



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 24, 2023 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [May 3, 2023 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Ordinance 2023-11- Rezone to TOD-East](#)
- 2) [Ordinance 2023-10 - Property Rights Element -Comp Plan](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

- A. PZB Project Number 23-00600002:** [Consideration of a distance waiver to allow a Type I community residence with six \(6\) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand \(1,000\) feet of another community residence with six \(6\) or fewer residents. The subject site is zoned Single-Family Residential \(SF-R\) and has a future land use designation of Single Family Residential \(SFR\).](#)

NEW BUSINESS:

- A. Ordinance 2023-11 (PZB 23-02900001):** [City-initiated Zoning Map amendment requesting a corrective rezoning to Transit Oriented Development TOD-E for consistency with the City's Future Land Use Map for the parcels located east of I-95, south of 2nd Avenue North, west of North A Street, and north of Lake Worth Road.](#)
- B. Ordinance 2023-10:** [Consideration of an ordinance amending the City's Comprehensive Plan to adopt a new property rights element as required by F.S. 163.3177\(6\)\(i.\).](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 03, 2023 -- 6:00 PM**

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

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Deletion of New Business Item C. Applicant withdrew the application.

APPROVAL OF MINUTES:

A. April 5, 2023 Meeting Minutes

Motion: E. Urcuyo moves to approve the April 5, 2023 minutes as presented; D. Walesky 2nd.

Vote: Ayes all, unanimous

CASES:

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered oath of testimony to those applicants wishing to speak.

PROOF OF PUBLICATION – provided in the meeting packet.

- 1) 1327 Central Terrace
1974 Lake Worth Rd
1734 12th Avenue North
Ordinance 2023.06

WITHDRAWALS / POSTPONEMENTS -Item C New Business has been withdrawn by the applicant.

PUBLIC HEARINGS:

BOARD DISCLOSURE- None

NEW BUSINESS:

- A. PZB Project Number 23-00600002:** Consideration of a distance waiver to allow a Type I community residence with six (6) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand (1,000) feet of another community residence with six (6) or fewer

residents. The subject site is zoned Single-Family Residential (SF-R) and has a future land use designation of Single Family Residential (SFR).

Staff: S. Rodriguez presents case findings and analysis. Separation distance is located ± 930 linear feet from the nearest community residence, as such this is the reason for the waiver.

Board: Discussion regarding measurement points. **Staff response:** The measurement methodology is in the Statute. Discussion regarding the timing sequence of existing Community Residence vs this application. **Staff response:** In 2017 the applicant requested a signoff for ACHA licensing to allow the community residence. At that time they did not apply for a business license nor receive licensing by AHCA. The lapse allowed another residence to become established at within the 1,000 foot radius.

Public Comment: Patricia Pineda- 1722 12th Ave N- driving too fast; children in the neighborhood; Miguel (spouse) states there is weird activity. Random cars day and night at the house, scent of weed, speeding. Family oriented street.

2 additional comments provided to the Board members- neither were in favor of approval of the waiver and referred to the single-family character of the neighborhood.

Board: Question of why the applicant is not present. **Staff:** Applicant was expected.

Board: Question of what type of business is a Type I Community Residence. **Staff Response:** Statutory regulation for ADA protected classes of persons (i.e. Elderly, Disabled); Type I is supportive housing, Assisted Living, but not rehabilitation. A goal could be for re-integration of persons back into the fabric of a regular family neighborhood. Question about whether AHCA, upon renewal, performs a inspection of the premises.

Board: Would prefer to have the applicant present to respond to remaining questions. Board members have concerns since hearing negative public comments and that they may be already in operation without City licensing according to neighbor testimony.

Staff: Although Board cannot select which category of ADA protected class they wish to approve, they may take into consideration the public comments that they may already be operational and not operating in a manner consistent with a Single Family residential character.

Motion: E. Urcuyo moves to continue to May 24, 2023 meeting; D. Walesky 2nd.

Vote: 3/1 in favor of continuance, M. Humm dissenting. Motion carries.

B. PZB Project Number 23-00500002: Major Site Plan, Conditional Use Permit, and Variance requests for the establishment of a 100-foot high monopole tower at 1327 Central Terrace. The subject site is zoned Mixed Use- Dixie (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: S. Rodriguez presents case findings and analysis. The request is found to be in compliance with the City of Lake Worth Beach Land Development Regulations (LDR's), Strategic Plan, and Comprehensive Plan, staff is recommending approval of the request with Conditions.

Applicant: Michael Hahn- Hahn Tower Inc.- The tower has been on the scope of carriers for over eight (8) years, just difficult to find a willing landowner at the correct location. Various other locations in the City were evaluated for suitability. It will cover many people and is at the best location to do so. The height is 96 feet with a 4-foot lightning rod to bring the total height to 100 feet. Improvements to the site are also planned. The carriers will co-locate at 10-foot increments on the tower, this is the reason for the 96-foot tower. Dish, AT&T, Verizon and T-Mobile are some of the tenant carriers.

Staff: Concerns of radio emissions are governed by the Telecommunications Act and pre-empts local law.

Public Comment: Christine Kowalski of 208 14th Ave N. made emailed comment and was not in favor of any approval. Upon her request Staff provided the paperwork to register as an affected party, however no response was received.

Motion: E. Urcuyo moves to approve PZB 23-00500002 with Conditions based upon competent, substantial evidence provided in the staff report and in the testimony at the public hearing; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

WITHDRAWN

C. PZB Project Number 23-00600001: Consideration of a distance waiver to allow a pinball and/or game room to be located at 1974 Lake Worth Road within nine hundred (900) feet from the nearest boundary of a parcel of real estate having situated upon it a school, church, library, public park, playground or recreation facility or another pinball and/or game room. The property is zoned Mixed Use – West (MU-W) and has a future land use designation of Transit Oriented Development (TOD).

D. Ordinance 2023-06: Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping and minor changes for clarity, to provide for a reduction in the side setback requirements to 5 feet for accessory structures and pools on all lot sizes, to provide for new standards for street walls, and to expand and clarify the waiver provisions.

