



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, APRIL 03, 2024 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

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

WITHDRAWALS / POSTPONEMENTS

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

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

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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

ORDINANCE 2024-05

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

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

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

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

For additional information, please contact City Staff at 561-586-1687 or email pzoning@lakeworthbeachfl.gov. If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. **Persons in need of special accommodation** to participate in this proceeding are entitled to the provision of certain assistance. **Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if assistance is required.**

Publish: The Lake Worth Herald
March 21, 2024

ORDINANCE 2024-06

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

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

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DATE: March 27, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: April 3 & April 10, 2024

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

PROPOSAL / BACKGROUND/ ANALYSIS:

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

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

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

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

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

STAFF RECOMMENDATION:

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

POTENTIAL MOTION:

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

Attachments

- A. Draft Ordinance 2024-05

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

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

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

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

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

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

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

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

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

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

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

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

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- a) *Intent.* The Affordable/Workforce Housing Program is intended to implement Objective 3.1.2 of the city comprehensive plan future land use element and provisions therein regarding affordable and workforce housing. The Affordable/Workforce Housing Program provides for a density bonus and a reduction in overall housing unit areas for developments that incorporate residential units with restrictive covenants that meet the requirements of the program.

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

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

104 c) *Application and Review Process.*
105

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

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

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

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

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

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

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

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

154 d) *Qualifying income restrictions.* The following provisions outline the required

155 income limits and overall percentage of household income to qualify units as being

156 affordable/workforce under the Affordable/Workforce Housing Program. All

157 income values shall be based on the then current area (County) median household

158 income published annually by the US Department of Housing & Urban

159 Development. Whether with a rental unit or for a fee simple, for sale unit, the

160 overall housing expense (rent, mortgage, property taxes, and insurances) for the

161 unit shall not exceed thirty percent (30%) of the income limit provided for each unit

162 type, based upon the number of bedrooms.

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

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

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

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

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

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

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

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

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

241 percent (15%) of the dwelling units available after the density increase incentive
242 remain affordable for a guaranteed twenty-five (25) year period as governed
243 through a covenant and/or deed restriction. Values may be paid through utilization
244 of Sustainable Bonus Incentive Values, Transfer Development Right Values or
245 cash payments from the City from the Affordable/Workforce Housing Program
246 Trust Fund, Sustainable Bonus Incentive Trust Account or the Transfer
247 Development Rights Trust Account or other legally approved funding source(s).
248

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

264 g) *Affordability extension(s)*. The City shall have the express right, in its sole
265 discretion, to extend the affordability deed restrictions and covenants for another
266 period of no less than twenty-five (25) years) through the provision of a then current
267 economic incentive payment based on unit size.
268

- 269 1. The City shall provide formal notice of intent to extend affordability of units a
270 minimum of six (6) months prior to the expiration of the affordability deed
271 restrictions and covenants.
 - 272 2. The City's notice shall include the number and type of units having affordability
273 extended and the economic incentive to be provided for those units.
 - 274 3. The affordability extension may not exceed the original number and type of
275 units governed by the Affordable/Workforce Housing Program.
 - 276 4. There shall be no limit on the number of affordability extensions the city may
277 fund for a project.
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- 288 5. The extension incentive payment shall follow the parameters as set forth in f)
 289 of this section based on the values established for the year that the extension
 290 is authorized.
 291
- 292 h) *Policies and Procedures.* The city's director for community sustainability is hereby
 293 authorized to establish policies and procedures including covenants, accountability
 294 and reporting to ensure effective implementation of the Affordable/Workforce
 295 Housing Program and clarify the requirements and procedures as set forth herein.
 296
- 297 i) *Trust Fund.* There is hereby established an Affordable/Workforce Housing
 298 Program Trust Fund. The trust fund will be a separate line item in the City's budget.
 299
- 300 1. Payments required by the Affordable/Workforce Housing Program due to non-
 301 compliance with restrictive covenants shall be paid into the trust fund.
 302
- 303 2. Funds in the trust fund will be used to fund the financial incentives and the
 304 affordability extensions under the Affordable/Workforce Housing Program.
 305
- 306 3. At least once each fiscal period, the city manager shall present to the city
 307 commission a report on funds held in the trust fund, including any accrued
 308 interest, and any proposed use thereof. Monies, including any accrued interest,
 309 not assigned in any fiscal period shall be retained in the trust fund until the next
 310 fiscal period.
 311
- 312 j) *In Lieu Payment Provision.* In some instances, projects including Density, Intensity
 313 and/or Height Bonuses may not be appropriate for participation in the Program. In
 314 these cases, the project may pay an in lieu of payment based on the following
 315 provisions;
- 316 1. The fee shall be calculated on fifteen percent (15%) of the gross area of the
 317 bonuses requested for the project.
 318
- 319 2. The fee shall be a one-time payment of \$50 or 0.0625% of the area median
 320 income, whichever is greater, per gross square foot.
 321
- 322 3. Projects eligible for an in lieu of payment may include the following:
 323 i. Single or multiple use projects that do not include a residential use;
 324 ii. Mixed use projects that include residential and fewer than 25
 325 residential units;
 326 iii. Residential only projects that include fewer than 15 residential units;
 327 iv. Any project that includes a residential use(s) and all of the dwelling
 328 units are for sale, home ownership such as condominiums,
 329 townhouses and/or single-family residences of which none are deed
 330 restricted as affordable/workforce housing.
 331
- 332 4. Fee payment shall be due prior to issuance of any building permits related
 333 to the project.
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- 335 k) *Exemptions.* Projects in specific locations are exempt from the requirements of
 this section due to their maximum allowed density and/or to their allowed uses.
 1. Individual residential dwelling units in the Single Family Residential (SF-R)
 and Single Family/Two Family Residential (SF/TF) Zoning Districts unless

