



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 03, 2025 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [August 6, 2025 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [PZB 25-01500006 - 1919 N. Dixie Hwy](#)
[PZB 25-01500005 - 1708 N. Lakeside Dr.](#)
[PZB 25-01500003 - 1918 Notre Dame Dr.](#)
[PZB 25-01000001 - Madison Terrace - Ordinance 2025-12](#)

WITHDRAWALS / POSTPONEMENTS

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [Ordinance 2025-12 \(PZHP Main Project Number 25-01000001\): Consideration of a request for a Major Planned Development Amendment for the project commonly referred to as "Madison Terrace," including amendments to the following associated applications: Mixed Use Urban Planned Development \(residential only\), Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights. The subject parcels are located in the Transit Oriented Development - East \(TOD-E\) zoning district and have a future land use designation of Transit Oriented Development \(TOD\).](#)
- B. [Ordinance 2025-13: Consideration of a privately-initiated ordinance amending Chapter 23, Article 4, Section 23.4-13\(c\)\(5\) "Single destination retail uses including stand alone retail and single destination commercial uses."](#)
- C. [PZB Project Number 25-01500005: Consideration of two variance requests for 1708 North Lakeside Drive to encroach into the side setback and to exceed the maximum wall height at side setback. The subject site is](#)

[zoned Single Family Residential \(SFR\) and has a future land use designation of Single Family Residential \(SFR\)](#)

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

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 06, 2025 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were- Daniel Walesky, Vice-Chair; Mark Humm; Dave Mathews; Henry Pawski. Absent: Juan Contin.

Also present were: Annie Greening- Principal Planner; Rosie Escobar-Penulba -Associate Planner; Scott Rodriguez -Asst. Director for Planning & Preservation; Elizabeth Lenihan-Board Attorney (virtual); Sherie Coale-Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

A. June 4, 2025 Regular Meeting Minutes

Motion: H. Pawski moves to accept June 4, 2025 minutes as presented; M. Humm 2nd.

Vote: Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION None

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS:

A. Ordinance 2025-04: Consideration of an ordinance amending multiple sections of Chapter 23 "Land Development Regulations," to address several housekeeping items and minor changes for clarity, as well as amend and clarify use permit and site plan processes, clarify residential density in the AI district, specify regulations for residential development of nonconforming lots of record in Mixed Use districts, and revise the parking reductions for mixed use development and affordable housing. This item was continued from the June 4th PZB meeting.

Staff: A. Greening reminds all the Ordinance previously came before the Board in June. The suggested edits/clarifications were requested:

Revision to the green roof definition- now to be included in the Sustainable Bonus Incentive Program.
Impervious and semi-impervious setbacks do not apply to side or rear of property if used to access parking.

Revised shed definitions for exemption of up to 121 sq ft shed, but must meet setbacks and other placement requirements within the yard.

Revise language to clarify when site plan review is required. All reviews outside of those in SFR and SF-TF zoning districts will require site plan review. If building more than 3 units in SF-TF14 it would still require site plan review. A Single family structure in MF- 20 would not require Site Plan review.

Board: D. Walesky would like additional clarification- for Site Plan Review. Reduction for the reduction for the parking. The reduction should not take the requirement below the most intense use. H. Pawski inquires about the accessory structure. **Response:** It could be a garage, pool house. S. Lakeside Drive is the only area that has a special setback of 50 feet in the front.

Public Comment: None

Motion: M. Humm moves to recommend approval of Ordinance 2025-04 to the City Commission subject to staff changes and parking recommendation of not reducing required parking below what is required for most intense use; D. Mathews 2nd.

Vote: Ayes all, unanimous.

NEW BUSINESS:

- A. Ordinance 2025-08: Consideration of an ordinance amending Chapter 23, Article 5, Section 23.5-1(d)(8) "Signs on streets."

Staff: A. Greening – City Manager could authorize City signs on city streets. The 2nd type would allow City Commission to approve a non-City sign on unimproved city R-O-W's subject to a revocable permit. The neighborhood sign is an example.

Motion: H. Pawski moves to recommend approval of Ordinance 2025-08 to the City Commission; D. Mathews 2nd.

Public Comment: None

Vote: Ayes all, unanimous

- B. **PZB Project Number 25-00000007:** Request by Kelly Olive for the approval of a mural located on the east façade of the building at 1201 South Federal Highway. The subject site is zoned Mixed Use – Federal Highway (MU-FH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: R. Escobar provides case analysis. Renderings and location of mural is noted. Staff finds the proposal adheres to the Comprehensive Plan, Strategic Plan and Land Development Regulations. Conditions are included as part of an approval. The artist's credentials are provided.

Board: Member notes this is the second request that has come before the Board that fronts the street, counter to Land Development Regulations. Another member believes there can never be an over-abundance of murals. Other members believe it to be more vibrant than the current façade.

Motion: D. Mathew move to approve PZB 25-0000007 as the application meets the mural criteria based on the data and analysis in the staff report including stated Conditions of Approval; M. Humm 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: The month of September will bring a full agenda. Board members polled for availability on September 3 (after Labor Day) and September 17. Only two members available for both dates. Two available for September 3.

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 6:34 pm



LEGAL NOTICES

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PZB PROJECT NUMBER 25-01500006

A variance request for 1919 North Dixie Highway to allow a roof sign.

Tue, Aug 19, 2025

[See More](#)

PZB PROJECT NUMBER 25-01500005

Two variance requests for 1708 North Lakeside Drive to encroach into the side setback and to exceed the maximum wall height at side setback.

Tue, Aug 19, 2025

[See More](#)

PZB PROJECT NUMBER 25-01500003

A variance request for 1918 Notre Dame Drive to exceed the maximum front yard impermeable coverage.

Tue, Aug 19, 2025

[See More](#)

PZB PROJECT NUMBER 25-01000001 (ORDINANCE 2025-12)

Consideration of a request for a Major Planned Development Amendment for the project commonly referred to as "Madison Terrace," including amendments to the following associated applications: Mixed Use Urban Planned Development (residential only), Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights

Tue, Aug 19, 2025

[See More](#)



PLANNING AND ZONING BOARD (PZB) REPORT

Ordinance 2025-12 (PZHP Main Project Number 25-01000001): Consideration of a request for a Major Planned Development Amendment for the project commonly referred to as “Madison Terrace,” including amendments to the following associated applications: Mixed Use Urban Planned Development (residential only), Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights. The subject parcels are located in the Transit Oriented Development - East (TOD-E) zoning district and have a future land use designation of Transit Oriented Development (TOD).

Meeting Date: September 3, 2025

Applicant: Michael J. Oliver – New South Residential, LLC

Property Owners: Patrick E. Law – Madison Terrace, LLC and SP Tract 4, LLC

Addresses: 821 South Dixie Highway, 818-832 South H Street

PCNs: 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0031; 38-43-44-21-15-253-0020; and 38-43-44-21-15-253-0010

General Location: North of 9th Avenue South, with frontage on South Dixie Highway to the east and South H Street to the west

Size: ± 1.882 acres (1.546 acres of private property and 0.1274 acres of abandoned right-of-way)

Existing Land Use: Vacant; formerly auto sales and single-family residential

Future Land Use Designation: Transit Oriented Development (TOD)

Zoning District: Transit Oriented Development – East (TOD-E)

Location Map:



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) including the City's Major Thoroughfare Design Guidelines, and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Major Planned Development Amendment is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the PZB for Ordinance 2025-12. The conditions of approval are located on page 11 of this report.

PROJECT DESCRIPTION

The Applicant, Michael J. Oliver with New South Residential LLC, on behalf of Madison Terrace, LLC and SP Tract 4, LLC, are requesting approval of Ordinance 2025-12, which is a Major Planned Development Amendment to increase total site area and dwelling units of a previously approved planned development (Ordinance 2023-16), as well as associated alterations to the site plan and building plans including additional FAR, increased building height, and alterations to surface parking. The amendment is inclusive of the following application types:

- **Mixed use urban planned development (residential only)** to construct two six-story buildings with a total of 182 dwelling units
 - Waivers: TDR fees (continued from Ordinance 2023-16), parking rate of 0.7 spaces/unit (continued from Ordinance 2023-16)
- **Major site plan** for a residential development greater than 7,500 square feet
- **Conditional use permit** for a multi-family residential use greater than 7,500 square feet
- **Sustainable bonus incentive program (SBIP)** for additional density, intensity (FAR), and height
- **Transfer of Development Rights (TDR)** for additional density and height
- **Affordable/Workforce Housing Program (AWFH)** for additional density, reduction in the gross living area for dwelling units, and reduction of the required parking

COMMUNITY OUTREACH

Per LDR Section 23.2-20, Public Neighborhood Meeting, *a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored new construction projects along the City's major thoroughfares as well as those utilizing the City's Sustainable Bonus Incentive Program, Transfer of Development Rights Program and/or Economic Investment Incentives.*

On May 15, 2025, the applicant held a meeting with neighborhood residents at the HATCH 1121 building (1121 Lucerne Avenue). Notices were mailed to all property owners within 400 feet of the project and meeting signs were placed on the project's properties. There were two attendees at the meeting. The applicant also created a project webpage: <http://madisonterraceeniors.com/>.

The project has complied with all public notice requirements, including a 400-foot courtesy notice, sign posting, and legal notice. At the time of the completion and dissemination of this staff report, staff have received no letters from the public in support of or opposition to the project.

BACKGROUND

The project area includes six (6) parcels: 821 South Dixie Highway, 818 South H Street, 822 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street. Below is a summary of the properties based on Palm Beach Property Appraiser's records and City records:

821 South Dixie Highway: The subject site is a ± 40,500 square foot vacant lot. A ±780 square foot commercial building was constructed in 1946 and a ±600 square foot commercial building was constructed in 1947. The lot and structures were previously used for vehicular rentals and sales; the structures were demolished in February 2025 as part of the Madison Terrace development process.

818 South H Street: The subject site is a ± 13,500 square foot vacant lot.

822 South H Street: The subject site is a ± 3,750 square foot vacant lot. A ± 672 square foot residence was constructed c. 1928; the structure was demolished in February 2025 as part of the Madison Terrace development process.

824 South H Street: The subject site is a ± 3,000 square foot vacant lot.

826 South H Street: The subject site is a ± 6,750 square foot vacant lot. A ±1,210 square foot residence was constructed in 1950; the structure was demolished in February 2025 as part of the Madison Terrace development process.

832 South H Street: The subject site is a ± 6,750 square foot vacant lot.

At the City Commission meeting on September 19, 2023, the subject properties (with the exception of 822 South H Street) received approval for a project commonly known as Madison Terrace, which included the creation of a Mixed Use Urban Planned Development (Residential Only), Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, Rezoning, and Future Land Use Map Amendment (Ordinances No. 2023-16, 2023-17, and 2023-18).

The 2023 approval included a 176-unit age-restricted senior apartment development with two six-story buildings, each with pedestrian entrances fronting South Dixie Highway. Parking was approved on surface parking lots and on the ground floor of both buildings with vehicular access from South H Street. As part of the planned development, multiple waivers were approved by the City Commission:

- Waiver of the Transfer of Development Rights (TDR) fees
- Waiver of the minimum parking requirements, with a rate of approximately 0.7 parking spaces provided per unit
- Reduction in terminal landscape island width
- Elimination of required landscape strips between rows of parking
- Reduction of the landscape buffer width adjacent to 822 South H Street

A site plan amendment was submitted and approved administratively in December 2024 to address condition of approval #12 from Ordinance 2023-16, including corrections to the site data table, reduction of overall impermeable surface coverage, adding parking space wheel stops, updates to the photometric plan, and corrections and updates to the landscape plans.

Conditions of approval in Ordinance 2023-16 required that a final plat with all necessary easements be recorded prior to the issuance of a Certificate of Occupancy for the buildings. A plat application was brought to the Planning and Zoning Board (PZB) in October 2024; however, the property owners subsequently acquired an additional adjacent parcel (822 South H Street), which altered their phase lines and plat request. An updated plat application to arrange the existing six (6) parcels into two (2) new parcels was brought to the PZB in May 2025, and was approved by the City Commission on June 17, 2025. As of the date of this staff report, the applicants are procuring the required signatures on the mylar copy of the plat in preparation for recording with the Palm Beach County Clerk of Court.

The acquisition of the additional parcel also prompted the subject application for a major amendment to the Planned Development to allow for the development of additional dwelling units, as well as associated alterations to the site plan and building plans including additional FAR, increased building height, and alterations to surface parking.

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

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject properties currently have a Future Land Use (FLU) designation of Transit Oriented Development (TOD). Per Comprehensive Plan Future Land Use Policy 1.1.1.6, the TOD FLU 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. The implementing zoning districts for this category are TOD-E, TOD-W, SFR, MF-30, MU-DH, MF-20, MU-W, P, PROS, and AI.* The proposed Planned Development Amendment would allow for the redevelopment of multiple properties with the construction of 182 affordable, age-restricted residential units and associated amenities, as well as site improvements including buffers to adjacent sites.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II and Pillar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, achieve economic and financial sustainability through a versatile and stable tax base, and ensure facility placement, construction and development that anticipates and embraces the future. The proposed multi-family buildings and associated site improvements will contribute towards the City's Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

Based on the analysis above, the proposed Planned Development Amendment request for Madison Terrace is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations (LDRs):

The proposed application was reviewed for consistency with all applicable requirements in the City's Land Development Regulations (LDR), including the Transit Oriented Development – East (TOD-E) zoning district and planned development requirements.

Mixed Use Urban Planned Development - Per Section 23.3-25, planned developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked to review planned development applications in accordance with the City's LDRs, to assess compliance with the findings for granting planned developments (analyzed below) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Analysis: The proposed amendment to a Mixed Use Urban Planned Development was reviewed for compliance with Section 23.3-25. The subject planned development received approval for waivers to relax several zoning requirements in Ordinance 2023-16, including a reduction in terminal landscape island width, elimination of required landscape strips between rows of parking, reduction of the landscape buffer width, waiver to the build-to line from South H Street, a parking reduction for a rate of 0.7 parking spaces per dwelling unit, and a waiver of Transfer of Development Rights (TDR) fees.

Per LDR Section 23.3-5(f), amendments to an existing planned development master plan which include an increase in the total number of residential dwelling units or any boundary change cannot be administratively approved by the Development Review Official (DRO, Director of Community Sustainability). As the proposed amendment includes an increase of six (6) dwelling units and a boundary change to incorporate 822 South H Street into the development area, this planned development amendment must be reviewed by the Planning and Zoning Board and approved by the City Commission.

As in the project's original approval, incentives are proposed through planned development provisions, the City's Sustainable Bonus Incentive Program, Transfer of Development Rights, and Affordable/Workforce Housing Program for increased density, intensity, and height. The planned development amendment includes a total increase of six (6) dwelling units, as well as additional Floor Area Ratio (FAR) and additional building height beyond what was approved in Ordinance 2023-16. These changes increase the total parking requirement and TDR fees; the applicants have included a request to continue the waivers to the parking rate and TDR fee payment as part of this amendment.

The applicants have provided the required supporting information and development plans that comprise the amended master development plan.

Transit Oriented Development – East (TOD-E): Per LDR Section 23.3-19, the TOD-E district *is designed for the areas around the FEC railroad tracks and desired future locations for intra-city, light rail transit, specifically Lake Avenue, Lucerne Avenue, 1st Avenue South, 10th Avenue North and 9th Avenue South. The TOD-E district is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. The TOD-E district is also intended to encourage arts, entertainment and cultural activities in the city.*

Analysis: The proposed multi-family residential use is anticipated and encouraged in the TOD-E zoning district. The use has been reviewed for consistency with the required conditional use review criteria; and that analysis is provided on page 9 of this report.

The proposed amendment to the residential development complies with applicable zoning requirements and waivers approved in the original planned development ordinance (2023-16). The table and topic area analysis below evaluate the proposed site features and the project's compliance with the Code, and factoring in the Sustainable Bonus incentives, Planned Development incentives, Affordable/Workforce Housing Program, Transfer of Development Rights, and the Comprehensive Plan maximums:

Development Standard		Base Zoning District TOD-E	Mixed-Use Urban Planned Development w/ SBIP, AWFH, & TDR	Approved in Ordinance 2036-16 & PZ 24-01400037	Provided in Amendment
Lot Size (min)		13,00 sf	0.5 acres	1.8134 acres	1.882 acres
Lot Width (min)		100'	100'	320'	320'
Setbacks	Front (min build-to line)	10'	10' <i>Additional 8-12' setback required for 3rd story and above</i>	18' S Dixie Hwy* 143' S H St	15.5' (S Dixie Hwy) 15-143' S H St
	Rear (min)	n/a	n/a	n/a	n/a
	Street Side (min)	n/a	n/a	n/a	n/a
	Interior Side (min)	0'	0'	9' North 10' South	7.5' North 9.5' South
Impermeable Surface Coverage (max)		65%	65%	65.78% <i>conditioned to be reduced to 65%</i>	64.93%
Structure Coverage (max)		50%	50%	30.72%	30.64%
Density (max)		40 du/acre (75 units)	97.75 du/acre (189 units w/ bonus units per LDR 23.2-39(b)(1)(g))	97.05 du/acre (176 units)	96.8 du/acre (182 units)

Building Height (max)	30' (max. 2 stories)	71.25' (6 stories)	66'4" (6 stories)	68' (6 stories)	
Maximum Wall Height at Side Setback	30'	71.25'	61'4"	68'	
Floor Area Ratio (max)	1.10	3.6437	1.7 (134,268 sf)	1.68 (138,004 sf)	
Parking	8 studio units 168 one-bedroom units Total: 269 spaces <i>See page 8 for detailed parking analysis.</i>	202 required spaces w/ AWFH reduction	123 spaces (parking rate of 0.7 spaces/unit)	129 Spaces:** -110 off-street -2 compact off-street -8 ADA off-street -16 bicycle (4 equivalent spaces) -5 on-street	
Is site in Flood Zone or in Wellfield Zone?	Not located in a flood zone; Wellfield Zone 4				
Living Area (minimum)	Studio	400 sf	340 sf w/ AWFH reduction	430 sf	430 sf
	One-bedroom	750 sf	510 sf w/ AWFH reduction	576 sf	576 sf

**reduced to 15.5 feet at site plan amendment due to taking of land for Dixie Highway ROW*

***Continued waiver to parking rate requested*

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

Analysis: Using the City's standard parking rates, a total of 269 parking spaces are required for the residential buildings with the new density of 182 dwelling units, calculated as follows:

- 8 studio units x 1.25 spaces/unit = 20 spaces
- 116 one-bedroom units x 1.5 spaces/unit = 249 spaces

Using the 0.7 spaces per unit rate approved in Ordinance 2023-16, the project requires 128 parking spaces. The applicant is requesting a continuation of the reduction provided in Ordinance 2023-16 through the waiver provisions of a planned development. The acquisition of 822 South H Street has also enabled the applicants to redesign the proposed parking areas so as to provide a greater number of standard parking spaces as compared to compact and/or alternate spaces (i.e. bicycle and motorcycle spaces) than was originally approved in Ordinance 2023-16. As amended, the project will have a total of 129 parking spaces, provided as follows:

- 110 standard off-street spaces
- 2 compact off-street spaces
- 8 ADA off-street spaces
- 16 bicycle spaces (equivalent 4 off-street spaces)
- 5 standard on-street spaces

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

Analysis: The proposed dumpster location on the west side of the project (fronting South H Street) was reviewed by Public Works, who determined that the dumpster was consistent with the size and screening requirements. The dumpster will be screened with fencing and landscaping.

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

Analysis: A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3 and does not allow light trespass upon neighboring residential properties or districts in excess of 12.57 lumens. Conditions of approval have already been provided in 2023-16 requiring compliance with Dark Skies lighting recommendations for fixtures to have a warm tone setting of 3000 K or less.

Signage: Signage is required to comply with the size and design requirements in LDR Section 23.5-1. Proposed signs are reviewed for consistency with the sign code requirements and planned development at building permit.

Analysis: Two (2) freestanding monument signs were proposed in the original planned development approval, and no changes are proposed to that signage. Per LDR Section 23.5-1(E)(5), a lot with frontage between 301-400 feet is permitted to have a total of 150 square feet of signage. A maximum sign height of 8' is permitted with a minimum setback of 3'. Each sign has a height of 4 feet, an area of 48 square feet, and is set back 5 feet from the front property line. Therefore, the two proposed monument signs comply with the requirements in the LDRs.

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

Analysis: The amended landscape plan provides perimeter landscaping and shade trees, and is generally consistent with the City's landscape regulations and the Major Thoroughfare Design Guidelines. Tree species include a mix of Green Buttonwood, Dahoon Holly, Slash Pine, Crepe Myrtle, and Live Oak trees with multiple native shrubs, grasses and groundcovers for the perimeter and interior plantings. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native. Multiple trees are proposed to be removed from the site to facilitate the construction, but all mitigation will be met through onsite replacement; no additional tree removals are proposed in the planned development amendment.

Ordinance 2023-16 included three (3) landscape waivers for a reduction in terminal landscape island width, elimination of required landscape strips between rows of parking, and a reduction of the landscape buffer width adjacent to 822 South H Street. No changes have been made affecting the first two waivers, and the third waiver is no longer applicable as the developers have acquired 822 South H Street and are incorporating it into the development area.

The revised landscape plans are missing some required perimeter trees west of Building 2 and along the southern property line. The applicant has agreed to provide additional trees in those locations, and staff has added a condition of approval requiring submittal of a site plan amendment with corrected perimeter landscaping, including root barriers to avoid utility conflicts.

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

Site Design Qualitative Standards are intended to "promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards." These qualitative standards are applicable to site plan applications as well as all conditional uses. The Major Thoroughfare Design Guidelines are an adopted component of these Site Design Qualitative Standards as per Section 23.2-31(j), which are applicable to

properties adjacent to the City’s major thoroughfares inclusive of the subject site. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A, and applicant responses to the applicable standards are provided in their Justification Statement (see attachments to this report). **The following analysis of the site, building, vehicular use area, and appearance support the compliance findings for the applicable standards listed in Attachment A and in the Major Thoroughfare Design Guidelines.**

Site Design Qualitative Standards Analysis & Major Thoroughfare Design Guidelines:

The proposed improvements to the site are consistent with the Major Thoroughfare Design Guidelines and the City’s LDRs. The subject site is located along Major Thoroughfare G and Sub-Area 5 as designated in the City’s Major Thoroughfare Design Guidelines. The site is configured with two (2), six (6)-story buildings with pedestrian entrances fronting South Dixie Highway. Parking is proposed on surface parking lots and on the ground floor of both buildings. Vehicular ingress and egress is proposed from South H Street. The pedestrian and vehicular site circulation safely connects to the existing public right-of-way. Further, the site pedestrian circulation system is appropriately insulated from vehicular circulation. Refuse will be stored in interior trash rooms and in a screened refuse area near South H Street. Adequate landscaping is proposed to screen the perimeter of the site and provide internal vegetation; these improvements are further discussed in the landscape section of this report.

Transformer locations are proposed adjacent to the public open space at the front of the property; the proposed locations have been approved by the City’s Electric Utilities. To mitigate the visual and aesthetic impact of the transformers on the adjacent open space, the applicants have provided landscape screening and have agreed to place a decorative wrap on the transformers.

The City’s Major Thoroughfare Design Guidelines recommend a contemporary industrial aesthetic for Sub-Area 5, with aluminum, steel, masonry, and concrete exterior finishes. The proposed building design is contemporary with art deco inspired detailing. The exterior finishes include corrugated metal panels, smooth and scored stucco, vertically-oriented windows, and art deco decorative parapet elements. Both buildings feature a flat roof and identical building designs. During the original planned development process, staff expressed concerns regarding the long expanses of blank façade along the rear elevations of the buildings; a condition of approval was included in Ordinance 2023-16 to propose murals that will be reviewed by both the Planning and Zoning Board and the CRA’s LULA program. This public art will create visual interest on the rear elevation that will help mitigate the lack of architectural features. Overall, the building design is contemporary while honoring the art deco design, which is one of Lake Worth Beach’s prevailing architectural styles.

Per LDR Section 23.2-31(c)(16), all new buildings that are 7,500 square feet in size or larger must meet additional performance standards, such as overall reduction in greenhouse emissions, reduction in carbon footprint, support of multi-modal transportation options, etc. Verification of these performance standards must be provided by an independent third party. A condition of approval was included in Ordinance 2023-16 requiring submittal of the third-party verification (National Green Building Standard (NGSB) silver certification or equivalent) for the performance standards prior to the issuance of the buildings’ certificates of occupancy.

The applicant submitted a separate statement (included as an attachment) that explains how the planned development achieves sustainable qualities, values, and principles as listed in LDR Section 23.2-31(c)(17). The complete compliance analysis is provided in Attachment A. The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Mixed Use – East (MU-E) & Transit Oriented Development (TOD)	Mixed Use – Dixie Highway (MU-DH) & Transit Oriented Development – East (TOD-E)	Motel
South	Mixed Use – East (MU-E) & Transit Oriented Development	Mixed Use – Dixie Highway (MU-DH) & Transit Oriented	Auto sales and single family residential

	(TOD)	Development – East (TOD-E)	
East Across S Dixie Hwy	Mixed Use – East (MU-E)	Mixed Use – Dixie Highway (MU-DH)	Motel, office, and store
West Across S H St	Transit Oriented Development (TOD)	Transit Oriented Development – East (TOD-E)	Multi-family residential

The proposed multi-family use is anticipated, desired, and compatible with the TOD-E zoning district and the surrounding mixed-use and residential area. The proposed use and site improvements will not negatively affect the existing surrounding properties and uses. Additional use analysis is located in the Conditional Use Permit section, located on page 11 of this report.

Community Appearance Criteria:

The proposed development and associated site improvements represent a substantial improvement in the general appearance of the property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines, and the City’s Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the city and the surrounding area as conditioned.

Section 23.2-29 - Conditional Use Permit (CUP) (Attachment B)

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The multi-family residential use reviewed for consistency with the required conditional use findings (Attachment B).

The conditional use for a residential development over 7,500 square feet is an anticipated use in the TOD-E zoning district. The buildings will be served by existing municipal services, including water, sewer, refuse, fire and police. The proposed associated site improvements would improve the condition of existing parcels while providing new attainable housing options for senior residents in Lake Worth Beach. The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right.

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

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

Per Policy 1.2.3.4 of the City’s Comprehensive Plan, a mixed use urban planned development may obtain a 25% bonus on density, intensity (FAR), and height over the base line as outlined in Table 1 of the Comprehensive Plan. The project was previously approved for a bonus height up to 56.25 feet, a density of 75 units per acre (64 bonus units), and a floor area ratio (FAR) of 1.7. The FAR requested is less than the maximum allowance that can be permitted for intensity through a sustainable bonus incentive in a planned development in the TOD-E zoning district.

The proposed planned development amendment includes an increase in the bonus height request (up to 68 feet); however, this height is accommodated through the TDR program, not SBIP. The project also includes an increase in the overall number of units (66 bonus units), and an increase in the overall FAR square footage, although the density of 75 units per acre and FAR of 1.7 remains the same.

The total square footage of the additional proposed bonus area above the second floor is $\pm 3,544$ square feet in total ($\pm 1,820$ square feet through Tier 1 SBIP for the buildings' third and fourth stories and ± 862 square feet through Tier 2 SBIP for the buildings' fifth stories). Therefore, the value of required improvements for the SBIP bonus areas are \$13,650 ($1,820 \text{ sf} \times \7.50 per sf), plus an additional \$12,930 ($862 \text{ sf} \times \$15 \text{ per square foot}$). The total combined value of both SBIP Tiers is \$26,580. Fifty percent (50%) of this value must be paid to the City (\$13,290); the remaining fifty percent may be achieved through qualifying sustainability features and/or in-lieu payment to the City.

As the project exceeds the minimum amount of affordable dwelling units required by the City's Land Development Regulations (100% of the units will be income-restricted affordable units), the project has opted to use their excess affordable units as a qualifying feature for SBIP. Using the affordable housing incentive values provided in the City's affordable/workforce housing program (LDR Section 23.2-39), the applicants calculated the total value of the additional six (6) units that are proposed in this planned development amendment at \$274,401.

Section 23.3-25(g) - Transfer of Development Rights (TDR):

Section 23.3-25(g) establishes the city's Transfer of Development Rights (TDR) program. Projects located west of Dixie Highway which utilize the TDR program may obtain an increase in overall density of ten units per acre, one additional story of no more than fifteen feet in height, and a ten percent increase in FAR. The rights are valued at a cost of \$15 per square foot, and are paid to the city in exchange for development rights on city-owned properties with a Public (P) future land use designation.

The proposed project has gained an additional 10 units per acre (18 bonus units) and one additional story (sixth story, height up to 71.25 feet) through the transfer of development rights bonus. The total square footage of the additional proposed area on the sixth floor is 862 square feet. Therefore, the additional TDR value is \$12,930 ($862 \text{ sf} \times \15 per sf). The TDR fee was waived by the City Commission as part of Ordinance 2023-16; the applicants have requested the continuation of that waiver as part of this amendment.

Below are the criteria projects must meet to qualify for the program:

1. Projects incorporating transfer development rights must be a mixed use urban planned development, planned development, mixed use planned development or residential planned development.

Analysis: Yes, the proposed project is a Mixed Use Urban Planned Development (residential only).

2. Projects must have incorporated all of the density, height and intensity bonuses available under the sustainable bonus program prior to being eligible for the transfer development rights program.

Analysis: The proposed project has incorporated all of the density, height, and intensity bonuses available under the sustainable bonus program prior to incorporating the density bonus from the TDR program.

Section 23.2-29 - Affordable/Workforce Housing Program:

For the additional six units proposed in this planned development amendment, the applicant has elected to continue to utilize the fifteen percent (15%) unit size reduction through the City's Affordable/Workforce Housing Program (AWFH) for their one-bedroom units. The AWFH Program requires that all units utilizing affordable/workforce incentives be income restricted in accordance with the provisions in the City's program, as well as 15% of the total number of units gained through utilization of any other City incentives or bonus programs.

Analysis: The applicant is proposing 182 dwelling units (a six-unit increase from Ordinance 2023-16, gained through their acquisition of additional land area), all of which will be income-restricted. The project is financed with low-income housing tax credits provided by the federal government, and will be required to remain as affordable housing for a period of at least fifty years. The average rental rate for the units cannot exceed sixty percent of the Area Median Income (AMI), and

at least ten percent of the units must have “Extremely Low Income” rental rates. Additional information regarding the affordable housing requirements for the tax credit program can be found in the applicants’ justification statement.

The one-bedroom unit size provided is 576 square feet, which is within the program’s allowable area reduction. The program also allows a parking reduction of up to twenty-five percent (25%), provided that at least one parking space is provided per unit. Using the City’s standard parking rates, the project requires 269 parking spaces, which could be reduced to 202 parking spaces with the AWFH reduction; using the 0.7 spaces per unit rate approve in Ordinance 2023-16, the project requires 128 parking spaces. The applicant has provided 129 spaces in the proposed amendment, and is requesting a continuation of the reduction provided in Ordinance 2023-16 through the waiver provisions of a planned development.

Project Phasing and Plat

As depicted on the master development plan, the project has two phases. The phase lines also match the approved plat of the project site into two parcels. The plat also contains utility easements for the abandoned rights-of-way and cross-access easements to ensure both phases have accessed the project’s parking, site features, and amenities. Conditions of approval were also included in Ordinance 2023-16 to establish requirements should phase two not be constructed, including provisions for finalizing the parking lot and providing additional landscaping.

CONCLUSION AND CONDITIONS

The TOD-E district is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. Based on the data and analysis in this report and the supporting materials by the applicant, the proposed amendment to a mixed use urban planned development appropriate and consistent with the City’s Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, and Land Development Regulations. The development, as proposed, will be complimentary to the adjacent residential and commercial properties and will provide affordable age-restricted units with access to public transportation. **Therefore, a recommendation of approval is provided to the PZB with the following conditions:**

Planning & Zoning

1. All conditions from Ordinance 2023-16 and PZ #24-01400037 still apply, unless specifically superseded in this approval. See Development Orders for full conditions of approval.
2. A restrictive covenant shall be recorded for the age-restricted units prior to the issuance of a Certificate of Occupancy for the buildings, or the developer shall pay to the PBC school district any required school concurrency fees
3. Ordinance 2025-12 shall be recorded with the Clerk of Court so that all development conditions will be of record for future purchasers and lienholders.
4. Transformers shall have decorative wrapping to help mitigate the visual impact of their proximity to the public open space.

Landscape

1. Prior to building permit application, submit a site plan amendment to address the following:
 - a. Revise landscape plans to provide required perimeter trees west of Building 2 and along the southern property line. Provide root barriers where necessary to prevent issues with nearby utilities.

Building Division

1. Submit a revision to building permit #24-3184 to correct 2nd floor occupant load (sheet A010).

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL WITH CONDITIONS of Ordinance 2025-12, commonly referred to as the “Madison Terrace Planned Development Amendment” based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I MOVE TO NOT RECOMMEND APPROVAL of Ordinance 2025-12, commonly referred to as the “Madison Terrace Planned Development Amendment.” The project does not meet the review criteria [Board member state applicable review criteria] for the following reasons [Board member please state reasons].

Consequent Action: *The PZB recommendation will be forwarded to the City Commission as part of the supporting documents and materials upon first reading of Ordinance 2025-12.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Ordinance 2025-12
- D. Ordinance 2023-16 and Site Plan Amendment #24-01400037
- E. Application Package (survey, site plan, architectural plans, & supporting documents)

ATTACHMENT A – Qualitative Development Standards

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

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

- 10. Design of on-site public right-of-way (ROW).** On-site public street and rights-of-way shall be designed to for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited access to parcels. **Not applicable**
- 11. Off-street parking, loading and vehicular circulation areas.** Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**
- 12. Refuse and service areas.** Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**
- 13. Protection of property values.** The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property. **In compliance**
- 14. Transitional development.** Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development. **In compliance**
- 15. Consideration of future development.** In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development. **In compliance**

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

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

15. All buildings shall address both the public right-of-way and improve the overall pedestrian experience through the inclusion of the following components: **In compliance**
- a. Clearly articulated entrances,
 - b. Expanses of fenestration at the ground level,
 - c. Provision of shade through porches, awnings, galleries, arcades and/or loggias as well as other appropriate forms to the chosen architectural style(s),
 - d. Integrated signage,
 - e. Pedestrian scaled lighting,
 - f. Buildings that define at least fifty (50) percent of the street frontage, and
 - g. Openings that approximate a golden ratio of 1.618.
16. All new buildings of seven thousand five hundred (7,500) gross square feet or larger shall incorporate design principles, practices and performance standards to achieve the following through a project proforma description and analysis prepared by the developer and verified by an independent third party: **In compliance as conditioned**
- a. Overall ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards,
 - b. Overall ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards,
 - c. Overall twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards,
 - d. Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable,
 - e. Overall twenty (20) percent reduction in water usage during operation of the building as compared to industry standards,
 - f. Efficient use of natural resources through use reduction, reuse, reclamation, and recycling,
 - g. Incorporation of design features and uses that support multi-modal transportation options,
 - h. Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors,
 - i. Incorporation of amenities that are conducive to enhancing community pride and social interaction, and
17. In addition to the items enumerated above, all new planned developments shall strive to incorporate design elements, performance standards and/or specifications to enhance the public's awareness and appreciation of the community's commitment to the preservation and enhancement of the following sustainability qualities, values and principles: **In compliance**
- a. Cultural resources,
 - b. Historical resources,
 - c. Ecological/natural resources,
 - d. Diversity and inclusion,
 - e. Social justice,
 - f. Economic investment,
 - g. Neighborhood vitality,
 - h. Sense of place,
 - i. Education, and
 - j. Recreation.

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

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

ATTACHMENT B - Findings for Granting Conditional Uses

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

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

demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.

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

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



DATE: August 27, 2025

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

FROM: William Waters, Director of Community Sustainability

MEETING: September 3 and September 10, 2025

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

PROPOSAL / BACKGROUND:

The applicant, R. Max Lohman on behalf of Precious Metals Reclaiming Service South, Inc. (PMRS), is proposing text amendments to the Land Development Regulations. The proposed amendments will modify the following sections of the City's Land Development Regulations:

- Article 4 – Section 23.4-13: Administrative Uses and Conditional Uses

PMRS applied for a Zoning Use Confirmation Letter on December 30, 2024; per the letter provided by City Staff on January 13, 2025, the business is classified as a medium-intensity Single Destination Commercial use. This use is permissible in the City's TOD-E zoning district, subject to Conditional Use Permit (CUP) approval and compliance with the development standards for single destination commercial uses provided in LDR Section 23.4-13(c)(5).

One of the supplemental standards provided in LDR Section 23.4-13(c)(5) requires single destination commercial uses to have a minimum site area of 10,000 square feet, and specifies that variances shall not be granted for the minimum site area requirement. The applicants' site at 23-25 South H Street has a total area of approximately 6,750 square feet, which would therefore exclude the site from single destination commercial use.

City staff, including the Director of the Department of Community Sustainability, met with the applicant on March 7, 2025, to further discuss the use classification and supplemental regulations. Following that meeting, the applicant provided a detailed description of the proposed business activities for PMRS, which include purchasing and resale of carat gold, dental gold, gold plate, carat silver, estate jewelry purchases; jewelry store sweeps; retail jewelry sales; gemstone purchase and sales; and e-scrap sampling, purchasing, and selling. Staff reviewed the updated business description with the Director, and confirmed that the use was most appropriately classified as single destination commercial. Staff and the Director advised the applicant that they may apply for a privately-initiated LDR amendment to lower the required minimum site area to better reflect the size of platted lots in the City.

The applicant submitted a complete LDR amendment application on July 17, 2025; following an initial round of staff review in late July the amendment was scheduled for the September PZB hearing. The applicants' proposed LDR

amendments exceed the site area amendment discussed with staff in Spring 2025; detailed staff analysis of the proposed amendments is provided in the section below.

ANALYSIS:

The applicant's proposed amendments to the design and performance standards for single destination retail and commercial uses include:

Minimum Site Area and Lot Width: Reducing the minimum site area requirement from 10,000 square feet to 6,500 square feet and the minimum lot width from 100 feet to 50 feet, specifically in the Transit Oriented Development zoning districts (TOD-E and TOD-W).

Staff supports this proposed amendment, with the caveat that the reduced site area and lot width requirements should apply to all zoning districts which allow single destination retail and/or commercial uses; reducing the requirement for only the TOD zoning districts is arbitrary, and the reasons for reducing the site area requirement apply to many zoning districts.

When the Land Development Regulations were redesigned in 2013, the vision for single destination retail uses and single destination commercial uses was that property owners and developers would consolidate multiple smaller parcels along the City's major commercial corridors and subsequently develop larger single destination retail and commercial uses. While some site consolidation has occurred, many parcels in the Mixed Use – East, Downtown, Mixed Use – Dixie Highway, Mixed Use – West, Transit Oriented Development – East and West, Neighborhood Commercial, and Artisanal Industrial zoning districts remain as smaller platted lots of record. Reducing the minimum site area to 6,500 square feet and the minimum lot area to 50 feet would allow for lower (use area less than 2,500 square feet) and medium-intensity (use area less than 7,500 square feet) single destination retail and commercial uses to be able to be developed within the City, and would better reflect the developable parcels that exist along the commercial corridors.

Landscape Requirements: Exempting sites in the TOD zoning districts from compliance with perimeter and sitewide landscaping requirements.

Staff does not support this proposed amendment, as it arbitrarily exempts certain zoning districts from standard landscaping requirements, does not align with the purpose and intent of the landscaping regulations established in LDR Section 23.6-1, and conflicts with existing street tree requirements in the TOD zoning districts.

In their justification statement, the applicant posits that most of the existing parcels in the TOD zoning districts are already developed and are non-conforming with current landscaping regulations, and that the current landscape regulations would render development of properties in TOD districts infeasible. However, the vast majority of parcels in the City of Lake Worth Beach are developed and may have existing non-conformities; the applicant presents no evidence that the non-conformities in the TOD districts are unique as compared to other existing commercial and residential areas of the City. Perimeter plantings and compliance with existing landscape requirements, insofar as feasible, does not present a unique challenge to the TOD zoning districts as compared to the rest of the City. Staff contends that the proposal to exempt only those districts from the landscaping requirements is arbitrary.

Major Thoroughfares: Exempting sites in the TOD zoning districts from the requirement that a single destination retail or single destination commercial use must front one of the City's Major Thoroughfares.

Staff does not support this proposed amendment, as it arbitrarily exempts certain zoning districts from the requirement for single destination retail and commercial uses to front a major thoroughfare. The applicant argues that because some parcels within the TOD-E district do not front major thoroughfares, restricting development of

single destination retail and commercial uses to sites along major thoroughfares stifles development. Staff contends that the fact that not every parcel is located along a major thoroughfare and/or is not eligible for certain types of development is a condition that can be found throughout the City in all zoning districts; this is not unique to the TOD zoning districts, and establishing minimum requirements for development is inherently intended to exclude some sites which are deemed inappropriate for certain types of development.

The intent of the requirement for a single destination retail or commercial site to front a major thoroughfare is to direct large retail and/or commercial development, such as big-box stores, convenience stores, grocery stores, appliance sales, auction rooms, trade schools, hardware stores, etc., to the main thoroughfares of the City. This requirement appropriately concentrates these types of uses to the City's major commercial areas.

However, staff is proposing an alternate amendment to allow for the development of low-intensity (use area less than 2,500 square feet) single destination retail and commercial uses without the need for frontage along a major thoroughfare. These low-intensity uses, some of which are permitted by right as individual uses, can more appropriately fit in to the smaller, less intensive commercial areas of the City outside of the major commercial corridors, even when combined as a single destination use.

Glazing Requirements: Exempting sites in the TOD zoning districts from requirements for a minimum of 25% clear glazing along frontages and to have clearly identifiable entrances.

Staff does not support this proposed amendment, as it arbitrarily exempts certain zoning districts from these requirements; requirements for minimum glazing and identifiable entrances are also supported by existing ground-floor glazing requirements in the TOD-E district and align with the Major Thoroughfare Design Guidelines. As discussed in the Major Thoroughfare Design Guidelines, building entrances “reinforce the connection between public and private spaces while helping patrons and passing pedestrians distinguish adjacent businesses from each other.” Prominent entrances enhance both an individual storefront and the overall streetscape of the community. Windows and other forms of glazing are also key to building design, as they generate visual interest for pedestrian and vehicular traffic and provide connection with the natural environment.

The applicant argues that glazing requirements make sense for buildings that front major thoroughfares, but should not apply to parcels that are not along a major thoroughfare. As not every parcel in the TOD zoning districts is along a major thoroughfare, they believe these districts should be exempt from the glazing requirement. Staff contends that this proposal is arbitrary, as many parcels within a variety of zoning districts do not front major thoroughfares. Furthermore, the benefits that glazing requirements provide for the pedestrian experience and overall streetscape are not exclusive to major thoroughfares.

Display Window Requirements: Exempting sites in the TOD zoning districts from the requirement to have engaging and pedestrian-friendly vignettes in display windows.

Staff does not support this proposed amendment; similarly to the glazing analysis provided above, the applicants' proposed amendment arbitrarily exempts only the TOD zoning districts from the requirement to place pedestrian-friendly vignettes in display windows. Single destination commercial uses are not required to provide display windows, so long as they meet the overall minimum glazing requirement; however, where a building does have display windows, the City has minimum requirements to provide for a pedestrian-friendly environment.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2025-XX with only the staff-supported amendments to the minimum site area requirement, minimum lot width requirement, and Major Thoroughfare requirement (subsections B(1), B(2), and B(7)).

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the staff-revised LDR text amendments included in the proposed Ordinance 2025-13.

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the applicant-proposed LDR text amendments included in the proposed Ordinance 2025-13.

Attachments

- A. Ordinance 2025-13 – Applicant’s Draft
- B. Ordinance 2025-13 – Staff Revisions
- C. Applicant’s Justification Statement

PLANNING AND ZONING BOARD REPORT

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

Meeting Date: September 3, 2025

Applicant: Sudan Infante | Streamline Building & Development LLC

Address: 1708 North Lakeside Drive

PCN: 38-43-44-15-16-051-0120

Size: 0.61 acre

General Location: The east side of North Lakeside Drive, adjacent to the Intracoastal Waterway, between 16th Avenue North and 18th Avenue North.

Existing Land Use: Single-family residence

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

Zoning District: Single Family Residential (SFR)

Location Map



RECOMMENDATION

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

PROJECT DESCRIPTION

The applicant, Sudan Infante from Streamline Building & Development LLC, is requesting two variances for a new single-family home to encroach into the side setback and to exceed the maximum wall height at side setback at 1708 North Lakeside Drive. The subject site is a single-family zoned property located on the east side of North Lakeside Drive, adjacent to the Intracoastal Waterway, between 16th Avenue North and 18th Avenue North. The subject site is surrounded by properties zoned for single-family use to the north, south, and west, while the east side borders the Intracoastal Waterway.

COMMUNITY OUTREACH

As of publication, staff has not received comments in support or opposition of the proposal.

BACKGROUND

The subject site is a ± 0.61 acre parcel that is actively in construction for a new single-family home. Below is a general timeline summary of the residential property based on City records:

- 02/20/2025 – A building permit (24-2815) to construct a new single-family home on a vacant lot was issued
- 03/04/2025 – A form board survey was provided to the building inspector and building inspection was approved
- 06/03/2025 – Applicant reached out to Planning and Zoning to discuss setback issue found during construction
- 6/16/2025 – Applicant met with Planning and Zoning for a variance pre-application meeting
- 07/07/2025 – Applicant applied for a variance to encroach into the side setback
- 08/19/2025 – Staff advised applicant that an additional variance to exceed the maximum wall height at side setback is required

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 SFR future land use area is *“intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household.”*

Analysis: The parcel was previously vacant and received a building permit to construct a new single-family house and is consistent with the intent of the Single-Family Residential designation. The variances being sought will not change the use of the property.

Consistency with the City’s Land Development Regulations

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

Analysis: The proposed addition conflicts with development requirements in the City’s Zoning Code, specifically side setback and maximum wall height at side setback requirements.

The subject request involves deviations from side setback and wall height requirements as outlined in LDR Section 23.3-7(c). Based on the lot’s width of 90’, the required minimum side setback is 9’ for wall heights up to 18’, and a side setback of 10’-4” is required for a wall height of 23’-4”.

The site plan approved at the time of building permit review indicated compliance with these standards, showing a 10’-6” south side setback. However, the as-built form board survey indicates that the structure was constructed with only an 8’ setback from the south property line.

The applicant is seeking a variance to allow the as-built encroachment into the required south side setback and to exceed the maximum wall height at setback allowance.

LDR Citation	Required	Proposed
Side setbacks (23.3-7(c))	Ten (10) percent of lot width, with a minimum of three (3) feet up to a minimum of ten (10) feet for lots over one hundred (100) feet in width. The lot is 90 feet wide and requires a minimum side setback of 9 feet	The entire structure to be setback 8 feet from the south side property line.
Maximum Wall Heights at Side Setback (23.3-7(c))	Lots between 50 ft. and 100 ft. in width - 18 ft. wall height at 5'-0" setback up to 23 ft. wall height at 10'-0" setback. For each additional foot of side setback an additional 1'-0" of wall height is allowed to a maximum of 30'-0". A portion (southeast side) of the structure has a wall height of 23'-4" and requires a minimum south side setback of 10'-4".	The entire structure to be setback 8 feet from the south side property line.

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

The Land Development Regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b). Staff has reviewed the requests against this section; as the two variance requests are all related to the construction of the south side setback, the two variance requests are analyzed together.

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

Analysis: The subject property, located at 1708 North Lakeside Drive, lies on the west side of the Lake Worth Intracoastal Waterway. While waterfront properties are relatively uncommon in certain parts of the City, they are not unusual overall and do not inherently affect the side setback and maximum wall height at side setback requirements for this parcel. The applicant asserts that the structure was newly constructed with an incorrect side setback of 8 feet, which was not identified during City inspections. However, it remains the builders’ responsibility to ensure that construction complies with City approved and stamped plans. Deviation from the

required setback and maximum wall height at side setback is a direct result of the applicant's actions and no unique hardship related to the physical characteristics of the property have been demonstrated. **Does not meet criterion.**

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

Analysis: The applicant contends that correcting the side setback encroachment would be financially burdensome and would extend the construction timeline by approximately 4 months. However, the standard for evaluating this criterion is not based on cost or construction delays. Instead, it considers whether the strict application of the LDRs would result in a denial of all reasonable use of the property. In this case, the property is developed as a single-family home, which is a permitted and reasonable use within the zoning district. Compliance with the required side setback and maximum wall height at side setback would not prevent the proposed residential use of the property. Therefore, the strict enforcement of the LDRs does not deprive the applicant of reasonable use of the land or building. **Does not meet criterion.**

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

Analysis: As previously noted, the requested variance is not essential to enable the reasonable use of the property. The site is capable of the intended and permitted use as a single-family home, without the need for relief from the side setback and maximum wall height at setback requirement. Since the applicant can achieve reasonable use of the land and structure in full compliance with the Land Development Regulations, the variances requested exceed what is necessary and therefore do not represent the minimum variances required. **Does not meet criterion.**

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

Analysis: The proposed variance generally aligns with the spirit and intent of this chapter and is not expected to be detrimental to the public welfare or the surrounding neighborhood. While the adjacent property to the south is the most directly impacted by the encroachment into the side setback and the increased wall height, there is no clear indication that the request will result in undue injury to that property or others nearby. **Meets criterion.**

CONCLUSION

Pursuant to Section 23.2-26(b) of the Land Development Regulations (LDRs), variance requests must be evaluated for consistency with all applicable review criteria. The applicants have not demonstrated, through competent and substantial evidence, that the requested variances satisfy the full scope of these criteria. Specifically, no hardship unique to the property has been established, nor has it been shown that strict application of the LDRs would deprive the property of reasonable use. As a result, the request does not meet the necessary standards for approval. Therefore, staff are recommending that the Planning and Zoning Board do not approve the proposed variances. If the Planning and Zoning Board moves to approve the variance requests, staff have drafted conditions of approval to be project specific and to require a building permit revision.

Conditions of Approval:

1. The variance from the south side setback and maximum wall height at the south side setback requirements shall be project specific and shall only apply to the scope of work approved under this application. Should the property be redeveloped or destroyed, or if the south side of the structure were to be further altered or expanded, or the property use changed, the variance would no longer be valid.
2. A building permit revision is required to reflect revisions to the approved site plan.

BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** PZB Project Number 25-01500005 for two variance requests for 1708 North Lakeside Drive to encroach into the side setback and to exceed the maximum wall height at side setback. The project does not meet the variance criteria based on the data and analysis in the staff report.

I MOVE TO **APPROVE** PZB Project Number 25-01500005 for two variance requests for 1708 North Lakeside Drive to encroach into the side setback and to exceed the maximum wall height at side setback. The application meets the variance criteria for the following reasons [Board member please state reasons].