Staff: E. Lenihan reads the Ordinance by Title. E. Sita explains this is a typical “clean up” Ordinance. Repetitive, similar requests leads staff to examine the LDR’s and if the need for an amendment exists. A brief synopsis of the changes are as follows:

Reduced Side setbacks according to lot size; defining of pawn shops; street wall definition and regulations for redevelopment of non-conforming properties; changeable message signage; waiver process clarification and expansion of limited, specific Land Development Regulations; definition revisions to lodging types; driveway material options for certain zoning districts; inconsistencies with maximum secondary (accessory) dwelling unit size and minimum setback requirements for mechanical systems of existing residential structures.

Board: Discussion of waiver process and secondary accessory dwelling unit.

Motion: E. LeBlanc moves to recommend adoption of the Ordinance 2023-06 to the City Commission with the striking of Exhibit I b.3.(a) that portion of line 707 beginning at, **“for the purpose... and ending with accommodation for accessibility”** on line 708; D. Walesky 2nd.

Vote: Ayes all, unanimous

PLANNING ISSUES: Staff advised Board of the upcoming agendas which may include up to nine items and may require an additional meeting to accommodate those items in a timely fashion. The May 24 meeting will include the Property Rights Element adoption into the Comprehensive Plan.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:14 PM

Legal Notice No. 42075

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning & Zoning Board will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **March 24, 2023 at 6:00 pm** or soon thereafter to consider the Ordinance 2023-11

PLEASE TAKE NOTICE that the City of Lake Worth Beach's City Commission will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **June 6th, 2023 at 6:00 pm** or soon thereafter to consider the Ordinance 2023-11 on first reading.

Ordinance 2023-11: A request by the City of Lake Worth Beach for consideration of a City-initiated Zoning Map amendment (Ordinance 2023-11) for consistency with the Future Land Designation (Transit Oriented Development - TOD) of the properties located south of 2nd Avenue South, east of I-95, north of Lake Worth Road and west of N. A Street. The request is to rezone the subject properties from MF-20—Multi-family Residential (20) to TOD-E—Transit Oriented Development - East.

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>.



The agenda and back-up materials are available: <https://lakeworthbeachfl.gov/government/commission-agendas-and-minutes/>.

Public comment will be accommodated both in person and through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1662. Written responses or comments can be sent to the City Clerk's office at 7 N Dixie Highway, Lake Worth Beach, FL 33460 and must arrive before the hearing date to be included in the formal record. Please email written comments to cityclerk@lakeworthbeachfl.gov.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the first reading of the City Commission. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. **Affected parties shall submit the evidence they wish the City Commission to consider a minimum of one (1) full business day prior to the date of the meeting. Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff pzoning@lakeworthbeachfl.gov or cityclerk@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 561-586-1662 or email cityclerk@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.

LEGAL NOTICE

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) and the Historic Resources Preservation Board (HRPB) will conduct meetings at 7 N Dixie Highway, Lake Worth Beach acting as the City's Local Planning Agency to consider a Comprehensive Plan text amendment (Ordinance 2023-10) to create a new required element for the Comprehensive Plan. The PZB will meet on May 24, 2023 at 6:00pm or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on May 10, 2023 at 6:00pm or soon thereafter to consider the following ordinance:

Ordinance 2023-10 - AN ORDINANCE NO. 2023-10 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN, ADDING A NEW PROPERTY RIGHTS ELEMENT AS REQUIRED BY F.S. 163.3177(6)(i); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City Commission meeting to consider the transmittal of the Ordinance 2023-10 to the Florida Department of Economic Opportunity is scheduled for June 6, 2023 at 7 N Dixie Highway, Lake Worth Beach.

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/advisory-board-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 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. 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 no later than five (5) days before the hearing if assistance is required.

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00600002: Consideration of a distance waiver to allow a Type I community residence with six (6) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand (1,000) feet of another community residence with six (6) or fewer residents. The subject site is zoned Single-Family Residential (SF-R) and has a future land use designation of Single Family Residential (SFR).

Meeting Date: May 24, 2023

Property Owner/Applicant: Iliodette Mezius/YLO Home Care

Address: 1734 12th Avenue North

PCNs: 38-43-44-21-03-000-0410

Size: .18-acre lot / ±1,544 square feet of existing structure

General Location: West of North A Street between 12th Court North and 12th Avenue North

Existing Land Use: Single-Family

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

Zoning District: Single-Family Residential (SFR)

Location Map



RECOMMENDATION

Staff has reviewed the documentation and materials provided, and recommends that the Planning and Zoning Board reviews this information to determine if the proposed distance waiver meets the criteria of the Comprehensive Plan and LDRs. The subject site is within the 1,000-foot distance requirement by approximately 70 feet (±930 feet).

PROJECT DESCRIPTION

The applicant, Iliodette Mezius of YLO Home Care, is requesting a community residence distance waiver to allow a Type I community residence with six (6) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand (1,000) feet of another community residence with six (6) or fewer residents. The subject property is located ± 930 feet from the closest community residence. The lot currently has a $\pm 1,544$ square-foot residence. The subject site is surrounded by single-family zoned properties to the north, east, south, and west. There are no specified review criteria for granting this waiver.

COMMUNITY OUTREACH

Staff has not received letters of support or opposition from adjacent or nearby neighbors.

BACKGROUND

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

Use/Construction: The existing $\pm 1,544$ square-foot single-family home was built in 1955.

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

Chronology:

- 2017: Florida Agency for Health Care Administration (AHCA) sign-off from the City is requested by the applicant. Subsequently, a Community Residence Type I use approval or business license was not formally requested to the City. The Community Residence was never established and licensed by AHCA.
- 2019:
 - A zoning verification letter is issued on July 9, 2019 which indicates a Community Residence Type 1 is not permitted at the subject location due to its proximity to another Community Residence Type 1. The project manager/contact person on the application is Iliodette Mezius (property owner).
 - A Fire alarm permit (19-3458) is applied for on September 12, 2019 and issued on October 7, 2019.
 - A Commercial fire sprinkler permit (19-4403) if applied for on November 26, 2019 and issued on December 30, 2020.
- 2023:
 - The applicant requested a pre-application meeting to obtain a use approval and business license for a Community Residence Type I. The applicant was informed that an existing Community Residence Type I was existing within the 1,000-foot separation distance per Florida Statute §419.001 and staff could not approve the request.
 - The applicant requested a meeting to discuss the Community Residence Waiver option and staff provided applicable information per LDR Section 23.2-27, Community residence waiver.
 - The applicant applied for a Community Residence Waiver.
 - At the May 3, 2023, Planning and Zoning Board meeting, the item was continued since the property owner/applicant did not attend.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Single-Family Residential (SFR). Per Policy 1.1.1.2, the Single-Family Residential category is intended primarily to permit development of single-family structures. Single-family

structures are designed for occupancy by one family or household. Zoning regulations shall protect single-family residential development from the encroachment of incompatible land uses. At the same time, provisions may be made for a limited number of nonresidential uses for the convenience of residents. These nonresidential uses shall be compatible by reason of their nature and limited frequency of occurrence with an overall single-family residential character. The City's Land Development Regulations (LDR) provide for compatible nonresidential uses either through additional review processes such as development standards, supplementary standards, administrative and conditional use permits. Therefore, the consistency analysis of the proposed distance waiver is located in the next section as the LDR guide the concentration of this use based on the Florida Statutes and the Federal Fair Housing Act. Allowing for a diversity of housing types, including community residences, is supportive of Pillar II of the City's Strategic Plan - Strengthening Lake Worth Beach as a 'Community of Neighborhoods.' However, the distance requirements in the LDR and Florida Statutes are important protections for all residents of these districts. A more detailed analysis of the proposed waiver is provided in the section below.

Consistency with the City's Land Development Regulations

Single-Family Residential (SF-R): The "SF-R single-family residential district" is intended primarily to permit development of one (1) single-family structure per lot. The "SF-R single-family residential district" implements the "single-family residential" land use category of the Lake Worth Comprehensive Plan. Provisions are made in the district for a limited number of nonresidential uses for the convenience of residents, and for compliance with Florida Statutes, and the Federal Fair Housing Act. These nonresidential uses, including community residences, are compatible by reason of their nature and the limited frequency of occurrence within an overall single-family residential character. Additionally, separation distances are beneficial to residents of both single-family homes and community residences. A 2020 Palm Beach County report summarized the therapeutic and legal origin of separation distances in local laws and in the Florida Statutes as a concentration of these uses can "create a de facto social service district," which "can seriously hinder their [community residences] ability to achieve normalization for their residents — one of the core foundations on which the concept of community residences is based." (Lauber, 2020)

Analysis: Per LDR Section 23.3-6, Use Tables, a Type I Community Residence with six (6) or fewer residents is permitted by right in the SF-R zoning district as a principal use. A Type I Community Residence is also subject to the regulations and standards set forth in LDR Section 23.3-7 (Development Standards) that are based on Florida Statutes. The proposed use will be located within the existing ±1,544 square foot structure which is currently a single-family home. The use will be utilized as an Adult Family Care Home with six (6) or fewer residents including the property owner.

Florida Statute § 419.001 requires that community residences shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes are not located within a radius of 1,000 feet of another existing such home with six or fewer residents. An existing Type I Community Residence (Hibiscus Palace Assisted Living Facility) is located at 1755 14th Avenue North. The Hibiscus Palace Assisted Living Facility is within 1,000 feet of the proposed YLO Home Care. Per LDR Section 23.2-27, "*An applicant for a permit for a community residence may request that the planning and zoning board or the historic resources preservation board, as applicable, grant it a waiver from the distance requirements of these LDRs.*" The applicant is seeking a community residence distance waiver as an existing Type I Community Residence is within the 1,000-foot separation buffer. If granted the distance waiver, the applicant will be required to maintain the number of residents at six (6) or fewer.

CONCLUSION AND CONDITIONS

Staff recommends that the PZB discuss the applicant's request for a distance waiver. Further, the board should determine that the proposed community residence would not negatively impact the character of the single-family district, and is functionally separated in a manner consistent with the purpose of the zoning district and statutory separation distance requirements. If the PZB approves the community residence waiver, staff has provided the following conditions of approval:

1. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the Type I Community Residence with six (6) or fewer residents.
2. This distance waiver shall be null and void if the Community Residence operates with 7 or more residents.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600002 of the Community Distance Waiver for the YLO Home Care located at 1734 12th Avenue North.

I MOVE TO NOT RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600002 of the Community Distance Waiver for the YLO Home Care located at 1734 12th Avenue North is not consistent for the following reasons. [Board member please state reasons.]

Consequent Action: *The Planning and Zoning Board's decision will be the final decision for the Community Distance Waiver. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Application Package

Source: Daniel Lauber, Zoning Analysis and Framework for Community Residences for People With Disabilities and for Recovery Communities in Palm Beach County, Florida (River Forest, IL: Planning/Communications, July 2020)

https://discover.pbcgov.org/pzb/zoning/AdminNewsReleases/Community_Residential_Housing.pdf

PLANNING AND ZONING BOARD REPORT

Ordinance 2023-11 (PZB 23-02900001): City-initiated Zoning Map amendment requesting a corrective rezoning to Transit Oriented Development TOD-E for consistency with the City's Future Land Use Map for the parcels located south of 2nd Avenue South, east of I-95, north of Lake Worth Road and west of North A Street.

Transmittal Date: May 18, 2023

Meeting Date: May 24, 2023

Size: +/- 8.96 acres

General Location: South of 2nd Avenue South, east of I-95, north of Lake Worth Road and west of North A Street

Existing Land Use: Office (1.1 acres); Multi-family residential (6.45 acres); single-family (0.5 acres) and vacant/parking lot (0.91 acres)

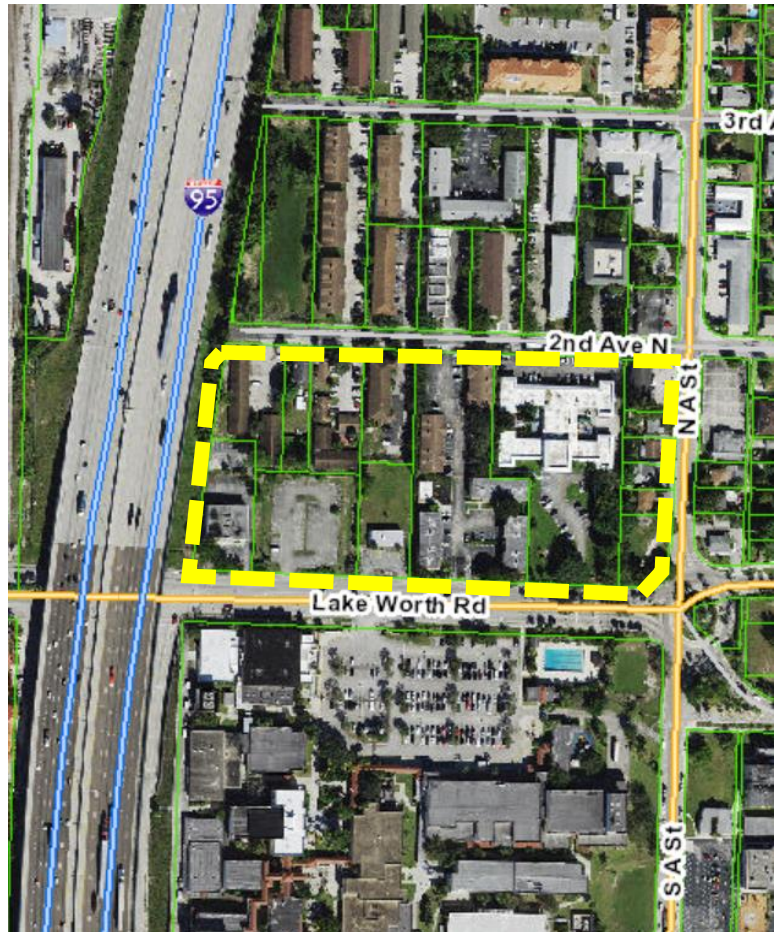
Future Land Use Designation: Transit Oriented Development (TOD)

Current Zoning District: Multi-family Residential 20 (MF-20)

Proposed Zoning District: Transit Oriented Development (TOD-E)

Addresses: 1776 Lake Worth Rd, 1760 Lake Worth Rd, 1744 Lake Worth Rd, 1736 Lake Worth Rd, 1710 Lake Worth Rd, 1702 Lake Worth Rd, 115 N A St, 119 N A St, 125 N A St, 127 N A St, 129 N A St, 1743 2nd Ave N, 1753 2nd Ave N, 1757 2nd Ave N, & 1761 2nd Ave N 1

Location Map



RECOMMENDATION

The proposed rezoning (Ordinance 2023-11) is consistent with the Comprehensive Plan, Strategic Plan, and the guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs). Therefore, staff recommends that the Planning and Zoning Board recommends approval to the City Commission for the proposed rezoning request.

PROJECT DESCRIPTION

The proposed City-initiated rezoning request would amend the zoning district on the subject properties from Multi-Family Residential (MF-20) to Transit Oriented Development (TOD-E). The proposed map amendments would be consistent with the current Future Land Use designation of Transit Oriented Development (TOD), and better reflect the historic mix of uses of the properties in this area. The rezoning is supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the respective Comprehensive Plan and Strategic Plan Analysis sections of this report.

The data and analysis section of this staff report for the concurrent Zoning Map amendment analyzes the proposed request for consistency with the City's Comprehensive Plan, Strategic Plan, and LDR Section 23.2-36(3) - Review Criteria for the rezoning of land.

COMMUNITY OUTREACH

Notification letters were sent out to the property owners of the properties included in the proposed rezoning on May 5, 2023. In addition, letters were sent out to all property owners within 400ft of the subject rezoning on May 10, 2023, and signs were posted along the perimeter of the rezoning area. Staff has not received letters of support or opposition for these applications from the subject property owners or the public.

BACKGROUND

The proposed Zoning Map amendment includes 15 parcels with a total acreage of approximately 8.96 acres. Multiple properties in the subject area are currently non-conforming with regard to use and density. For example, office uses are not permitted in the MF-20- zoning district, and there are two existing non-conforming office building in this area. These office buildings would no longer be non-conforming if this rezoning was adopted. Further, approximately 4.63-acres of the 8.936-acre amendment area have existing multi-family residential development that exceeds the maximum density under the MF-20 zoning district. This amendment would correct these non-conformities.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject property currently has a Future Land Use (FLU) designation of Multi-family Residential 20 (MF-20). Per **Comprehensive Plan Future Land Use Element Policy 1.1.1.8**, the Transit Oriented Development designation is established "to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The maximum density of permitted residential development is 60 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts." While the TOD designation has a broad range of implementing zoning districts, the historic uses in the amendment are non-conforming with the existing MF-20 residential zoning district. The intention is to change the zoning district of the properties from MF-20 to TOD-E to better reflect the existing use of the properties, and would increase the infill potential of the area with workforce housing.

Additionally, the proposed changes to the properties' zoning district are consistent with **Future Land Use Element Policy 1.1.2.10 (Locational Criteria for the Transit Oriented Development Designation)** as these properties are specifically identified in the policy as the intended location for the TOD-E district. **Future Land Use Element Goal 1.2 & Objective 1.2.2, which states:** "The City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed use, high density residential and transit-oriented development (TOD) areas." Approval of the rezoning request would allow for additional housing units to be constructed within walking distance of a bus stop (Route 61) and the Lake Worth Road Tri-Rail station. The subject area is also across the street from Lake Worth High School and could be a potential location for the future development of housing options for teachers.

The City's Strategic Plan sets goals and ideals for the City's future vision and lays out methods to achieve them. Pillar Two, Section B seeks to "Diversify housing options". Approval of the rezoning will allow infill with greater density, including the possibility of workforce housing. Pillar Four, Section D aims to "Influence the supply and expansion of jobs". The current zoning (MF-20) has limited opportunity for commercial uses. The rezoning to TOD-E will allow a greater mix of uses with the possibility of job creation, which is consistent with Pillar 4, Section A "Achieve economic and financial sustainability through a versatile and stable tax base. Therefore, it is staff's analysis that the proposed rezoning is consistent with the City's Strategic Plan.

Consistency with the City's Land Development Regulations

Rezoning of the subject sites would better reflect the current mix of uses in the amendment area and would also likely create new infill opportunities for housing and non-residential uses. Staff's full analysis of the rezoning review criteria is provided below. The analysis demonstrates that the proposed rezoning complies with the review criteria and that the required findings can be made in support of the rezoning.

Section 23.2-36(3): Review Criteria for the Rezoning of Land

The Department of Community Sustainability is tasked in the Code to review rezoning applications for consistency with the findings for granting rezoning applications in LDR Section 23.2-36 and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

At the hearing on the application, the Planning and Zoning Board shall consider the rezoning request, the staff report including recommendations of staff, and shall receive testimony and information from the petitioner, the owner, city staff, and public comment. At the conclusion of the hearing, the Board shall make a recommendation on the rezoning request to the City Commission.

The land development regulations require all rezoning requests without a concurrent FLUM Amendment be analyzed for consistency with **Section 23.2-36(3)**. Staff has reviewed the rezoning against this section and has determined that the rezoning complies with the following review criteria:

a. Consistency. Whether the proposed rezoning amendment would be consistent with the purpose and intent of the applicable comprehensive plan policies, redevelopment plans, and land development regulations. Approvals of a request to rezone to a planned zoning district may include limitations or requirements imposed on the master plan in order to maintain such consistency.

Analysis: As analyzed in the sections above addressing consistency with the City's Comprehensive Plan and Strategic Plan, and the analysis in this section, the proposed rezoning is consistent with the comprehensive plan and land development regulations. **Meets Criterion.**

b. Land use pattern. Whether the proposed rezoning amendment would be contrary to the established land use pattern, or would create an isolated zoning district unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude rezoning that would result in more desirable and sustainable growth for the community.

Analysis: The rezoning request will not be contrary or incompatible with the established land pattern as the TOD-E district reflects existing uses. The rezoning will not create an isolated zoning district unrelated to the adjacent and nearby classifications as reflected in the adjacent use analysis table below, and does not constitute a grant of special privilege to the petitioner as contrasted with the protection of the public welfare. The rezoning is proposed to match the existing area of the TOD on the City’s Future Land Use Map, and is consistent with the location policy in the comprehensive plan for the TOD-E zoning district (Future Land Use Element Policy 1.1.2.10). Below is a table outlining the existing zoning and future land use designations of adjacent properties. **Meets Criterion.**

| Subject Property FLU | Adjacent Direction | Adjacent Future Land Use Designations | Adjacent Zoning Districts | Existing Use |
|----------------------|--------------------|---------------------------------------|----------------------------------|--------------------------------------------------------------------------------------|
| TOD | North | Medium Density Residential | Multi-Family Residential (MF-20) | Multi-Family, Vacant, and Commercial |
| | South | Public | Public (P) | Lake Worth High School |
| | East | Mixed Use – East (MU-E) | Mixed Use – East (MU-E) | Across North A Street: Commercial, House of Worship, Single-family, and Multi-family |
| | West | N/A | N/A | I-95 ROW |

c. Sustainability: Whether the proposed rezoning would support the integration of a mix of land uses consistent with smart growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.

Analysis: The rezoning request supports the integration of a mix of land uses consistent with smart growth and sustainability initiatives with an emphasis on complementary land uses and access to alternate modes of transportation. Approval of the rezoning request would reflect the existing mix of uses in the area. Further, the proposed rezoning would allow for a more efficient use of land as non-residential uses would be permitted to expand and residential density proximate to public transportation would increase allowing for greater infill housing opportunities with access to alternative modes of transportation. **Meets Criterion.**

d. Availability of public services/infrastructure: Requests for rezoning to planned zoning districts shall be subject to review pursuant to section 23.5-2.

Analysis: This criterion is only applicable to requests to rezone land to a planned zoning district. As this request seeks approval to rezone the subject properties to a conventional zoning district and not a planned development district, this criterion does not apply. **Criterion not applicable.**

e. Compatibility: The application shall consider the following compatibility factors: 1. Whether the proposed rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties. 2. Whether the proposed rezoning is of a scale which is reasonably related to the needs of the neighborhood and the city as a whole.

Analysis: The proposed rezoning would better reflect existing uses and would increase residential density in the area. As such, the rezoning is compatible with the current uses and is not anticipated to negatively affect property values.

Criterion not applicable.

f. Direct community sustainability and economic development benefits: For rezoning involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:

1. Further implementation of the city's economic development (CED) program;
2. Contribute to the enhancement and diversification of the city's tax base;
3. Respond to the current market demand or community needs or provide services or retail choices not locally available;
4. Create new employment opportunities for the residents, with pay at or above the county average hourly wage;
5. Represent innovative methods/technologies, especially those promoting sustainability;
6. Support more efficient and sustainable use of land resources in furtherance of overall community health, safety and general welfare;
7. Be complementary to existing uses, thus fostering synergy effects; and 8. Alleviate blight/economic obsolescence of the subject area.

Analysis: The rezoning request does not include rezoning to a planned zoning district nor does it have a concurrent site plan application in review at this time. As such, this criterion is not applicable. **Criterion not applicable.**

g. Economic development impact determination for conventional zoning districts. For rezoning to a conventional zoning district, the review shall consider whether the proposal would further the economic development program, and also determine whether the proposal would:

1. Represent a potential decrease in the possible intensity of development, given the uses permitted in the proposed land use category; and
2. Represent a potential decrease in the number of uses with high probable economic development benefits.

Analysis: The proposed rezoning to the TOD-E zoning district will not result in a decrease in development intensity or density for the neighborhood. Further, the TOD-E would allow for new investment in existing non-residential uses, such as office, which are not permitted in the MF-20 zoning district. Therefore, the amendment would not decrease the number of uses with high probable economic development benefits. **Meets Criterion.**

h. Master plan and site plan compliance with land development regulations. When master plan and site plan review are required pursuant to section 2.D.1.e. above, both shall comply with the requirements of the respective zoning district regulations of article III and the site development standards of section 23.2-32.

Analysis: A master plan and site plan are not part of this request. **Criterion not applicable.**

The analysis has shown that the required findings can be made in support of the rezoning. Therefore, the proposed rezoning is consistent with the review criteria for rezoning as outlined in LDR Section 23.2-36.

CONCLUSION

The proposed rezoning is consistent with the purpose, intent, and requirements of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board recommend approval to the City Commission of the Zoning Map amendment based on the data and analysis in this report and the findings summarized below:

- The Zoning Map amendment is consistent with the proposed FLUM amendment;
- The amendment would reduce the non-conformities of use in the subject area; and
- The amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the respective Comprehensive Plan and Strategic Plan Analysis sections of this report.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF Ordinance 2023-11 of the proposed amendment to the Zoning Map based on the data and analysis in the staff report and the testimony at the public hearing.

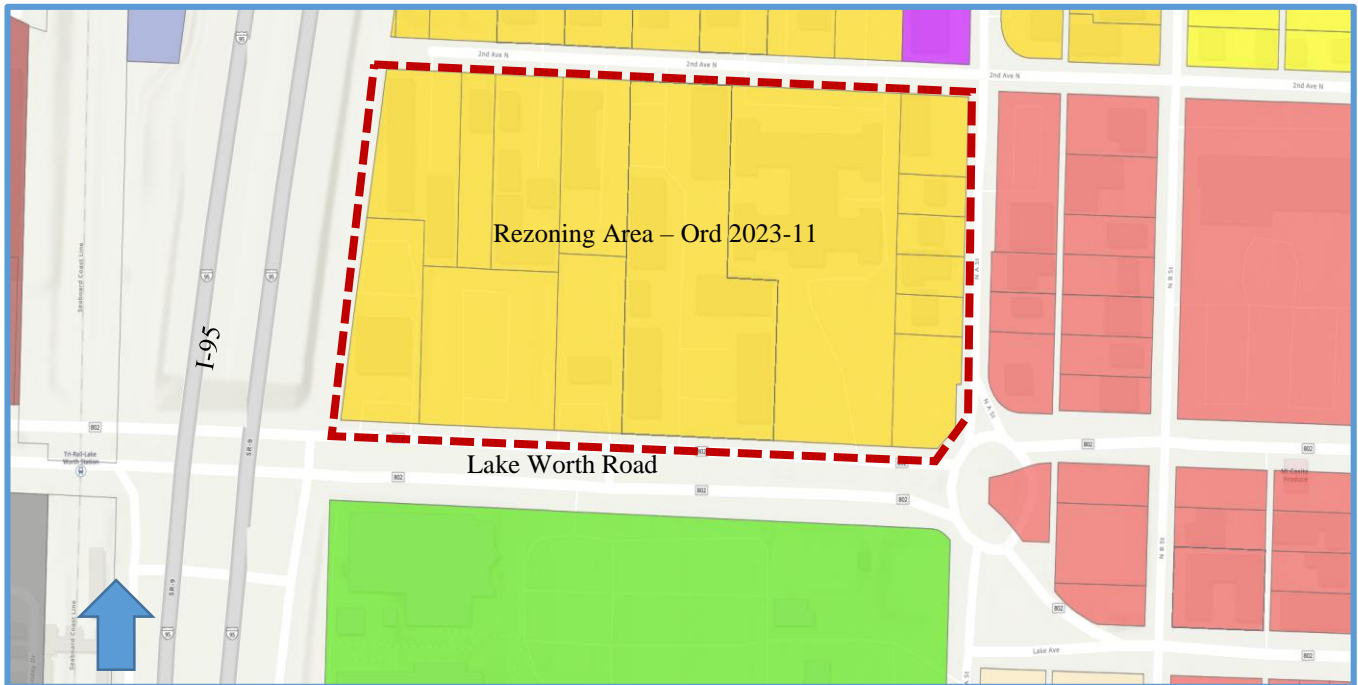
I MOVE TO NOT RECOMMEND APPROVAL OF Ordinance 2023-11 of the proposed amendment to the Zoning Map as the proposal is not consistent with the City's Comprehensive Plan and Strategic Plan for the following reasons [Board member please state reasons.]

Consequent Action: The Planning and Zoning Board will be making a recommendation to the City Commission on the Zoning Map amendment request.

ATTACHMENTS

- A. Location Map & Property List
- B. DRAFT Ordinance 2023-11

ATTACHMENT A
LOCATION MAP & PROPERTY LIST



LIST OF PROPERTIES INCLUDED IN ORDINANCE 2023-11

- 38434421020350091 - 1776 Lake Worth Rd
- 38434421020350072 - 1760 Lake Worth Rd
- 38434421020350062 - 1744 Lake Worth Rd
- 3843442135 - 1736 Lake Worth Rd
- 38434421020350020 - 1710 Lake Worth Rd
- 38434421020350011 - 1702 Lake Worth Rd
- 38434421020350017 - 115 N A St
- 38434421020350016 - 119 N A St
- 38434421020350010 - 125 N A St
- 38434421020350013 - 127 N A St
- 38434421020350014 - 129 N A St
- 38434421020350061 - 1743 2nd Ave N
- 38434421020350071 - 1753 2nd Ave N
- 38434421020350081 - 1757 2nd Ave N
- 38434421020350082 - 1761 2nd Ave N 1

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ORDINANCE NO. 2023-11 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY’S OFFICIAL ZONING MAP FROM THE ZONING DISTRICT OF MULTI-FAMILY RESIDENTIAL 20 (MF-20) TO TRANSIT ORIENTED DEVELOPMENT (TOD-E) ON THE PROPERTIES GENERALLY LOCATED, EAST OF I-95, SOUTH OF 2ND AVENUE SOUTH, WEST OF NORTH A STREET, AND NORTH OF LAKE WORTH ROAD, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Lake Worth Beach, Florida, pursuant to the authority granted in Chapters 163 and 166, Florida Statutes, and the Land Development Regulations, as adopted by the City of Lake Worth Beach, is authorized and empowered to consider amending the City’s Official Zoning Map; and

WHEREAS, this is a City-initiated request for a corrective zoning map amendment to change the zoning district of the properties as more particularly described in Exhibit A attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, City staff has prepared and reviewed an amendment to the City’s Official Zoning Map to change the zoning district of the properties described below from Multi-family Residential 20 (MF-20) to Transit Oriented Development (TOD-E), pursuant to the City of Lake Worth Beach Land Development Regulations and Comprehensive Plan; and

WHEREAS, on May 24, 2023, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, recommended _____ of the subject zoning map amendment to the City’s Official Zoning Map; and

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

WHEREAS, the City Commission has considered all of the testimony and evidence and has determined that rezoning meets the rezoning review criteria of the Land Development Regulations, Section 23.2-36 and is consistent with the City’s Comprehensive Plan and Strategic Plan.