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

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

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

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

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

Section 6: Effective Date. This ordinance shall become effective 10 days after passage.

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

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

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

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

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

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

386

387

LAKE WORTH BEACH CITY COMMISSION

388

389

By: _____
Betty Resch, Mayor

390

391

392

393 ATTEST:

394

395

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397 _____
Melissa Ann Coyne, MMC, City Clerk

398



DATE: March 27, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: April 3 & April 10, 2024

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

PROPOSAL / BACKGROUND/ ANALYSIS:

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION:

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

POTENTIAL MOTION:

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

Attachments

- A. Draft Ordinance 2024-06

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 15: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

Section 17: Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

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Section 18: Effective Date. This ordinance shall become effective 10 days after passage.

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

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

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

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

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

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

LAKE WORTH BEACH CITY COMMISSION

By: _____
_____, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.1-12. – Definitions.

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

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

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

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

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

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

Structure lot coverage: See “building lot coverage.”

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

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

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

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

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

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

a) *Administrative adjustments.*

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

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”

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

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

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

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

9. Location of Accessory buildings, pools, etc.

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

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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

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

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

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

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

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EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 “ZONING DISTRICTS”

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

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

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

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

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

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

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

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

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EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

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

c) Development regulations for uses permitted by right

5. Maximum impermeable surface for entire lot.

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

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EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

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

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

4. *Maximum impermeable surface for entire lot.*

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

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EXHIBIT I

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

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

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

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

4. *Maximum impermeable surface for nonresidential uses.*

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

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EXHIBIT J

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-3. – Exterior lighting.

d) String lights.

1. Clear or white string lights (warm or cool in tone), and those substantially similar, shall be permitted in all zoning districts throughout the City.
2. Colored or themed holiday lights may be used for periods of sixty (60) days at a time – thirty (30) days prior to and thirty (30) days following the subject holiday. The City Commission shall designate the subject holidays by Resolution on an annual basis.

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EXHIBIT K

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

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

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

1. *Height limitations.*

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

e) *Multi-family residential uses.*

1. *Height limitations.*

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

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EXHIBIT L

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

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

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

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EXHIBIT M

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

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

A. Outdoor storage.

b) Outdoor storage in mixed-use districts and Artisanal Industrial. Outdoor storage in mixed-use districts and the Artisanal Industrial (AI) district shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Screening shall require both fencing and landscaping. Outdoor storage of chemicals or parts is prohibited in mixed-use districts and the AI district.

b c) Outdoor storage industrial in I-POC. Outdoor storage in the I-POC industrial districts shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles, boats, parts, materials, or chemicals are required to be stored on an impervious paved surfaces to reduce pollutants in stormwater runoff.

B. ~~Open air operations.~~

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

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

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-1. – Signs.

g) *Prohibited signs.*

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

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EXHIBIT O

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-4. – Historic Preservation.

m) *Exceptions to certificates of appropriateness.*

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



DATE: March 27, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: April 3 & April 10, 2024

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

PROPOSAL / BACKGROUND/ ANALYSIS:

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

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

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

STAFF RECOMMENDATION:

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

POTENTIAL MOTION:

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

Attachments

- A. Draft Ordinance 2024-07

1
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3 **ORDINANCE 2022-13 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 4 “DEVELOPMENT**
6 **STANDARDS,” SECTION 23.4-25 “MICRO-UNITS,” AND PROVIDING**
7 **FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN**
8 **EFFECTIVE DATE**
9

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

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

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

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

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

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

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

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

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

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Sec. 23.4-25. – Micro-units.

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

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

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

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

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

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

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

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

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

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

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137
138 The passage of this ordinance on second reading was moved by
139 _____, seconded by _____, and upon being put to a vote,
140 the vote was as follows:

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

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

LAKE WORTH BEACH CITY COMMISSION

By: _____
_____, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk