



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
THURSDAY, OCTOBER 06, 2022 - 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Sarah Malega

PLEDGE OF ALLEGIANCE: led by Vice Mayor Christopher McVoy

AGENDA - Additions / Deletions / Reordering:

PRESENTATIONS: (there is no public comment on Presentation items)

- A. Proclamation declaring October 2022 as LGBT History Month, brought forward by Commissioner Malega
- B. Presentation of LWB Challenge Coins by Commissioner Malega to Lifeguard Michael Saumell, Lt. Xavier DeSalis, Chief of Ocean Rescue Mathew Botts and Aquatics Manager Doug Yoakum
- C. Presentation of the "Greetings from Lit City" board game by Lauren Bennett, Leisure Services Director, and Cindy Ansell, Library Manager
- D. [Presentation from WGI regarding Mobility Planning and Connectivity](#)

COMMISSION LIAISON REPORTS AND COMMENTS:

CITY MANAGER'S REPORT:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF MINUTES:

- A. [Special Meeting - September 8, 2022](#)
- B. [Work Session - September 12, 2022](#)
- C. [Pre-agenda Work Session - September 14, 2022](#)

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

- A. [Proclamation declaring October 10, 2022 as The Republic Of China's \(Taiwan\) 111th National Day](#)
- B. [Approval of settlement with Adrian Tano Pascual for \\$175,000 \(inclusive of attorney's fees and costs\)](#)

PUBLIC HEARINGS:

- A. [Ordinance 2022-12 - Second Reading - amending Chapter 23 "Land Development Regulations," Article 1 "General Provisions," Division 2 "Definitions," and Article 2 "Administration", Division 3 "Permits" adding a new Section 23.2-39](#)

["Affordable/Workforce Housing Program," providing for a Lake Worth Beach Affordable/Workforce Housing Program](#)

- B. [Ordinance 2022-13 - Second Reading - amending Chapter 23 "Land Development Regulations," Article 1 "General Provisions," Division 2 "Definitions," Section 23.1-12 "Definitions," and Article 4 "Development Standards", adding a new Section 23.4-25 "Micro-Units," providing for Micro-Unit Housing](#)
- C. [Ordinance 2022-14 – Second Reading - amending Chapter 23 "Land Development Regulations," Article 1 "General Provisions," Division 2 "Definitions," Section 23.1-12 "Definitions", and Article 2 "Administration", Division 3 "Permits," Section 23.2-31 "Site Design Qualitative Standards," providing standards for buildings](#)

UNFINISHED BUSINESS:

- A. [Ordinance No. 19-2022 – First Reading - Adopting amendments to Chapter 7 "Beaches, Parks and Recreation" to prohibit smoking and vaping in City parks and on the City's beach](#)
- B. [Resolution No. 78-2022 – Establishment of a Public Education Fund](#)
- C. [Resolution No. 79-2022 – FY 2022 Budget Transfer](#)
- D. [Update Status Discussion of CRA Owned Contributing Properties along South L and South K Streets](#)

NEW BUSINESS:

- A. [Presentation by FAU of the disparity analysis and the four alternative redistricting maps for review and discussion](#)

CITY ATTORNEY'S REPORT:

- A. [Report regarding RFP for housing crisis / rent control](#)

UPCOMING MEETINGS AND WORK SESSIONS:

October 12 - Pre-agenda Work Session @ 9 AM
October 13 - Public Meeting (redistricting) @ 6 PM
October 15 - Public Meeting (redistricting) @ 10 AM
October 18 - Regular Meeting @ 6 PM

ADJOURNMENT:

The City Commission has adopted Rules of Decorum for Citizen Participation (See Resolution No. 25-2021). The Rules of Decorum are posted within the City Hall Chambers, City Hall Conference Room, posted online at: <https://lakeworthbeachfl.gov/government/virtual-meetings/>, and available through the City Clerk's office. Compliance with the Rules of Decorum is expected and appreciated.

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)



Mobility Workshop July 2019

LAKE WORTH BEACH MOVING FORWARD WITH MOBILITY

OCTOBER 6, 2022

WHY MOBILITY?

Focal shift → from moving vehicles to access for people

Leverage existing assets → roadways, parking, sidewalks, alleys

Efficiency → space efficiency, improved environment, economic gains

Quality of Life → access to opportunity, affordability, enjoy the ride

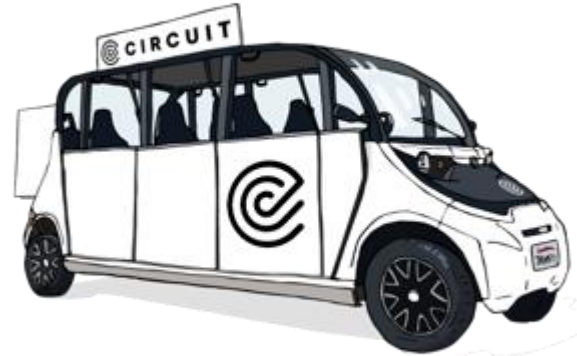
Land Use + Transportation → TOD, mobility hubs, 15-minute city

Technology → vehicles, apps, transit, shared-use, on-demand, electric

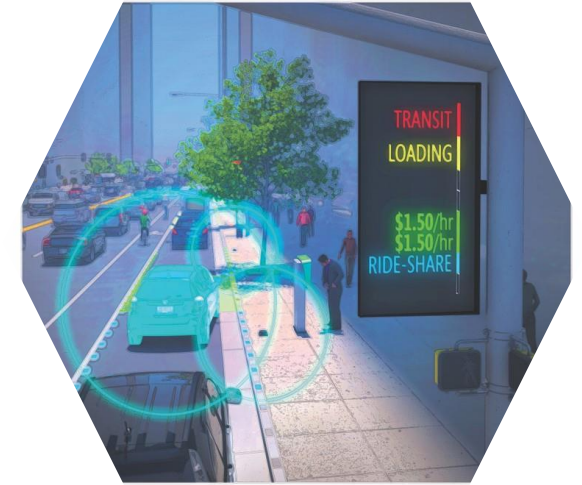
MOBILITY & TRENDS



Performance-Based Plans



Circulators



Programmable Streets



Connected Apps & Services



Low-Medium Speed Electric Vehicles



Complete Streets+

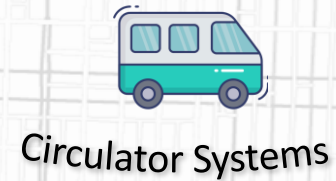
FUNDING + MOBILITY

New Funding Criteria

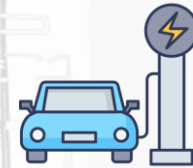
Equity | Safety (Vision Zero) | Complete Streets | Climate | Safe Routes to School | Technology | TOD

1. Define goals and needs
2. Properly articulate scope

- Work with the TPA
- 2023 discretionary grants
- Identify locations that meet multiple criteria
- Prepare or update safety plans
- Safe Routes to School priorities



Mobility Networks

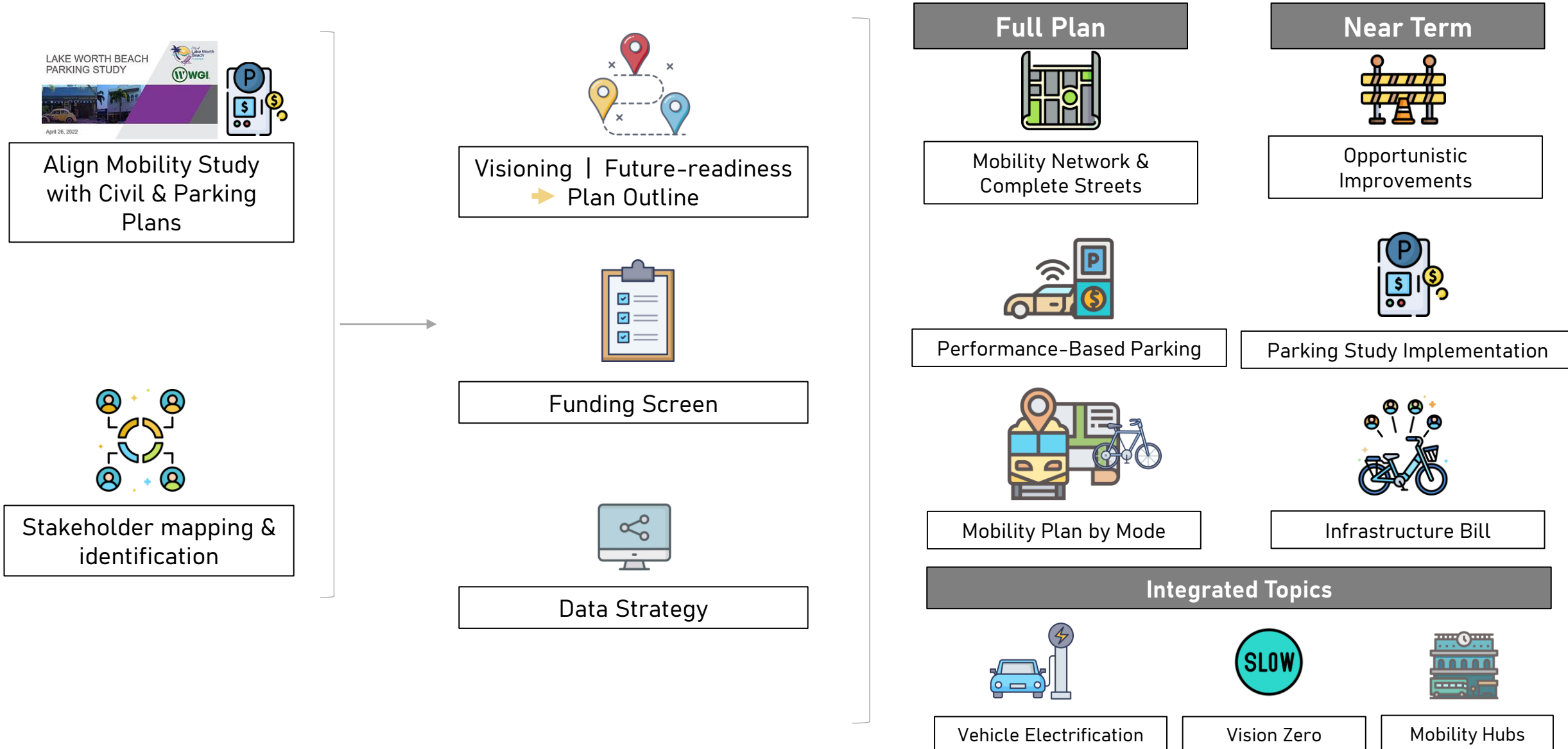


Electric Vehicle Charging



Parking Management

POTENTIAL PLANNING OUTLINE



Align Mobility Study with Civil & Parking Plans



Visioning | Future-readiness
➔ Plan Outline



Funding Screen



Data Strategy

Full Plan



Mobility Network & Complete Streets

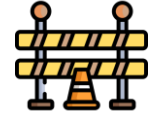


Performance-Based Parking



Mobility Plan by Mode

Near Term



Opportunistic Improvements



Parking Study Implementation



Infrastructure Bill

Integrated Topics



Vehicle Electrification



Vision Zero



Mobility Hubs

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL CITY COMMISSION MEETING - 1ST BUDGET HEARING
CITY HALL COMMISSION CHAMBER
THURSDAY, SEPTEMBER 8, 2022 - 5:01 PM**

The meeting was called to order by Mayor Resch on the above date at 5:07 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:54) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz (arrived at 6:03 PM via Zoom). Also present were City Manager Carmen Davis, City Attorney Christy Goddeau and Deputy City Clerk Shayla Ellis.

PLEDGE OF ALLEGIANCE: (1:39) led by Commissioner Sarah Malega.

Meeting restarted at 5:21 PM.

PUBLIC HEARINGS: (00:27)

- A. Resolution No. 67-2022 – First Public Hearing – Adopt the Fiscal Year 2022-2023 Tentative Millage Rate and set the second public hearing for September 22, 2022. (00:36)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 67-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; LEVYING MUNICIPAL TAXES ON ALL TAXABLE PROPERTY WITHIN THE CITY OF LAKE WORTH BEACH, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; REPEALING ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve Resolution No. 67-2022 adopting a tentative millage rate of 5.4945 mils for Fiscal Year 2022-2023 and schedule the second public hearing for September 22, 2022.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega and Stokes. NAYS: None. ABSENT: Commissioner Diaz.

- B. Resolution No. 68-2022 - First Public Hearing - Adopt the Debt Service Rate and set the second public hearing for September 22, 2022. (06:54)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 68-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; LEVYING

MUNICIPAL TAXES ON ALL TAXABLE PROPERTY WITHIN THE CITY OF LAKE WORTH BEACH, FLORIDA, FOR VOTER APPROVED DEBT SERVICE FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; REPEALING ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve Resolution No. 68-2022 adopting a tentative debt service millage rate of 0.9200 mils for the Fiscal Year 2022-2023 and schedule the second public hearing on September 22, 2022.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega and Stokes. NAYS: None. ABSENT: Commissioner Diaz.

C. Resolution No. 69-2022 - First Public Hearing - Adopt the fiscal year 2022-2023 proposed City budget and set the second public hearing for September 22, 2022. (15:03)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 69-2022, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR THE EFFECTIVE DATE THEREOF

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve the recommendation to utilize \$100,000 in funds to replace the NW Ballfield fencing out of the restricted ARPA funds.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve \$250,000 to fully fund the 16th Avenue North Outfall Check Valve repairs out of ARPA funds.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Resolution No. 69-2022 adopting the proposed budget for Fiscal Year 2022-2023 and schedule the second public hearing on September 22, 2022.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

NEW BUSINESS:

A. Resolution No. 70-2022 - Establish the Stormwater Annual Assessment for Fiscal Year

2022-2023 (1:09:20)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 70-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE WORTH BEACH, FLORIDA; IMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY; APPROVING THE RATE OF ASSESSMENT; CONFIRMING, APPROVING AND ADOPTING THE STORMWATER ASSESSMENT ROLL FOR FISCAL YEAR 2023; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM COLLECTION METHOD AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve Resolution 70-2022 establishing the Stormwater Annual Assessment for Fiscal Year 2022-2023.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

B. Resolution No. 71-2022 - Establish the Refuse Services Annual Assessment for Fiscal Year 2022-2023 (1:10:08)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 71-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, RELATING TO THE PROVISION OF REFUSE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE WORTH BEACH, FLORIDA; RATIFYING AND CONFIRMING THE INTIAL ASSESSMENT RESOLUTION INCLUDING THE DETERMINATION THAT CERTAIN REAL PROPERTY IS SPECIFICALLY BENEFITED BY REFUSE SERVICES, FACILITIES AND PROGRAMS AND THE METHOD OF ASSESSING ASSOCIATED REFUSE SERVICES COSTS AGAINST REAL PROPERTYT SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; APPROVING THE FISCAL YEAR 2022-2023 ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM COLLECTION METHOD; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Resolution 71-2022 establishing the Refuse Services Annual Assessment for Fiscal Year 2022-2023.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

C. Adopt the Fiscal Year 2023 Administrative Charge for Services (1:10:48)

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to approve the

adoption of the Fiscal Year 2023 Administrative Charge for Services, subject to final adoption of the Fiscal Year 2023 Annual Operating Budget on September 22, 2022.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

D. Adopt the Fiscal Year 2023 Contribution from Enterprise Operations (1:37:34)

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to approve the adoption of the Fiscal Year 2023 Contributions from Enterprise Operations, subject to final adoption of the Fiscal Year 2023 Annual Operating Budget on September 22, 2022.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

ADJOURNMENT: (1:37:57)

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega at 7:01 PM.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes Approved: October 6, 2022

Item time stamps refer to the recording of the meeting which is available on YouTube.

**MINUTES
CITY OF LAKE WORTH BEACH
CITY COMMISSION WORK SESSION – REDISTRICTING
CITY HALL COMMISSION CHAMBER
MONDAY, SEPTEMBER 12, 2022 - 5:00 PM**

The meeting was called to order by Mayor Resch on the above date at 5:02 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:34) Present were Mayor Betty Resch; Vice Mayor Christopher McVoy and Commissioners Sarah Malega, Kimberly Stokes, and Reinaldo Diaz. Also present were City Manager Carmen Davis, City Attorney Christy Goddeau and City Clerk Melissa Ann Coyne.

PLEDGE OF ALLEGIANCE: (1:11) led by Vice Mayor Christopher McVoy.

UPDATES / FUTURE ACTION / DIRECTION: (1:28)

A. Presentation and discussion of Florida Atlantic University's (FAU) report on the analysis of the City's current election districts

Action: Consensus to move forward with Part B, preparation of a redistricting plan.

ADJOURNMENT: (01:22:52)

The meeting adjourned at 6:26 PM.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes Approved: October 6, 2022

Item time stamps refer to the recording of the meeting which is available on YouTube.

**MINUTES
CITY OF LAKE WORTH BEACH
CITY COMMISSION PRE-AGENDA WORK SESSION
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 14, 2022 - 9:00 AM**

The meeting was called to order by Mayor Resch on the above date at 9:02 AM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:41) Present were Mayor Betty Resch; Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Davis, City Attorney Glen Torcivia, and City Clerk Melissa Ann Coyne.

UPDATES / FUTURE ACTION / DIRECTION:

Action: Consensus that only the first ten online public comments would be read for each agenda item and that all public comment would be posted on the website. (32:48)

Action: Consensus to investigate the feasibility of bringing back Evening on the Avenue at the Cultural Plaza on a monthly basis with community participation. (47:50)

ADJOURNMENT: (1:02:15)

The meeting adjourned at 10:03 AM.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes Approved: October 6, 2022

Item time stamps refer to the recording of the meeting which is available on YouTube.

CITY OF LAKE WORTH BEACH

PROCLAMATION

- WHEREAS,** The U.S. and Taiwan have maintained close friendship based on the 1979 Taiwan Relations Act (Public Law 96-8 96th Congress), the cornerstone of U.S.-Taiwan ties which celebrates its 43rd anniversary in 2022; and
- WHEREAS,** Taiwan is the U.S.' 8th largest trading partner as well as the 11th largest export market and 8th largest import market, with two-way trade totaling \$114 billion in 2021 and Taiwan is also Florida's 7th largest market in Asia as of 2021; and
- WHEREAS,** The U.S. and Taiwan will conduct formal negotiations under the U.S.-Taiwan Initiative on 21st-Century Trade introduced on June 1st, 2022 to bolster economic and trade relations between the two nations as well as to foster a more resilient, just and flourishing economy for the 21st century; and
- WHEREAS,** A bi-partisan group of U.S. Senators and U.S. Congress members joined together in the signing of letters addressed to the Secretary of the U.S. Department of Commerce, the U.S. Trade Representative, and the President of the United States in support of Taiwan joining the Indo-Pacific Economic Framework (IPEF) in 2022; and
- WHEREAS,** Taiwan's meaningful participation in numerous international organizations, including the International Civil Aviation Organization, the World Health Organization, the United Nations Framework Convention on Climate Change, and the International Criminal Police Organization would benefit regional development, peace, and prosperity; and
- WHEREAS,** Since the establishment of the Taipei Economic and Cultural Office in Miami in 1988, Taiwan has developed sister-state/sister-city relations with Florida and we support Taiwan's mission of economic liberalization, democratization and significant international participation.

NOW, THEREFORE, I, BETTY RESCH, by virtue of the authority vested in me as Mayor of the City of Lake Worth Beach and on behalf of the City Commission, do hereby proclaim:

OCTOBER 10, 2022

as

THE REPUBLIC OF CHINA'S (TAIWAN) 111TH NATIONAL DAY

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Lake Worth Beach, Florida, to be affixed hereto this 20th day of September, 2022.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 6, 2022

DEPARTMENT: City Attorney

TITLE:

Approval of settlement with Adrian Tano Pascual for \$175,000 (inclusive of attorney's fees and costs)

SUMMARY:

This is a request to settle a personal injury lawsuit filed by Adrian Tano Pascual for injuries he sustained in an automobile accident with a former city employee on January 16, 2016. If approved, a general release will be executed in favor of the city.

BACKGROUND AND JUSTIFICATION:

This matter arises out of an automobile accident between the Plaintiff, Adrian Tano Pascual, and former City employee, Anthony Roberson. The accident took place on January 16, 2016. Liability is adverse to the City. As a result of the accident, Plaintiff claims injury to his head, neck and back with radicular symptoms. Initially Plaintiff underwent conservative treatment, and when that failed, he underwent lumbar medial block injections and cervical medial branch block injections. Ultimately, Plaintiff continued to be symptomatic and underwent two surgical procedures: (1) a lumbar endoscopic laser assisted discectomy at L4-5 and L5-S1; and (2) an anterior cervical disc replacement at C5-6. Plaintiff incurred approximately \$340,000.00 in medical bills with nearly \$328,000.00 which are still out of pocket as he did not utilize health insurance. The City recently settled this matter for \$175,000 contingent upon City Commission approval. These funds will be paid by the city's insurance carrier as the city has met its deductible.

MOTION:

Move to approve/disapprove settlement with Adrian Tano Pascual for \$175,000 (inclusive of attorney's fees and costs).

ATTACHMENT(S):

Fiscal Impact Analysis – N/A; Funds will be paid by City's insurance carrier.

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 6, 2022

DEPARTMENT: Community Sustainability

TITLE:

Ordinance 2022-12 - Second Reading - amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” and Article 2 “Administration”, Division 3 “Permits” adding a new Section 23.2-39 “Affordable/Workforce Housing Program,” providing for a Lake Worth Beach Affordable/Workforce Housing Program

SUMMARY:

The proposed amendment would add a new section to the Land Development Regulations (LDRs) providing for a Lake Worth Beach Affordable/Workforce Housing Program, which would require that a percentage of any density, intensity and/or height bonuses be associated with a specific dedication of affordable/workforce housing units. In addition, the program allows for a density increase for all projects provided that the additional density is all deed restricted as affordable/workforce housing.

BACKGROUND AND JUSTIFICATION:

The subject amendment to the City’s Land Development Regulations (LDRs) was drafted based on City Commission direction to staff to prepare an amendment to the LDRs to develop a formal Lake Worth Beach Affordable/Workforce Housing Program. The proposed program also meets a specific requirement of the City’s Comprehensive Plan as well as several Pillars within the City’s Strategic Plan.

In summary, applicants/developers requesting increases in density, intensity and/or height through the city’s incentive and/or bonus program(s) shall provide for a dedication of a minimum fifteen percent (15%) of a project’s total number of housing units as affordable/workforce. The units will be governed by both a deed restriction and a restrictive covenant for twenty (20) years. The program applies to both rental and fee simple ownership units. The program also allows for the Commission to have an option to extend the restrictive covenant in increments of twenty (20) years. In addition, the program allows for up to a fifteen percent (15%) increase in total density for all projects provided that all of the additional units are restricted as affordable/workforce housing units. Finally, an Affordable/Workforce Housing Trust Fund is to be established to assist with the creation and preservation of affordable units.

As part of the program, developers/project owners will be required to submit an annual audited report to the City to verify that the specified affordable/workforce housing units meet the requirements of the restrictive covenant. Should the report not be submitted or the units not meet the affordability requirements, the program includes a penalty provision assessing a fee that must be paid to the City. Any penalty fees collected will be placed in the affordable housing trust fund.

The Planning & Zoning Board (PZB) unanimously voted to recommend approval of the proposed text amendment to the City Commission at its June 1, 2022 meeting*. The Historic Resources

Preservation Board (HRPB) also unanimously voted to recommend approval of the proposed text amendment to the City Commission at the June 8, 2022 meeting*.

At its meeting of August 2, 2022, the City Commission voted unanimously to approve the proposed ordinance with the proposed penalty fee to be a minimum of \$15/sq. ft., which will be reviewed and adopted in the City's Schedule of Fees and Charges with its value to increase based on the Consumer Price Index. In addition, the penalty was to be assessed on a yearly basis for those units that do not meet the affordable/workforce criteria as established by the ordinance. These changes are highlighted in yellow on the attached ordinance.

With the August 16, 2022, City Commission meeting, discussion focused on clarifications and more information regarding the ordinance. The ordinance was tabled for a second reading on September 20, 2022. Over the intervening weeks, the changes and edits were extensive enough to warrant a second first reading with a subsequent second reading should the ordinance be approved.

The ordinance was approved by a vote of 4-0 at the September 20, 2022 City Commission meeting with several requested changes, which are reflected in the attached revised ordinance. The requested changes included extending the deed restriction to twenty-five years (25).

MOTION:

Move to approve/disapprove Ordinance 2022-12 amending Chapter 23 "Land Development Regulations," Article 1 "General Provisions," Division 2 "Definitions," and Article 2 "Administration", Division 3 "Permits" adding a new Section 23.2-39 "Affordable/Workforce Housing Program," providing for a Lake Worth Beach Affordable/Workforce Housing Program.

ATTACHMENT(S):

Draft Ordinance 2022-12
PZHP Staff Report

**Note: draft meeting minutes were not available upon publication of this staff report.*

1
2
3 **ORDINANCE 2022-12 - 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,” ADDING A NEW DEFINITIONS “ANNUAL GROSS**
8 **HOUSEHOLD INCOME,” “GROSS RENT” AND “OVERALL HOUSING**
9 **EXPENSE;” AND ARTICLE 2 “ADMINISTRATION,” DIVISION 3**
10 **“PERMITS,” ADDING A NEW SECTION 23.2-39**
11 **“AFFORDABLE/WORKFORCE HOUSING PROGRAM,” PROVIDING**
12 **FOR AN AFFORDABLE/WORKFORCE HOUSING PROGRAM WITHIN**
13 **THE CITY OF LAKE WORTH BEACH; AND PROVIDING FOR**
14 **SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE**
15 **DATE**

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

23
24 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
25 body of each municipality in the state has the power to enact legislation concerning any
26 subject matter upon which the state legislature may act, except when expressly prohibited
27 by law; and

28
29 **WHEREAS**, the City wishes to amend Chapter 23 Land Development
30 Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1.12
31 definitions, to add definitions and to define “Annual Gross Household Income,” “Gross
32 Rent” and “Overall Housing Expense;” and

33
34 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” to
35 establish a new section, Section 23.2-39 – Affordable/Workforce Housing Program to
36 establish an affordable/workforce housing program within the City of Lake Worth Beach;
37 and

38
39 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
40 municipality having such power and authority conferred upon it by the Florida Constitution
41 and Chapter 166, Florida Statutes; and

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

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

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

53
54 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
55 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

56
57 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
58 being true and correct and are made a specific part of this ordinance as if set forth herein.

59
60 **Section 2:** Chapter 23 “Land Development Regulations,” Article 1 “General
61 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” is hereby amended by
62 adding thereto new definitions “Annual Gross Household Income,” “Gross Rent” and
63 “Overall Housing Expense” to read as follows:

64
65 Annual Gross Household Income: Total gross income of all wage-earning
66 residents residing within a single dwelling unit.

67
68 Gross Rent: Total all-inclusive dollar amount required from a lessee by a lessor for
69 a single dwelling unit.

70
71 Median Household Income: Gross income for 4 people, also known as Area
72 Median Income, published annually for Palm Beach County by the U.S. Department of
73 Housing and Urban Development.

74
75 Overall Housing Expense: Total homeowner expenses for mortgage, mortgage
76 insurance, property insurance and taxes.

77
78 **Section 3:** Chapter 23 “Land Development Regulations,” Article 2
79 “Administration,” is hereby amended by adding thereto a new Section 23.2-39
80 “Affordable/Workforce Housing Program” to read as follows:

81
82 **Sec. 23.2-39. – Affordable/Workforce Housing Program.**

- 83
84 a) Intent. The Affordable/Workforce Housing Program is intended to implement
85 Objective 3.1.2 of the city comprehensive plan future land use element and
86 provisions therein regarding affordable and workforce housing. The
87 Affordable/Workforce Housing Program provides for a density bonus and a
88 reduction in overall housing unit areas for developments that incorporate
89 residential units with restrictive covenants that meet the requirements of the
90 program.
- 91
92 b) Purpose. The purpose of the Affordable/Workforce Housing Program is to
93 encourage the inclusion of affordable and workforce housing units within both
94 residential and mixed-use projects as well as planned developments of all types to
95 provide for broader and more accessible housing options within the City. The
96 Affordable/Workforce Housing Program offers the following as “Program
97 Incentives”;

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- 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, and the entire project is affordable/workforce housing meeting the requirements of this section. 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 than the minimum required.
- 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 the project must be restricted as affordable/workforce dwelling units meeting the requirements of this section through a restrictive covenant.
 - (b) Any combination of Tier One incentives with other city incentive and/or bonus program(s) related to density, intensity and/or height shall require that all units benefiting from these increases and/or incentives be restricted as affordable/workforce dwelling units meeting the requirements of this section through a restrictive covenant.

c) Application and Review Process.

- 1. Application. All development proposals seeking increased density of up to fifteen percent (15%) and/or reductions in overall unit sizes of up to fifteen percent (15%) shall submit an affordable/workforce housing program application as provided by the department of community sustainability. The application shall accompany the standard City of Lake Worth Beach Universal Development Application for the development proposal. The affordable/workforce housing program application shall include all of the following:
 - (a) A project fact sheet with building specifications including the number of additional units, unit types and unit sizes proposed.
 - (b) The affordability criteria for each unit proposed to be included in the project.
 - (c) Draft restrictive covenant should the City's version not be submitted.

146 (d) Any other additional information to ensure the timely and efficient evaluation
147 of the project by city staff to ensure that the requirements of the
148 Affordable/Workforce Housing Program are being met.
149

150 2. Review/decision. The development review official shall review the application
151 along with the zoning approvals otherwise required of the development
152 proposal under these LDRs. Development applications that require further
153 review or approval by a decision-making board shall also include the
154 development review official's recommendation regarding the award of
155 additional density and/or unit size reduction under the Affordable/Workforce
156 Housing Program. Any decision on the award shall be made by the planning
157 and zoning board, the historic resources planning board, or the city commission
158 as applicable. A decision on an award may be appealed under the procedures
159 applicable to the development application with which it is associated. No waiver
160 or variance may be granted regarding the award. The award of bonus density,
161 height or intensity under the Affordable/Workforce Housing Program shall be
162 based on the following criteria:
163

164 (a) Is the award calculated correctly, consistent with the density and unit size
165 reduction(s) that are allowed under the Affordable/Workforce Housing
166 Program, including that the affordable/workforce housing unit type mix be
167 reflective of the overall unit type mix for the entire project;
168

169 (b) Do the proposed income restrictions meet the intent of the
170 Affordable/Workforce Housing Program;
171

172 (c) Do the proposed annual rents and/or mortgage costs meet the intent of the
173 Affordable/Workforce Housing Program; and
174

175 (d) Do the proposed restrictive covenants to maintain affordability meet the
176 intent of the Affordable/Workforce Housing Program?
177

178 d) Qualifying income restrictions. The following provisions outline the required
179 income limits and overall percentage of household income to qualify units as being
180 affordable/workforce under the Affordable/Workforce Housing Program. All
181 income values shall be based on the then current area (County) median household
182 income published annually by the US Department of Housing & Urban
183 Development. Whether with a rental unit or for a fee simple, for sale unit, the
184 overall housing expense (rent, mortgage, property taxes, and insurances) for the
185 unit shall not exceed thirty percent (30%) of the income limit provided for each unit
186 type, based upon the number of bedrooms.
187

188 1. For a studio unit, the annual gross household income shall not exceed forty five
189 percent (45%) of area median income and minimum household size is one (1)
190 person, not to exceed two (2) people.
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2. For a one-bedroom unit, the annual gross household income shall not exceed sixty five percent (65%) of the area median income and minimum household size of one (1) person, not to exceed two (2) people.
 3. For a two-bedroom unit, the annual gross household income shall not exceed eighty five percent (85%) of the area median income and minimum household size of two (2) people, not to exceed two (2) people per bedroom.
 4. For a three-bedroom unit, the annual gross household income shall not exceed one hundred and five percent (105%) of the area median income and minimum household size of three (3) people, not to exceed two (2) people per bedroom.
 5. For a four or more-bedroom unit, the annual gross household income shall not exceed one hundred and twenty five percent (125%) of the area median income and minimum household size of four (4) people, not to exceed two (2) people per bedroom.
 6. For fee simple ownership, the limits provided above may be increased by fifteen (15%) based on unit type and shall include the overall housing expense.
 7. Alternatively, the income restrictions may adhere to the following guidelines singularly or in combination.
 - a. “Affordable Housing Eligible Households” means a household with an annual gross household income at or less than eighty percent (80%) of the Area Median Income, calculated as percentages of the Median Family Income for Palm Beach County, as published annually by the US Department of Housing and Urban Development.
 - b. “Workforce Housing Eligible Households” means a household with an annual gross household income within the following income categories: Moderate (80%-100%) and Middle (101%-140%) of the Area Median Income, calculated as percentages of the Median Family Income for Palm Beach County, as published annually by the US Department of Housing and Urban Development.
- e) Additional restrictions. The following requirements outline the restrictive covenant that shall be recorded and maintained on each unit awarded under the Affordable/Workforce Housing Program.
1. The restrictive covenant shall be in a legal form acceptable to the department of community sustainability and the city attorney’s office or as otherwise provided by the city and shall require each unit awarded be maintained at the awarded level of affordability, in accordance with the Affordable/Workforce Housing Program, for a minimum of twenty (20) years.
 2. The restrictive covenant shall include the more restrictive program requirements, which shall govern the project if other affordable/workforce

240 housing incentives are combined with use of the Affordable/Workforce Housing
241 Program.

242
243 3. The restrictive covenant shall require an annual report of the project's
244 compliance with the restrictive covenants and the requirements of the
245 Affordable/Workforce Housing Program be provided to the City or its designee
246 for evaluation, review and approval. Should the annual report not be submitted
247 or should it demonstrate the project is not meeting the requirements of the
248 Affordable/Workforce Housing Program, the project owner shall pay the city, as
249 a penalty, an amount no less than fifteen dollars (\$15) per square foot for each
250 unit that did not comply with the program's requirements for the previous year,
251 or portion thereof. If the report is not submitted, the penalty payment will be
252 calculated as though no units met the requirements of the Affordable/Workforce
253 Housing Program for the reporting period. The per square foot penalty value
254 may increase based on the annual U.S. Consumer Price Index (CPI) and shall
255 be reflected in the City's adopted annual Schedule of Fees and Charges. Any
256 required penalty payment shall be made within ten (10) days of notification from
257 the city of the calculated payment based on the report or failure to submit the
258 report and the annual penalty value as adopted by the city.

259
260 4. The restrictive covenant shall provide for extension of the affordability period,
261 as set forth in this section.

262
263 f) Financial incentives. The following are parameters for financial incentive values
264 based on unit type, which may be utilized to ensure more than the required fifteen
265 percent (15%) of the dwelling units available after the density increase incentive
266 remain affordable for a guaranteed twenty-five (25) year period as governed
267 through a covenant and/or deed restriction. Values may be paid through utilization
268 of Sustainable Bonus Incentive Values, Transfer Development Right Values or
269 cash payments from the City from the Affordable/Workforce Housing Program
270 Trust Fund, Sustainable Bonus Incentive Trust Account or the Transfer
271 Development Rights Trust Account or other legally approved funding source(s).

272
273 1. For a studio dwelling unit, a one-time payment of \$40,000 or 50% percent of
274 the area median income, whichever is greater;

275
276 2. For a one-bedroom dwelling unit, a one-time payment of \$60,000 or 75%
277 percent of the area median income, whichever is greater;

278
279 3. For a two-bedroom dwelling unit, a one-time payment of \$80,000 or 100%
280 percent of the area median income, whichever is greater;

281
282 4. For a three-bedroom dwelling unit, a one-time payment of \$100,000 or 125%
283 percent of the area median income, whichever is greater;

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285 5. For a four or more-bedroom dwelling unit, a one-time payment of \$120,000 or
286 150% percent of the area median income, whichever is greater;
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6. For a fee simple ownership dwelling unit, an additional one-time payment of \$25,000 may be provided; and

7. Payments shall be made at time of dwelling units receiving a final certificate of occupancy or certificate of completion.

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

1. The City shall provide formal notice of intent to extend affordability of units a minimum of six (6) months prior to the expiration of the affordability deed restrictions and covenants.

2. The City's notice shall include the number and type of units having affordability extended and the economic incentive to be provided for those units.

3. The affordability extension may not exceed the original number and type of units governed by the Affordable/Workforce Housing Program.

4. There shall be no limit on the number of affordability extensions the city may fund for a project.

5. The extension incentive payment shall follow the parameters as set forth in f) of this section based on the values established for the year that the extension is authorized.

h) Policies and Procedures. The city's director for community sustainability is hereby authorized to establish policies and procedures including covenants, accountability and reporting to ensure effective implementation of the Affordable/Workforce Housing Program and clarify the requirements and procedures as set forth herein.

i) Trust Fund. There is hereby established an Affordable/Workforce Housing Program Trust Fund. The trust fund will be a separate line item in the City's budget.

1. Payments required by the Affordable/Workforce Housing Program due to non-compliance with restrictive covenants shall be paid into the trust fund.

2. Funds in the trust fund will be used to fund the financial incentives and the affordability extensions under the Affordable/Workforce Housing Program.

3. At least once each fiscal period, the city manager shall present to the city commission a report on funds held in the trust fund, including any accrued interest, and any proposed use thereof. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the trust fund until the next fiscal period.

336 **j) In Lieu Payment Provision.** In some instances, projects including Density, Intensity
337 and/or Height Bonuses may not be appropriate for participation in the Program. In
338 these cases, the project may pay an in lieu of payment based on the following
339 provisions:

- 340 1. The fee shall be calculated on fifteen percent (15%) of the gross area of the
341 bonuses requested for the project.
- 342 2. The fee shall be a one-time payment of \$50 or 0.0625% of the area median
343 income, whichever is greater, per gross square foot.
- 344 3. Projects eligible for an in lieu of payment may include the following:
 - 345 i. Single or multiple use projects that do not include a residential use;
 - 346 ii. Mixed use projects that include residential and fewer than 25
347 residential units;
 - 348 iii. Residential only projects that include fewer than 15 residential units;
 - 349 iv. Any project that includes a residential use(s) and all of the dwelling
350 units are for sale, home ownership such as condominiums,
351 townhouses and/or single-family residences of which none are deed
352 restricted as affordable/workforce housing.
- 353 4. Fee payment shall be due prior to issuance of any building permits related
354 to the project.

355
356 **k) Exemptions.** Projects in specific locations are exempt from the requirements of
357 this section due to their maximum allowed density and/or to their allowed uses.

- 358 1. Individual residential dwelling units in the Single Family Residential (SF-R)
359 and Single Family/Two Family Residential (SF/TF) Zoning Districts unless
360 units are part of a project requesting additional densities under the
361 provisions of one of the city's incentive programs.
- 362 2. Projects within the Public (P), Public Recreation and Open Space (PROS),
363 Beach and Casino (BAC), Conservation (C) and Industrial Park of
364 Commerce (I-POC) Zoning Districts.

365
366 **Section 4: Severability.** If any section, subsection, sentence, clause, phrase or
367 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
368 competent jurisdiction, such portion shall be deemed a separate, distinct, and
369 independent provision, and such holding shall not affect the validity of the remaining
370 portions thereof.

371
372 **Section 5: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in
373 conflict herewith are hereby repealed to the extent of such conflict.

374
375 **Section 6: Codification.** The sections of the ordinance may be made a part of
376 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
377 accomplish such, and the word "ordinance" may be changed to "section", "division", or
378 any other appropriate word.

379
380 **Section 7: Effective Date.** This ordinance shall become effective 10 days after
381 passage.

383 The passage of this ordinance on first reading was moved by Vice Mayor McVoy,
384 seconded by Commissioner Stokes, and upon being put to a vote, the vote was as follows:

385		
386	Mayor Betty Resch	AYE
387	Vice Mayor Christopher McVoy	AYE
388	Commissioner Sarah Malega	ABSENT
389	Commissioner Kimberly Stokes	AYE
390	Commissioner Reinaldo Diaz	AYE

391
392 The Mayor thereupon declared this ordinance duly passed on first reading on the
393 20th day of September, 2022.

