restrictive covenant.  
103

104 c) *Application and Review Process.*  
105

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

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

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

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

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

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

140 (a) Is the award calculated correctly, consistent with the density and unit size  
141 reduction(s) that are allowed under the Affordable/Workforce Housing  
142 Program, including that the affordable/workforce housing unit type mix be  
143 reflective of the overall unit type mix for the entire project;  
144

- 145 (b) Do the proposed income restrictions meet the intent of the
- 146 Affordable/Workforce Housing Program;
- 147
- 148 (c) Do the proposed annual rents and/or mortgage costs meet the intent of the
- 149 Affordable/Workforce Housing Program; and
- 150
- 151 (d) Do the proposed restrictive covenants to maintain affordability meet the
- 152 intent of the Affordable/Workforce Housing Program?
- 153

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

- 163
- 164 1. For a studio unit, the annual gross household income shall not exceed forty five
- 165 percent (45%) of area median income and minimum household size is one (1)
- 166 person, not to exceed two (2) people.
- 167
- 168 2. For a one-bedroom unit, the annual gross household income shall not exceed
- 169 sixty five percent (65%) of the area median income and minimum household
- 170 size of one (1) person, not to exceed two (2) people.
- 171
- 172 3. For a two-bedroom unit, the annual gross household income shall not exceed
- 173 eighty five percent (85%) of the area median income and minimum household
- 174 size of two (2) people, not to exceed two (2) people per bedroom.
- 175
- 176 4. For a three-bedroom unit, the annual gross household income shall not exceed
- 177 one hundred and five percent (105%) of the area median income and minimum
- 178 household size of three (3) people, not to exceed two (2) people per bedroom.
- 179
- 180 5. For a four or more-bedroom unit, the annual gross household income shall not
- 181 exceed one hundred and twenty five percent (125%) of the area median income
- 182 and minimum household size of four (4) people, not to exceed two (2) people
- 183 per bedroom.
- 184
- 185 6. For fee simple ownership, the limits provided above may be increased by fifteen
- 186 (15%) based on unit type and shall include the overall housing expense.
- 187
- 188 7. Alternatively, the income restrictions may adhere to the following guidelines
- 189 singularly or in combination.
- 190
- 191 a. "Affordable Housing Eligible Households" means a household with an
- 192 annual gross household income at or less than eighty percent (80%) of

193 the Area Median Income, calculated as percentages of the Median  
194 Family Income for Palm Beach County, as published annually by the US  
195 Department of Housing and Urban Development.

196  
197 b. "Workforce Housing Eligible Households" means a household with an  
198 annual gross household income within the following income categories:  
199 Moderate (80%-100%) and Middle (101%-140%) of the Area Median  
200 Income, calculated as percentages of the Median Family Income for  
201 Palm Beach County, as published annually by the US Department of  
202 Housing and Urban Development.

203  
204 e) *Additional restrictions.* The following requirements outline the restrictive covenant  
205 that shall be recorded and maintained on each unit awarded under the  
206 Affordable/Workforce Housing Program.

207  
208 1. The restrictive covenant shall be in a legal form acceptable to the department  
209 of community sustainability and the city attorney's office or as otherwise  
210 provided by the city and shall require each unit awarded be maintained at the  
211 awarded level of affordability, in accordance with the Affordable/Workforce  
212 Housing Program, for a minimum of twenty (20) years.

213  
214 2. The restrictive covenant shall include the more restrictive program  
215 requirements, which shall govern the project if other affordable/workforce  
216 housing incentives are combined with use of the Affordable/Workforce Housing  
217 Program.

218  
219 3. The restrictive covenant shall require an annual report of the project's  
220 compliance with the restrictive covenants and the requirements of the  
221 Affordable/Workforce Housing Program be provided to the City or its designee  
222 for evaluation, review and approval. Should the annual report not be submitted  
223 or should it demonstrate the project is not meeting the requirements of the  
224 Affordable/Workforce Housing Program, the project owner shall pay the city, as  
225 a penalty, an amount no less than fifteen dollars (\$15) per square foot for each  
226 unit that did not comply with the program's requirements for the previous year,  
227 or portion thereof. If the report is not submitted, the penalty payment will be  
228 calculated as though no units met the requirements of the Affordable/Workforce  
229 Housing Program for the reporting period. The per square foot penalty value  
230 may increase based on the annual U.S. Consumer Price Index (CPI) and shall  
231 be reflected in the City's adopted annual Schedule of Fees and Charges. Any  
232 required penalty payment shall be made within ten (10) days of notification from  
233 the city of the calculated payment based on the report or failure to submit the  
234 report and the annual penalty value as adopted by the city.

235  
236 4. The restrictive covenant shall provide for extension of the affordability period,  
237 as set forth in this section.

238  
239 f) *Financial incentives.* The following are parameters for financial incentive values  
240 based on unit type, which may be utilized to ensure more than the required fifteen

241 percent (15%) of the dwelling units available after the density increase incentive  
242 remain affordable for a guaranteed twenty-five (25) year period as governed  
243 through a covenant and/or deed restriction. Values may be paid through utilization  
244 of Sustainable Bonus Incentive Values, Transfer Development Right Values or  
245 cash payments from the City from the Affordable/Workforce Housing Program  
246 Trust Fund, Sustainable Bonus Incentive Trust Account or the Transfer  
247 Development Rights Trust Account or other legally approved funding source(s).

- 248
- 249 1. For a studio dwelling unit, a one-time payment of \$40,000 or 50% percent of  
250 the area median income, whichever is greater;
- 251
- 252 2. For a one-bedroom dwelling unit, a one-time payment of \$60,000 or 75%  
253 percent of the area median income, whichever is greater;
- 254
- 255 3. For a two-bedroom dwelling unit, a one-time payment of \$80,000 or 100%  
256 percent of the area median income, whichever is greater;
- 257
- 258 4. For a three-bedroom dwelling unit, a one-time payment of \$100,000 or 125%  
259 percent of the area median income, whichever is greater;
- 260
- 261 5. For a four or more-bedroom dwelling unit, a one-time payment of \$120,000 or  
262 150% percent of the area median income, whichever is greater;
- 263
- 264 6. For a fee simple ownership dwelling unit, an additional one-time payment of  
265 \$25,000 may be provided; and
- 266
- 267 7. Payments shall be made at time of dwelling units receiving a final certificate of  
268 occupancy or certificate of completion.

269

270 g) *Affordability extension(s)*. The City shall have the express right, in its sole  
271 discretion, to extend the affordability deed restrictions and covenants for another  
272 period of no less than twenty-five (25) years) through the provision of a then current  
273 economic incentive payment based on unit size.

- 274
- 275 1. The City shall provide formal notice of intent to extend affordability of units a  
276 minimum of six (6) months prior to the expiration of the affordability deed  
277 restrictions and covenants.
- 278
- 279 2. The City's notice shall include the number and type of units having affordability  
280 extended and the economic incentive to be provided for those units.
- 281
- 282 3. The affordability extension may not exceed the original number and type of  
283 units governed by the Affordable/Workforce Housing Program.
- 284
- 285 4. There shall be no limit on the number of affordability extensions the city may  
286 fund for a project.
- 287

- 288 5. The extension incentive payment shall follow the parameters as set forth in f)  
 289 of this section based on the values established for the year that the extension  
 290 is authorized.  
 291
- 292 h) *Policies and Procedures.* The city's director for community sustainability is hereby  
 293 authorized to establish policies and procedures including covenants, accountability  
 294 and reporting to ensure effective implementation of the Affordable/Workforce  
 295 Housing Program and clarify the requirements and procedures as set forth herein.  
 296
- 297 i) *Trust Fund.* There is hereby established an Affordable/Workforce Housing  
 298 Program Trust Fund. The trust fund will be a separate line item in the City's budget.  
 299
- 300 1. Payments required by the Affordable/Workforce Housing Program due to non-  
 301 compliance with restrictive covenants shall be paid into the trust fund.  
 302
- 303 2. Funds in the trust fund will be used to fund the financial incentives and the  
 304 affordability extensions under the Affordable/Workforce Housing Program.  
 305
- 306 3. At least once each fiscal period, the city manager shall present to the city  
 307 commission a report on funds held in the trust fund, including any accrued  
 308 interest, and any proposed use thereof. Monies, including any accrued interest,  
 309 not assigned in any fiscal period shall be retained in the trust fund until the next  
 310 fiscal period.  
 311
- 312 j) *In Lieu Payment Provision.* In some instances, projects including Density, Intensity  
 313 and/or Height Bonuses may not be appropriate for participation in the Program. In  
 314 these cases, the project may pay an in lieu of payment based on the following  
 315 provisions;
- 316 1. The fee shall be calculated on fifteen percent (15%) of the gross area of the  
 317 bonuses requested for the project.  
 318
- 319 2. The fee shall be a one-time payment of \$50 or 0.0625% of the area median  
 320 income, whichever is greater, per gross square foot.  
 321
- 322 3. Projects eligible for an in lieu of payment may include the following:  
 323 i. Single or multiple use projects that do not include a residential use;  
 324 ii. Mixed use projects that include residential and fewer than 25  
 325 residential units;  
 326 iii. Residential only projects that include fewer than 15 residential units;  
 327 iv. Any project that includes a residential use(s) and all of the dwelling  
 328 units are for sale, home ownership such as condominiums,  
 329 townhouses and/or single-family residences of which none are deed  
 330 restricted as affordable/workforce housing.  
 331
- 332 4. Fee payment shall be due prior to issuance of any building permits related  
 333 to the project.  
 334
- 335 k) *Exemptions.* Projects in specific locations are exempt from the requirements of  
 this section due to their maximum allowed density and/or to their allowed uses.  
 1. Individual residential dwelling units in the Single Family Residential (SF-R)  
 and Single Family/Two Family Residential (SF/TF) Zoning Districts unless

units are part of a project requesting additional densities under the provisions of one of the city’s incentive programs.

- 2. Projects within the Public (P), Public Recreation and Open Space (PROS), Beach and Casino (BAC), Conservation (C) and Industrial Park of Commerce (I-POC) Zoning Districts.

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

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

**Section 5:** 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 6:** 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 \_\_\_\_\_
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Mimi May
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_ day of \_\_\_\_\_, 2024.

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 \_\_\_\_\_
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Mimi May
- Commissioner Reinaldo Diaz

384           The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
385 \_\_\_\_\_, 2024.

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387

LAKE WORTH BEACH CITY COMMISSION

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

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ATTEST:

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

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DATE: March 27, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: April 3 & April 10, 2024

SUBJECT: **Ordinance 2024-06**: Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping items and minor changes for clarity.

---

**PROPOSAL / BACKGROUND/ ANALYSIS:**

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

- Article 1 – Section 23.1-12: Definitions
- Article 2 – Section 23.2-28: Administrative Adjustments/Administrative Use Permits
- Article 3 – Section 23.3-7: Single-Family Residential (SF-R)
- Article 3 – Section 23.3-8: Single-Family and Two-Family Residential (SF-TF 14)
- Article 3 – Section 23.3-10: Multi-Family Residential (MF-20)
- Article 3 – Section 23.3-11: Medium Density Multi-Family Residential (MF-30)
- Article 3 – Section 23.3-12: High Density Multi-Family Residential (MF-40)
- Article 3 – Section 23.3-13: Mixed Use – East (MU-E)
- Article 3 – Section 23.3-16: Mixed Use – Federal Highway (MU-FH)
- Article 4 – Section 23.4-3: Exterior Lighting
- Article 4 – Section 23.4-4: Fence, Walls, and Gates
- Article 4 – Section 23.4-16: Mechanical Systems/Equipment for existing residential structures
- Article 4 – Section 23.4-19: Outdoor Storage and Open-Air Operations
- Article 5 – Section 23.5-1: Signs
- Article 5 – Section 23.5-4: Historic Preservation

**Administrative Adjustments:** Expanding and clarifying the ability of the Development Review Officer (DRO) to establish the front yard and adjust fencing fronting public rights-of-way (ROW) in all residential zoning districts. Also, clarify the provision of administrative adjustment for existing structures.

**Pools on dual frontage properties:** Clarify the minimum setbacks for pools on properties with dual frontage.

**String Lights:** Adding definition for string lights and establishing timeframes in which holiday lights may be displayed.

**Residential Fences and Walls:** To allow four-foot fences or walls at the property line abutting the public right-of-way with no additional setback or landscape screening requirement.



**Outdoor Storage:** Adding and amending definitions of outdoor storage. Adding performance standards for outdoor storage in the mixed use and artisanal industrial zoning districts.

**Historic Preservation:** Amending 553.79(26), Florida Statutes, regarding demolition of noncontributing single-family structures in special flood hazard areas.

**Housekeeping Items:** Revising and definitions to better distinguish between Accessory Dwelling Units (ADU) and guest houses, removing inconsistencies related to minimum front yard landscaping area, further identifying location requirements for mechanical systems, clarifying height measurements for fencing and walls, and clarifying building lot coverage calculations.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-06.

**POTENTIAL MOTION:**

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2024-06.

**Attachments**

- A. Draft Ordinance 2024-06

1  
2  
3 **ORDINANCE 2024-06 - AN ORDINANCE OF THE CITY OF LAKE**  
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**  
5 **DEVELOPMENT REGULATIONS”, ARTICLE 1 “GENERAL**  
6 **PROVISIONS,” DIVISION 2 “DEFINITIONS”; SECTION 23.1-12 –**  
7 **DEFINITIONS; ARTICLE 2 ‘ADMINISTRATION,” DIVISION 3**  
8 **“PERMITS,” SECTION 23.2-28 ADMINISTRATIVE ADJUSTMENTS/**  
9 **ADMINISTRATIVE USE PERMITS; ARTICLE 3 “ZONING DISTRICTS,”**  
10 **DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-7 – SF-R -**  
11 **SINGLE-FAMILY RESIDENTIAL, SECTION 23.3-8 – SF-TF 14 - SINGLE-**  
12 **FAMILY AND TWO-FAMILY RESIDENTIAL, SECTION 23.3-10 – MF-20 -**  
13 **MULTI-FAMILY RESIDENTIAL, SECTION 23.3-11 – MF-30 – MEDIUM**  
14 **DENSITY MULTI-FAMILY RESIDENTIAL, AND SECTION 23.3-12 – MF-**  
15 **40 – HIGH DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3**  
16 **“ZONING DISTRICTS,” DIVISION 3, “MIXED USE DISTRICTS,”**  
17 **SECTION 23.3-13 – MU-E – MIXED USE EAST AND SECTION 23.3-16 –**  
18 **MU-FH – MIXED USE – FEDERAL HIGHWAY; ARTICLE 4**  
19 **“DEVELOPMENT STANDARDS,” SECTION 23.4-3 EXTERIOR**  
20 **LIGHTING, SECTION 23.4-4 FENCES, WALLS AND GATES, SECTION**  
21 **23.4-16 MECHANICAL SYSTEMS/EQUIPMENT FOR EXISTING**  
22 **RESIDENTIAL STRUCTURES, AND SECTION 23.4-19 OUTDOOR**  
23 **STORAGE AND OPEN-AIR OPERATIONS; ARTICLE 5**  
24 **“SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 SIGNS AND**  
25 **SECTION 23.5-4 HISTORIC PRESERVATION; AND PROVIDING FOR**  
26 **SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE**  
27 **DATE.**