WHEREAS, the City Commission has considered all of the testimony and evidence and has determined that the adoption of this Ordinance is in the best interest of the citizens and residents of the City of Lake Worth Beach.

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

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Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The fifteen (15) parcels of land (approximately 8.96 acres) more particularly described in **Exhibit A** is hereby designated Transit Oriented Development (TOD-E) on the City's Official Zoning Map.

Section 3. The City's zoning maps shall be updated to reflect the changes to the property described in **Exhibit A**.

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. Severability. If any provision of this ordinance or the application thereof is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. Effective Date. This ordinance shall become effective 10 days after adoption provided there is no challenge.

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

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

The Mayor thereupon declared this ordinance duly passed on first reading on the _____ day of _____, 2023.

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

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

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2023.

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ATTEST:

Melissa Ann Coyne, City Clerk

By: _____
Betty Resch, Mayor

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Exhibit A Property Location

105 **The City's Official Zoning Map shall be updated to designate the area described below as**
106 **Transit Oriented Development (TOD-E). Thereby amending the zoning district from Multi-**
107 **family Residential 20 (MF-20) to Transit Oriented Development (TOD-E).**

108 **Size:** +/- 8.96 acres

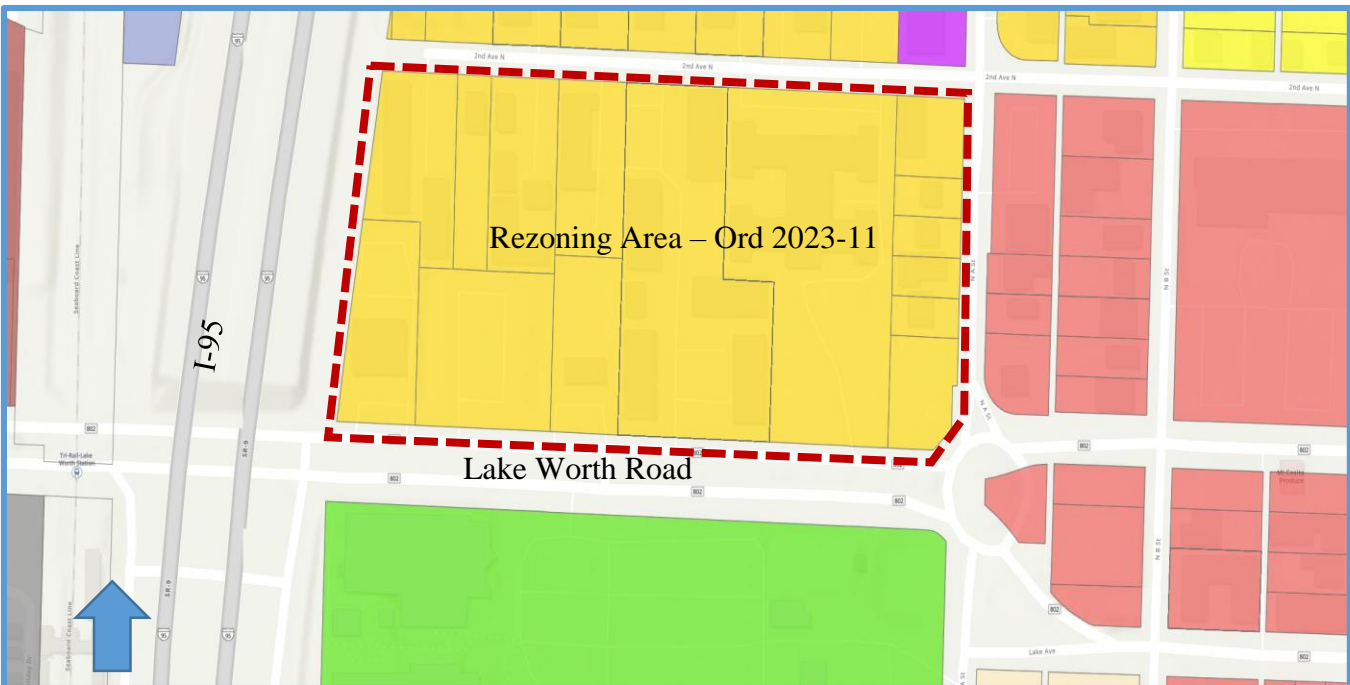
109 **General Location:** The properties located east of I-95, south of 2nd Avenue North, west of
110 North A Street, and north of Lake Worth Road.

111 **PCNs:**

- 112 • 38434421020350091 - 1776 Lake Worth Rd
- 113 • 38434421020350072 -1760 Lake Worth Rd
- 114 • 38434421020350062 - 1744 Lake Worth Rd
- 115 • 3843442135 - 1736 Lake Worth Rd
- 116 • 38434421020350020 - 1710 Lake Worth Rd
- 117 • 38434421020350011 - 1702 Lake Worth Rd
- 118 • 38434421020350017 -115 N A St
- 119 • 38434421020350016 - 119 N A St
- 120 • 38434421020350010 - 125 N A St
- 121 • 38434421020350013 - 127 N A St
- 122 • 38434421020350014 - 129 N A St
- 123 • 38434421020350061 - 1743 2nd Ave N
- 124 • 38434421020350071 - 1753 2nd Ave N
- 125 • 38434421020350081 - 1757 2nd Ave N
- 126 • 38434421020350082 - 1761 2nd Ave N 1

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DATE: May 3, 2023

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

FROM: William Waters, Director Community Sustainability

MEETING: May 10 & May 24, 2023

SUBJECT: **Ordinance 2023-10:** Consideration of an ordinance amending the City’s Comprehensive Plan to adopt a new property rights element as required by F.S. 163.3177(6)(i.).

PROPOSAL / BACKGROUND/ ANALYSIS:

On June 28, 2021, the Governor signed into law House Bill 59, which amended statutory provisions regarding optional and required comprehensive plan elements by creating a new required property rights element (F.S. 163.3177(6)(i.)). As of July 1, 2021, all local governments must adopt this element as part of their comprehensive plans by the next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of their comprehensive plan. The Florida Department of Economic Opportunity (DEO) has informed the City that any future amendments to its comprehensive plan, including the Future Land Use Map, cannot be adopted until the adoption of a property rights element occurs.

This new required element must include policies consistent with the legislative intent that local governments respect “judicially acknowledged and constitutionally protected private property rights” in local decision-making. Further, F.S. 163.3177(6)(i.) provides the following statement of rights to be included in the element:

The following rights shall be considered in local decisionmaking:

1. *The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.*
2. *The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.*
3. *The right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.*
4. *The right of a property owner to dispose of his or her property through sale or gift.*
(Reference: F.S. 163.3177(6)(i.)1.)

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission transmit to DEO and subsequently adopt Ordinance 2023-10.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed Comprehensive Plan text amendment included in Ordinance 2023-10.

Attachments

- A. Draft Ordinance 2023-10

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ORDINANCE NO. 2023-10 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN, ADDING A NEW PROPERTY RIGHTS ELEMENT AS REQUIRED BY F.S. 163.3177(6)(i); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, City staff has prepared and reviewed an amendment to add a new required element to the City’s Comprehensive Plan regarding property rights in accordance with F.S. 163.3177(6)(i); and

WHEREAS, on May 10, 2023, the City Historic Resources Preservation Board, sitting as the duly constituted Local Planning Agency for the City, recommended xxx of the addition of the new required “Property Rights Element” to the Comprehensive Plan of the City; and

WHEREAS, on May 24, 2023, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, recommended xxx of the addition of the new required “Property Rights Element” to the Comprehensive Plan of the City; and

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

WHEREAS, the State of Florida in F.S. 163.3177(6)(i), requires the creation of a “Property Rights Element” with specified property rights that must be considered by local governments in decision-making;

WHEREAS, the property rights for consideration as required in F.S. 163.3177(6)(i) reflect long established and prevailing judicially acknowledged and constitutionally protected private property rights without enhancement;

WHEREAS, the City of Lake Worth Beach will continue to respect judicially acknowledged and constitutionally protected private property rights as has always been required by prevailing law; and

WHEREAS, the City of Lake Worth Beach respects the rights of all people to participate in land use planning processes.

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

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51 Section 1. The foregoing recitals are hereby affirmed and ratified.

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53 Section 2. The text amendment language is provided in **Exhibit A.**

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55 Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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57 Section 4. If any provision of this ordinance, or the application thereof to any person or
58 circumstance is held invalid, the invalidity shall not affect other provisions or applications
59 of the ordinance which can be given effect without the invalid provision or application, and
60 to this end the provisions of this ordinance are declared severable,

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62 Section 5. The effective date of this text amendment shall be thirty-one (31) days after
63 the Department of Economic Opportunity notifies the City that the plan amendment
64 package is complete. If timely challenged, this amendment does not become effective
65 until the Department of Economic Opportunity or the Administration Commission enters
66 a final order determining the adopted amendment to be in compliance.

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68 The passage of this ordinance on first reading was moved by
69 _____, seconded by Commissioner _____, and upon being put
70 to a vote, the vote was as follows:

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72 Mayor Betty Resch
73 Vice Mayor Christopher McVoy
74 Commissioner Sarah Malega
75 Commissioner Kimberly Stokes
76 Commissioner Reinaldo Diaz

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78 The Mayor thereupon declared this ordinance duly passed on first reading on the
79 the __ day of ____, and shall be transmitted to the Florida Department of Economic
80 Opportunity for review.

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82 The passage of this ordinance on second reading was moved by Commissioner
83 _____, seconded by Commissioner _____, as amended and upon being put
84 to a vote, the vote was as follows:

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86 Mayor Betty Resch
87 Vice Mayor Christopher McVoy
88 Commissioner Sarah Malega
89 Commissioner Kimberly Stokes
90 Commissioner Reinaldo Diaz

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The Mayor thereupon declared this ordinance duly passed on the __ day of _____,
2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

EXHIBIT A

12. PROPERTY RIGHTS ELEMENT

Goal 12.1 The City will make decisions with respect for judicially acknowledged and constitutionally protected private property rights, and with respect for people’s rights to participate in decisions that affect their lives and property.

Objective 12.1.1 The City will respect judicially acknowledged and constitutionally protected private property rights.

Policy 12.1.1.1 The City will consider in its decision-making the right of a property owner/s to physically possess and control their interests in the property, including easements, leases, or mineral rights.

Policy 12.1.1.2 The City will consider in its decision-making the right of a property owner/s to use, maintain, develop, and improve their property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 12.1.1.3 The City will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.

Policy 12.1.1.4 The City will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

Objective 12.1.2 People have the right to participate in planning and development decisions that affect their lives and property. As such, the City will establish land development regulations that foster transparency in decision-making processes so that all people may participate in decisions that affect their lives and property.

Policy 12.1.2.1 The City shall comply with all requirements for public notice, and shall implement its adopted enhanced notice and public outreach requirements, including a developer meeting for significant projects.

Policy 12.1.2.2 The City shall periodically review notice and public outreach requirements and best practices in support of process transparency and to effectively utilize current technology.

Policy 12.1.2.3 The City shall implement its public hearing and affected party procedures adopted in the land development regulations to ensure transparency for decision makers, applicants and affected parties in accordance with federal and state law.