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

ATTACHMENTS

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

PLANNING AND ZONING BOARD REPORT

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

Meeting Date: September 3rd, 2025

Owner: Jay Sussman

Applicant: Steven Papis – Deck and Drive

Address: 1918 Notre Dame Drive

PCNs: 38-43-44-15-09-020-1040

Size: 0.42-acre parcel

General Location: East side of Notre Dame Drive and North of Wellesley Drive

Existing Land Use: Single-Family Residential

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

Zoning District: Single Family Residential (SFR)

Location Map



RECOMMENDATION

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

PROJECT DESCRIPTION

The applicant, Steven Papis, is requesting a variance to exceed the maximum allowable front yard impermeable coverage at 1918 Notre Dame Drive. The subject site is a single-family zoned property located on the eastern side of Notre Dame Drive and north of Wellesley Drive. The subject site is surrounded by single-family zoned properties to the north, south, and west, the east side borders the intracoastal waterway.

COMMUNITY OUTREACH

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

BACKGROUND

The subject site is a ± 0.42-acre residential parcel. Below is a timeline summary of the residential property based on City records:

- 1999 – permits for construction of a new single-family home, landscaping and pool
- 2025 – Applicant applied for permit for repaving of the existing front driveway area; permit is denied due to survey age, unpermitted artificial turf and pavers in the rear yard of the structure and exceeding the allowable front yard coverage
- July 2025 – Applicant submitted a complete application for a variance to exceed the allowable front yard coverage
 - Applicant states that the rear yard is not under the scope of this variance
- August 2025 – a search of the City’s database shows that there are no active code cases.

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 SFR future land use area is *“intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household.”*

Analysis: The existing principal structure is a single-family house that is consistent with the intent of the Single-Family Residential designation. The variance being sought will not change the use of the property and therefore is consistent with the goals, objectives, and policies of the City of Lake Worth Beach’s Comprehensive Plan.

Consistency with the City’s Land Development Regulations

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

Analysis: The proposal requests to replace approximately 1,142 SF of existing pavement in the front yard, which conflicts with development requirements in the City’s Zoning Code. Section 23.3-7(c)(5)(d) requires 75% of the front yard area to remain pervious and be landscaped.

Required by Code	Proposed
<p>LDR Section 23.3-7(c)(5)(d):</p> <p><i>Seventy-five (75) percent of the front yard area shall remain pervious and be landscaped. (610 SF)</i></p> <p>1. The front yard area is defined as the front 20' setback.</p>	<p>The applicant is proposing 1,142 SF of pavers in the front yard, which provides approximately 50% pervious landscape coverage in the front yard area.</p>

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

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

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

Analysis: 1918 Notre Dame Drive consists of a large 122' x 150' lot which features a ±4,451 SF residence constructed in 2000. At this time, there was no provision in the City's Land Development Regulations requiring a property to preserve a certain percentage of the front yard (defined as that portion of the property contained within the front 20' setback) for pervious coverage and landscaping. This requirement was added to the City's Land Development Regulations in 2013.

Although this has resulted in a condition in which the subject property features substantially more existing nonconforming paving (±1,142 SF) than the allowable 610 SF of impervious surface in the front yard area of the property, this circumstance is not the result of any peculiarity to the subject land or structure. The structure meets all required setbacks and does not extend into the required landscape area. As the applicant intends to remove the existing pavers in order to install new pavers in the existing driveway footprint, they would no longer be considered to be legally nonconforming in regards to the front yard paved area and could feasibly redesign the site features to meet the requirements of the current Land Development Regulations. Of note, the property features a large circular driveway, which could be redesigned to one entry drive rather than two.

While a provision exists in the Land Development Regulations allowing for pervious pavers to be calculated at 50% towards the required impermeable surface coverage, this allowance does not apply to the front yard landscape requirement as it would not allow for the required landscape coverage in the front yard.

There are no circumstances peculiar to the subject property that would not permit the applicant to construct a 610 SF driveway and walkway while providing access to the home and existing 3 car garage and therefore the variance request does not meet the intent of this criterion. **Does not meet criterion.**

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

Analysis: Strict application of the LDRs would not deprive the applicant's continued use of the single-family residence. The applicant has stated that denial of the proposed variance would deprive them of driveway access to the existing three car garage, however, the property currently features a substantially sized circular driveway. The applicant could feasibly remove the existing pavement not leading to the garage and narrow the driveway opening, which would allow access to the existing garage and provide 75% landscape coverage in the front yard as required by the City's Land Development Regulations.

Does not meet criterion.

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

Analysis: The variance proposed is not the minimum variance request which makes possible use of the land. As previously stated, denial of the variance would not prevent the applicant from reasonable use of the land or building. The applicant could redesign the paved area in the front yard in order to provide access to the existing garage while substantially reducing the overall impervious coverage for the yard and providing the required 75% landscaped area. While the existing driveway is currently considered a legal nonconformity as it was constructed prior to the adoption of the current Land Development Regulations regarding front yard impervious coverage in 2013, as the applicant is requesting to re-pave the area they have the opportunity to bring the property into compliance with current Land Development Regulations. **Does not meet criterion.**

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

Analysis: The proposed variance would be detrimental to the public welfare and surrounding properties. The front yard pervious landscaping requirement is intended to promote greenspace, reduce heat island effect and minimize the effects of water runoff onto neighboring properties. The granting of the variance would therefore result in detrimental effects to surrounding properties and the public welfare in general. **Does not meet criterion.**

CONCLUSION AND CONDITIONS

Variance requests are required to be reviewed for consistency with all of the criteria set forth in LDR Section 23.2-26(b). Based on data and analysis on this report, the variance request does not comply with any of the four variance criteria. The existing driveway is currently considered a legal nonconformity as it was installed in 2000, prior to the current land development regulations coming into effect. However, as the applicant is proposing to alter the paved area they are required to bring the property into compliance with the current Land Development Regulations regarding allowable front yard paved area, which would permit a maximum of 610 SF of paved area in the front yard. As the applicant could feasibly remove some of the existing pavement to meet this standard, staff does not recommend approval of the requested variance. If the Planning and Zoning Board moves to approve the variance request, staff have drafted conditions of approval including removal or permitting of the unpermitted rear improvements and requirement of a permeability study to demonstrate percolation rate.

Conditions of Approval:

1. The variance from the front yard landscaping requirements shall be project and use specific and shall only apply to the scope of work approved under this application. Should the property be redeveloped or destroyed, the paved area proposed to be further altered or expanded, or the property use changed, the variance would no longer be valid.
2. The applicant shall submit a permeability study for the proposed sand set pavers which shall demonstrate a percolation rate of at least fifty (50) percent relative to the ground percolation rate.
3. Prior to building permit issuance, the site shall be reviewed for zoning compliance with the Single Family Residential (SFR) Land Development Regulations including the maximum impermeable surface coverage allowance. This shall include the removal or permitting of any excess impermeable area in the rear of the structure to bring the property into compliance with all regulations regarding total impermeable surface coverage for the entire lot.

BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** PZB Project Number 25-01500003 for a variance to exceed the maximum allowable front yard impermeable coverage for the property at 1918 Notre Dame Drive. The project does not meet the variance criteria based on the data and analysis in the staff report.

I MOVE TO **APPROVE** PZB Project Number 25-01500003 for a variance to exceed the maximum allowable front yard impermeable coverage for the property at 1918 Notre Dame Drive. The application meets the variance criteria for the following reasons [Board member please state reasons].

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

ATTACHMENTS

- A. Application Package (survey, site plan, and supporting documents)