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

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

40  
41 **WHEREAS**, the City wishes to amend Chapter 23, Article 1 “General Provisions,”  
42 Division 2 “Definitions,” Section 23.1-12 – Definitions to revise the definition for accessory  
43 dwelling unit, revise the definition for building lot coverage, revise the definition for fence,  
44 create a definition for guest house, revise the definition of outdoor storage, create a  
45 definition for outdoor storage – other, create a definition for structure lot coverage, revise  
46 the definition for mechanical systems/equipment, create a definition for string lights, and  
47 revise the definition for wall; and

48  
49 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,”  
50 Division 3 “Permits,” Section 23.2-28 – “Administrative adjustments/administrative use

51 permits” to expand the ability of the Development Review Official to establish the front  
52 yard and adjust fencing fronting public rights-of-way for structures in all residential zoning  
53 districts and to clarify the provision for an administrative adjustment for existing structures  
54 that exceed building lot coverage, impermeable lot coverage, or floor area ratio; and  
55

56 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,”  
57 Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential,”  
58 Section 23.3-8 “SF-TF 14 – Single-family and two family residential,” Section 23.3-10  
59 “MF-20 – Multifamily residential,” Section 23.3-11 “MF-30 – Medium density multi-family  
60 residential,” and Section 23.3-12 “MF-40 – High density multi-family residential,” and  
61 Chapter 23, Article 3 “Zoning Districts, Division 3 “Mixed Use Districts,” Section 23.3-13  
62 “MU-E – Mixed use east,” Section 23.3-16 “MU-FH – Mixed use – Federal Highway,” to  
63 create a consistent requirement for front yard landscaping; and  
64

65 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,”  
66 Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family residential,” to  
67 clarify the minimum setbacks for pools on properties with dual frontage; and  
68

69 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
70 Standards,” Section 23.4-3 – Exterior lighting to allow string lights and create timeframes  
71 in which holiday lights may be displayed; and  
72

73 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
74 Standards,” Section 23.4-4 – Fences, walls, and gates to allow four-foot-tall fencing and  
75 walls along property lines abutting public rights-of-way for residential uses; and  
76

77 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
78 Standards,” Section 23.4-16 – Mechanical systems/equipment for existing residential  
79 structures to prohibit mechanical equipment in the front setback; and  
80

81 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
82 Standards,” Section 23.4-19 – Outdoor storage and open-air operations to provide  
83 standards for outdoor storage in mixed-use and industrial zoning districts and remove  
84 redundant language regarding open-air operation; and  
85

86 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental  
87 Regulations,” Section 23.5-1 - Signs to remove a prohibition on string lights; and  
88

89 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental  
90 Regulations,” Section 23.5-4 – Historic Preservation to comply with section 553.79(26),  
91 Florida Statutes; and  
92

93 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning  
94 agency, considered the proposed amendments at a duly advertised public hearing; and  
95

96 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local  
97 planning agency, considered the proposed amendments at a duly advertised public  
98 hearing; and

99  
100           **WHEREAS**, the City Commission has reviewed the proposed amendments and  
101 has determined that it is in the best interest of the public health, safety, and general  
102 welfare of the City to adopt this ordinance.  
103

104           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
105 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**  
106

107           **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as  
108 being true and correct and are made a specific part of this ordinance as if set forth herein.  
109

110           **Section 2:** Chapter 23 “Land Development Regulations, Article 1 “General  
111 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by  
112 adding the words shown in underline type and deleting the words struck through as  
113 indicated in **Exhibit A**.  
114

115           **Section 3:** Chapter 23 Land Development Regulations, Article 2  
116 “Administration,” Division 3 “Permits,” Section 23.2-28 “Administrative  
117 adjustments/administrative use permits” is hereby amended by adding the words shown  
118 in underline type and deleting the words struck through as indicated in **Exhibit B**.  
119

120           **Section 4:** Chapter 23 Land Development Regulations, Article 3 “Zoning  
121 Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SF-R – Single-family  
122 residential” is hereby amended by adding the words shown in underline type and deleting  
123 the words struck through as indicated in **Exhibit C**.  
124

125           **Section 5:** Chapter 23 Land Development Regulations, Article 3 “Zoning  
126 Districts,” Division 2 “Residential Districts,” Section 23.3-8 “SF-TF 14 – Single-family and  
127 two-family residential” is hereby amended by deleting the words struck through as  
128 indicated in **Exhibit D**.  
129

130           **Section 6:** Chapter 23 Land Development Regulations, Article 3 “Zoning  
131 Districts,” Division 2 “Residential Districts,” Section 23.3-10 “MF-20 – Multi-family  
132 residential” is hereby amended by deleting the words struck through as indicated in  
133 **Exhibit E**.  
134

135           **Section 7:** Chapter 23 Land Development Regulations, Article 3 “Zoning  
136 Districts,” Division 2 “Residential Districts,” Section 23.3-11 “MF-30 – Medium density  
137 multi-family residential” is hereby amended by deleting the words struck through as  
138 indicated in **Exhibit F**.  
139

140           **Section 8:** Chapter 23 Land Development Regulations, Article 3 “Zoning  
141 Districts,” Division 2 “Residential Districts,” Section 23.3-12 “MF-40 – High density multi-  
142 family residential” is hereby amended by deleting the words struck through as indicated  
143 in **Exhibit G**.  
144

145           **Section 9:** Chapter 23 Land Development Regulations, Article 3 “Zoning  
146 Districts,” Division 3 “Mixed Use Districts,” Section 23.3-13 “MU-E – Mixed use east” is  
147 hereby amended by deleting the words struck through as indicated in **Exhibit H**.

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**Section 10:** Chapter 23 Land Development Regulations,” Article 3 “Zoning Districts,” Division 3 “Mixed Use Districts,” Section 23.3-16 “MU-FH – Mixed use – Federal Highway” is hereby amended by deleting the words struck through as indicated in **Exhibit I**.

**Section 11:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-3 “Exterior lighting” is hereby amended by adding the words shown in underline type as indicated in **Exhibit J**.

**Section 12:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-4 “Fences, walls and gates” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit K**.

**Section 13:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-16 “Mechanical systems/equipment for existing residential structures” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit L**.

**Section 14:** Chapter 23 Land Development Regulations, Article 4 “Development Standards,” Section 23.4-19 “Outdoor storage and open-air operations” is hereby amended by adding the words shown in underline type and deleting the words struck through as indicated in **Exhibit M**.

**Section 15:** Chapter 23 Land Development Regulations, Article 5 “Supplemental Regulations,” Section 23.5-1 “Signs” is hereby amended by deleting the words struck through as indicated in **Exhibit N**.

**Section 16:** Chapter 23 Land Development Regulations, Article 5 “Supplemental Regulations,” Section 23.5-4 “Historic Preservation” is hereby amended by adding the words shown in underline type as indicated in **Exhibit O**.

**Section 15:** 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 16:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 17:** 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.

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**Section 18: 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 \_\_\_\_\_
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Mimi May
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2024.

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 \_\_\_\_\_
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Mimi May
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

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

**EXHIBIT A**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 1, "General Provisions," Division 2, "Definitions"

**Sec. 23.1-12. – Definitions.**

\*\*\*

*Accessory dwelling unit (ADU):* also known as a "mother-in-law" or "granny" unit, is an additional living unit that has separate kitchen, sleeping and bathroom facilities, ~~attached or~~ detached from the primary residential unit on a single-family or two-family lot. ADUs provide housing opportunities through the use of surplus space ~~either in or~~ adjacent to a single-family or two-family dwelling. ~~In most cases they are either a garage conversion or a small backyard cottage or guest-house style structure.~~ Accessory dwelling units shall count toward overall floor area ratio (FAR) and lot coverage.

\*\*\*

*Building lot coverage:* The area of a lot covered by the impervious surface associated with the footprint(s) of all buildings and structures on a particular lot. Exceptions: Structured parking garages are exempt from building lot coverage calculations unless habitable space is provided above or on top of the structured parking, then that portion of the parking garage would be included in the calculation. The first two (2) feet of depth of an overhanging roof, decorative eyebrow, awning, or other substantially similar architectural feature shall not count towards building lot coverage calculations.

\*\*\*

*Fence:* A man-made barrier not comprised of masonry products or vegetation located out-of-doors. Fence height shall be measured based on the average height of the natural grade on either side of the fence. In locations where a fence serves as a required guard rail, it may not exceed forty-two (42) inches in height.

\*\*\*

*Guest house:* A small, detached accessory structure on the grounds of a larger single-family or two-family residence, used for accommodating guests of the owner/occupant of the principal dwelling unit. A guest house functions as an extension of and subordinate to a single-family or two-family residence. A guest house shall not be rented or used separately from the rental or use of the principal dwelling unit. A guest house shall not function as an Accessory Dwelling Unit (ADU).

\*\*\*

*Storage – Outdoor, Industrial:* The storage of construction material, mechanical equipment, and commercial vehicles used by building trades and services or associated with other permitted industrial uses. Outdoor storage is only allowed as accessory to a permitted principal use and shall be appropriately screened from adjacent properties and all rights-of-way.

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Storage – Outdoor, Other: The storage of mechanical equipment and commercial vehicles associated with permitted commercial uses. Outdoor storage is only allowed as accessory to a permitted principal use and shall be appropriately screened from adjacent properties and all rights-of-way.

\*\*\*

Structure lot coverage: See “building lot coverage.”

\*\*\*

Mechanical systems/equipment: Heating, ventilating, air conditioning, satellite dish antennae, electrical, air conditioner compressor, pool pump and plumbing systems and similar facilities which are visible from a public right-of-way on the exterior of any or on the roof, or on the grounds of, or on the exterior of any site, building or structure. Mechanical systems/equipment are not permitted to be located in the front setback of any property.

\*\*\*

String lights: Small electric lights spaced evenly along a cable and used for decoration. String lights, also called café lights, may be clear or white (warm or cool in tone) and those substantially similar.

\*\*\*

Wall: A manmade barrier comprised of masonry products located out-of-doors and not a part of an exterior side of a building. Wall height shall be measured based on the average height of the natural grade on either side of the wall. In locations where a wall serves as a required guard rail, it may not exceed forty-two (42) inches in height.



**EXHIBIT B**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Article 2, "Administration," Division 3, "Permits"*

**Sec. 23.2-28. – Administrative Adjustments/Administrative Use Permits.**

a) *Administrative adjustments.*

\*\*\*

1. All existing structures that exceed the development regulations for building lot coverage, impermeable lot coverage, or floor area ratio (F.A.R.) may be expanded by right no more than ten (10) percent of the existing overall square footage. The up to ten (10) percent expansion by right shall be granted only once; any additional ~~Expansions beyond the initial ten (10) percent~~ shall have to meet the established standards for the granting of a formal variance and be reviewed by the appropriate decision-making authority.
2. The development review official may administratively adjust Code provisions and regulations for establishing the front yard for all corner and multi-frontage lots, and to adjust setback, height, and location of fences fronting public rights-of-way to conform to the orientation of the structure in ~~the single-family residential (SF-R) and single-family and two-family residential (SF-TF 14)~~ all residential zoning districts.

**EXHIBIT C**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”

*Article 3, “Zoning Districts” Division 2, “Residential Districts”*

**Sec. 23.3-7. – SF-R – Single-Family Residential.**

\*\*\*

*c) Development regulations for uses permitted by right*

\*\*\*

*5. Maximum impermeable surface for entire lot.*

\*\*\*

D. Provided however that ~~the lesser of nine hundred (900) square feet or seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.~~

\*\*\*

*9. Location of Accessory buildings, pools, etc.*

A. Pools in the rear yard of a property with dual frontage shall have a minimum setback of 10 feet from the secondary front (rear) property line and shall be screened with fencing and/or landscape screening, subject to the regulations in LDR Sections 23.4-4 and 23.6-1.

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**EXHIBIT D**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 2, "Residential Districts"*

**Sec. 23.3-8. – SF-TF 14 – Single-Family and Two-Family Residential.**

\*\*\*

*c) Development regulations for uses permitted by right*

\*\*\*

*5. Maximum impermeable surface for entire lot.*

\*\*\*

C. Fifty (50) percent for lots seven thousand five hundred (7,500) square feet and greater. ~~Provided however that the lesser of nine hundred (900) square feet or seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.~~

D. Provided however that seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

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**EXHIBIT E**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”

*Article 3, “Zoning Districts” Division 2, “Residential Districts”*

**Sec. 23.3-10. – MF-20 – Multi-Family Residential.**

\*\*\*

*c) Development regulations for uses permitted by right*

\*\*\*

*5. Maximum impermeable surface for entire lot.*

\*\*\*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~  
seventy-five (75) percent of the front yard area shall remain pervious  
and be landscaped.

**EXHIBIT F**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 2, "Residential Districts"*

**Sec. 23.3-11. – MF-30 – Medium Density Multi-Family Residential.**

\*\*\*

c) *Development regulations for uses permitted by right*

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5. *Maximum impermeable surface for entire lot.*

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D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

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**EXHIBIT G**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 2, "Residential Districts"*

**Sec. 23.3-12. – MF-40 – High Density Multi-Family Residential.**

\*\*\*

*c) Development regulations for uses permitted by right*

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*5. Maximum impermeable surface for entire lot.*

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D. Provided however that ~~the lesser of nine hundred (900) square feet or~~  
seventy-five (75) percent of the front yard area shall remain pervious  
and be landscaped.

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**EXHIBIT H**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"*

**Sec. 23.3-13. – MU-E – Mixed Use East.**

\*\*\*

d) *Development regulations for nonresidential uses permitted by right*

\*\*\*

4. *Maximum impermeable surface for entire lot.*

\*\*\*

D. Provided however that ~~the lesser of nine hundred (900) square feet or~~ seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.

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**EXHIBIT I**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Article 3, "Zoning Districts" Division 3, "Mixed Use Districts"*

**Sec. 23.3-16. – MU-FH – Mixed Use – Federal Highway.**

\*\*\*

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

\*\*\*

4. *Maximum impermeable surface for nonresidential uses.*

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D. ~~Provided however that the lesser of nine hundred (900) square feet or seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.~~

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**EXHIBIT J**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

**Sec. 23.4-3. – Exterior lighting.**

\*\*\*

d) String lights.

1. Clear or white string lights (warm or cool in tone), and those substantially similar, shall be permitted in all zoning districts throughout the City.

2. Colored or themed holiday lights may be used for periods of sixty (60) days at a time – thirty (30) days prior to and thirty (30) days following the subject holiday. The City Commission shall designate the subject holidays by Resolution on an annual basis.

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EXHIBIT K

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-4. – Fences, Walls and Gates

\*\*\*

d) *Single-family and two-family residential uses.*

1. *Height limitations.*

\*\*\*

D. Along side and rear property lines adjacent to roadways (except alleys) a fence or wall placed at the property line shall have a maximum height of four (4) feet. Fencing over four feet in height, up to a shall have a maximum height of six (6) feet, and must be set back a minimum of thirty (30) inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches (see definitions). Walls along side and rear property lines adjacent to roadways (except alleys) over four feet in height, up to a shall have a maximum height of six (6) feet, and must be set back a minimum of five (5) feet from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches. (See definitions.)

\*\*\*

e) *Multi-family residential uses.*

1. *Height limitations.*

\*\*\*

C. Along side and rear property lines adjacent to roadways (except alleys) a fence or wall placed at the property line shall have a maximum height of four (4) feet. Fencing over four feet in height, up to a shall have a maximum height of six (6) feet, and must be set back a minimum of thirty (30) inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches (see definitions). Walls along side and rear property lines adjacent to roadways (except alleys) over four feet in height, up to a shall have a maximum height of six (6) feet, and must be set back a minimum of five (5) feet from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches. (See definitions.)

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**EXHIBIT L**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

**Sec. 23.4-16. – Mechanical Systems/Equipment for Existing Residential Structures**

- a) For existing residential structures, placement of mechanical equipment shall be allowed in the rear or side setback and/or between the main structure and a public street if there is insufficient space to locate the equipment outside of the setbacks. Equipment located in the rear or side setback must meet requirements of the landscape code and the equipment must be screened from view of the right-of-way. In addition, product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line. Mechanical systems/equipment are not permitted to be located in the front setback of any property.

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EXHIBIT M

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-19. – Outdoor Storage and Open-Air Operations.

A. Outdoor storage.

\*\*\*

b) Outdoor storage in mixed-use districts and Artisanal Industrial. Outdoor storage in mixed-use districts and the Artisanal Industrial (AI) district 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. Screening shall require both fencing and landscaping. Outdoor storage of chemicals or parts is prohibited in mixed-use districts and the AI district.

b c) Outdoor storage industrial in I-POC. 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 surfaces to reduce pollutants in stormwater runoff.

B. ~~Open air operations.~~

~~a) The following shall be allowed to be displayed only in front of the business to which the items belong:~~

- ~~1. Up to three (3) items, which must be new or in excellent condition.~~
- ~~2. Flowers or foliage maintained per City Code.~~
- ~~3. Used and new clothing stores may display one (1) freestanding vertical clothing pole with a maximum of three (3) items of clothing.~~
- ~~4. One (1) Propone tank display case if less than ten (10) percent of the bay or building width that the associated business occupies and if completely screened from abutting properties and rights-of-way.~~
- ~~5. No item can obstruct entry or exit from any store or property or in any other way be hazardous to pedestrians or motorists. All items must be placed entirely on private property and may not be located in required parking areas or landscaped areas.~~
- ~~6. No item may impede pedestrian access to the public sidewalk and/or restrict ADA accessibility.~~
- ~~7. One (1) sandwich board meeting the requirements of the city's sign code may be displayed in front of businesses facing a city major thoroughfare and cannot impede pedestrian access or ADA accessibility.~~

- 919            ~~b) The following shall be allowed by first obtaining an administrative use permit on~~  
920            ~~behalf of each individual business for a sales event no more than four (4) times~~  
921            ~~a year for a duration of no more than three (3) days:~~
- 922            ~~1. Art or craft demonstrations.~~
  - 923            ~~2. Outdoor sales of items.~~
  - 924            ~~3. Guest art or craft or artist related items.~~
- 925            ~~c) The following items shall not be displayed outside of any store or business at~~  
926            ~~any time:~~
- 927            ~~1. Upholstered furniture or bedding.~~
  - 928            ~~2. Electrical appliances.~~
  - 929            ~~3. Horizontal racks of clothing.~~
  - 930            ~~4. Vehicles (except in authorized and licensed lots) or parts thereof.~~
  - 931            ~~5. Any items which are in disrepair, rusty, mold or mildew damaged, soiled~~  
932            ~~or sandy, any item having chipped or peeling paint, any item having~~  
933            ~~protruding bolts or nails.~~
- 934            ~~d) The appropriate regulatory advisory board shall review and make~~  
935            ~~recommendations to the appropriateness of granting a variance from the open-~~  
936            ~~air operations rules.~~
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**EXHIBIT N**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

**Sec. 23.5-1. – Signs.**

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g) *Prohibited signs.*

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~~18. String of light bulbs, except as provided in subsection e), above.~~

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**EXHIBIT O**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 “SUPPLEMENTAL REGULATIONS”

**Sec. 23.5-4. – Historic Preservation.**

\*\*\*

m) *Exceptions to certificates of appropriateness.*

\*\*\*

7. Demolition of non-contributing single-family residential structures in special flood hazard areas. In compliance with F.S. 553.79(26), a COA shall not be required for demolition of non-contributing single-family residential structures located in a coastal high-hazard area, moderate flood zone, or special flood hazard area if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Florida Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher. If a demolition permit is requested under this section, the HRPB shall be notified and given an opportunity to comment.



DATE: March 27, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: April 3 & April 10, 2024

SUBJECT: **Ordinance 2024-07**: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-25 “Micro-units” to provide minor changes to the development standards for Micro-Units.

---

**PROPOSAL / BACKGROUND/ ANALYSIS:**

The proposed amendment would improve interest and use of the program per feedback from potential investors and developers.

The proposed ordinance would amend the recently adopted new section of the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 4, Section 23.4-25 – Micro-Units

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-07.

**POTENTIAL MOTION:**

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendment included in Ordinance 2024-07.

**Attachments**

- A. Draft Ordinance 2024-07



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2  
3       **ORDINANCE 2022-13 - AN ORDINANCE OF THE CITY OF LAKE**  
4       **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**  
5       **DEVELOPMENT REGULATIONS,” ARTICLE 4 “DEVELOPMENT**  
6       **STANDARDS,” SECTION 23.4-25 “MICRO-UNITS,” AND PROVIDING**  
7       **FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN**  
8       **EFFECTIVE DATE**  
9

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

17       **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing  
18 body of each municipality in the state has the power to enact legislation concerning any  
19 subject matter upon which the state legislature may act, except when expressly prohibited  
20 by law; and  
21

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

26       **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted  
27 municipality having such power and authority conferred upon it by the Florida Constitution  
28 and Chapter 166, Florida Statutes; and  
29

30       **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning  
31 agency, considered the proposed amendments at a duly advertised public hearing; and  
32

33       **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local  
34 planning agency, considered the proposed amendments at a duly advertised public  
35 hearing; and  
36

37       **WHEREAS**, the City Commission finds and declares that the adoption of this  
38 ordinance is appropriate, and in the best interest of the health, safety and welfare of the  
39 City, its residents and visitors.  
40

41       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
42 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**  
43

44       **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as  
45 being true and correct and are made a specific part of this ordinance as if set forth herein.  
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47  
48       **Section 2:** Chapter 23 “Land Development Regulations,” Article 4  
49 “Development Standards,” Section 23.4-25 “Micro-units” is hereby amended to read as  
50 follows:

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**Sec. 23.4-25. – Micro-units.**

- a) *Project size.* All micro-unit projects must provide a minimum of 20 micro-units.
- b) *Micro-Unit Use Restriction.* Micro-units must be residential and may not be converted to other uses. Each micro-unit must be separately metered for electric.
- c) *Personal service, retail or commercial space.* All micro-unit projects shall be designed as mixed use projects providing personal service, retail and/or commercial areas, including the required parking as set forth in this section and shall be allowed only within the City’s mixed use zoning districts. The aforementioned listed uses other than residential should account for at least 10 15% of the gross area of the project or 2,500 sq ft, whichever is less. Live work space, co work space or general office space may not count toward the required area for 15% of non-residential uses.
- d) *Residential Building Type.* All micro-unit projects must be in a multi-family structure or collection of multi-family structures. Individual micro-units may not be combined to facilitate larger individual units.
- e) *Interior shared common areas.* Interior shared common areas supporting micro-units must equate to 10% of the gross living area of all residential units within the project. Such supporting common areas shall include but not be limited to the following:
  - 1. Reading Room,
  - 2. Gym/Exercise Facilities,
  - 3. Virtual Office Space,
  - 4. Party/Community Room,
  - 5. Game Room,
  - 6. Library,
  - 7. Movie Theatre,
  - 8. Gourmet Kitchen,
  - 9. Art Labs,
  - 10. Other similarly situated common usage areas, and
  - 11. Essential support areas such as lobbies, hallways, egress routes, stairs, concierge areas, staff offices, maintenance areas and required restroom facilities or similar shall not count toward shared interior common areas.
- f) *Parking.* Parking may be a combination of the following:
  - 1. One (1) parking space or equivalent for each micro unit;
  - 2. 50% or more of the required spaces shall be standard parking spaces;
  - 3. Up to 25% of the parking spaces may be compact spaces (8’-0” x 18’-0”);
  - 4. Up to 25% of the parking spaces may be met with bicycle, scooter or motorcycle storage. Four (4) bicycle storage spaces shall equal one (1) parking space; two (2) scooter storage spaces shall equal one (1) parking space; and two (2) motorcycle storage spaces shall equal one (1) parking space; and
  - 5. Required guest and employee parking may be met with the same parking space combination ratio. Guest and employee parking shall be no less than one (1) space

98 for every 100 sq. ft. of common area, public area, support area and offices,  
99 excluding required hallways, egress routes and stairs.  
100 6. The mixed-use parking reduction of 25% shall not apply.

101  
102 g) *Outdoor amenity.* All micro-unit projects shall provide for an outdoor amenity that is  
103 above and beyond the required interior shared common area. Outdoor amenity space  
104 shall be no less than 5% of the gross area of all residential units and may not count  
105 toward the required interior shared common area.

106  
107 **Section 3: Severability.** If any section, subsection, sentence, clause, phrase or  
108 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of  
109 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
110 independent provision, and such holding shall not affect the validity of the remaining  
111 portions thereof.

112  
113 **Section 4: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in  
114 conflict herewith are hereby repealed to the extent of such conflict.

115  
116 **Section 5: Codification.** The sections of the ordinance may be made a part of  
117 the City Code of Laws and ordinances and may be re-numbered or re-lettered to  
118 accomplish such, and the word "ordinance" may be changed to "section", "division", or  
119 any other appropriate word.

120  
121 **Section 6: Effective Date.** This ordinance shall become effective 10 days after  
122 passage.

123  
124 The passage of this ordinance on first reading was moved by  
125 \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a  
126 vote, the vote was as follows:

- 127  
128 Mayor \_\_\_\_\_  
129 Vice Mayor Christopher McVoy  
130 Commissioner Sarah Malega  
131 Commissioner Mimi May  
132 Commissioner Reinaldo Diaz

133  
134 The Mayor thereupon declared this ordinance duly passed on first reading on the  
135 \_\_\_ day of \_\_\_\_\_, 2024.

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

- 141  
142 Mayor \_\_\_\_\_  
143 Vice Mayor Christopher McVoy  
144 Commissioner Sarah Malega  
145 Commissioner Mimi May  
146 Commissioner Reinaldo Diaz

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The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

ATTEST:

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