394
395
396 The passage of this ordinance on second reading was moved by
397 _____, seconded by _____, and upon being put to a vote,
398 the vote was as follows:

399		
400	Mayor Betty Resch	
401	Vice Mayor Christopher McVoy	
402	Commissioner Sarah Malega	
403	Commissioner Kimberly Stokes	
404	Commissioner Reinaldo Diaz	

405
406 The Mayor thereupon declared this ordinance duly passed on the _____ day of
407 _____, 2022.

408
409 LAKE WORTH BEACH CITY COMMISSION

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411
412 By: _____
413 Betty Resch, Mayor

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415 ATTEST:

416
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418 _____
419 Melissa Ann Coyne, City Clerk

420



DATE: May 25, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

SUBJECT: **Ordinance 2022-12:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding new definitions “Annual Gross Household Income,” “Gross Rent,” “Overall Housing Expense,” and “Median Household Income;” and Article 2 “Administration,” Division 3 “Permits,” adding a new Section 23.2-39 “Affordable/Workforce Housing Program.”

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to create an Affordable/Workforce Housing Program to encourage the development of affordable and/or workforce housing units within the City. The proposed program would allow 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 proposed amendments would add a new section to the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 1, Section 23.1-12 – Definitions
- Article 2, NEW Section 23.2-39 – Affordable/Workforce Housing Program

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-12.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-12.

Attachments

- A. Draft Ordinance 2022-12

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 6, 2022

DEPARTMENT: Community Sustainability

TITLE:

Ordinance 2022-13 - Second Reading - amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” and Article 4 “Development Standards”, adding a new Section 23.4-25 “Micro-Units,” providing for Micro-Unit Housing

SUMMARY:

The proposed amendment would add a new section to the Land Development Regulations (LDRs) providing for Micro-Unit Housing, which would allow for the development and construction of micro-units providing that they meet specific development standards as a conditional use.

BACKGROUND AND JUSTIFICATION:

The subject amendment to the City’s Land Development Regulations (LDRs) was drafted based on City Commission direction to staff to bring back for formal consideration a micro-unit housing program. The amendment allows for the development and construction of micro-unit housing units that must meet specific development standards as a conditional use within the City’s mixed use zoning districts.

The Planning & Zoning Board (PZB) unanimously voted to recommend approval of the proposed text amendment to the City Commission at its June 1, 2022 meeting*. The Historic Resources Preservation Board (HRPB) also unanimously voted to recommend approval of the proposed text amendment to the City Commission at the June 8, 2022 meeting*.

At its meeting of August 2, 2022, the City Commission unanimously approved the proposed ordinance on first reading.

With the August 16, 2022, City Commission meeting, discussion focused on clarifications and more information regarding the ordinance. The ordinance was tabled for a second reading on September 20, 2022. Over the intervening weeks, the clarifications were extensive enough to warrant a second first reading with a subsequent second reading should the ordinance be approved.

The Ordinance was approved 4-0 on first reading at the September 20, 2022 City Commission meeting.

MOTION:

Move to approve/disapprove Ordinance 2022-13 amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” and Article 4 “Development Standards”, adding a new Section 23.4-25 “Micro-Units,” providing for Micro-Unit Housing.

ATTACHMENT(S):

Draft Ordinance 2022-13
PZHP Staff Report

**Note: draft meeting minutes were not available upon publication of this staff report.*

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ORDINANCE 2022-13 - 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,” ADDING A NEW DEFINITION “MICRO-UNIT;” AND ARTICLE 4 “DEVELOPMENT STANDARDS,” ADDING A NEW SECTION 23.4-25 “MICRO-UNITS,” PROVIDING FOR DEVELOPMENT STANDARDS FOR MICRO-UNITS; 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 Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1.12 definitions, to a definition and to define the new use, “Micro-Unit;” and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to establish a new section, Section 23.4-25 – Micro-Units to establish supplementary development standards for this use; 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:

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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 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” is hereby amended by adding thereto a new definition “Micro-unit” to read as follows:

Micro-unit: a small residential unit with a total square footage between 250 square feet and 750 square feet with a fully functioning kitchen and bathroom; and may include a maximum of two (2) bedrooms with each unit equivalent to 0.75 residential dwelling units only for determining density.

Section 3: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” is hereby amended by adding thereto a new Section 23.4-25 “Micro-units” to read as follows:

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 15% of the gross area of the project. Live work space, co work space or general office space may not count toward the required 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,

- 99 10. Other similarly situated common usage areas, and
- 100 11. Essential support areas such as lobbies, hallways, egress routes, stairs, concierge
- 101 areas, staff offices, maintenance areas and required restroom facilities or similar
- 102 shall not count toward shared interior common areas.

- 103
- 104 f) Parking. Parking may be a combination of the following:
- 105 1. One (1) parking space or equivalent for each micro unit;
- 106 2. 50% or more of the required spaces shall be standard parking spaces;
- 107 3. Up to 25% of the parking spaces may be compact spaces (8'-0" x 18'-0");
- 108 4. Up to 25% of the parking spaces may be met with bicycle, scooter or motorcycle
- 109 storage. Four (4) bicycle storage spaces shall equal one (1) parking space; two
- 110 (2) scooter storage spaces shall equal one (1) parking space; and two (2)
- 111 motorcycle storage spaces shall equal one (1) parking space; and
- 112 5. Required guest and employee parking may be met with the same parking space
- 113 combination ratio. Guest and employee parking shall be no less than one (1) space
- 114 for every 100 sq. ft. of common area, public area, support area and offices,
- 115 excluding required hallways, egress routes and stairs.
- 116 6. The mixed-use parking reduction of 25% shall not apply.

- 117
- 118 g) Outdoor amenity. All micro-unit projects shall provide for an outdoor amenity that is
- 119 above and beyond the required interior shared common area. Outdoor amenity space
- 120 shall be no less than 5% of the gross area of all residential units and may not count
- 121 toward the required interior shared common area.

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123 **Section 4:** Severability. If any section, subsection, sentence, clause, phrase or

124 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of

125 competent jurisdiction, such portion shall be deemed a separate, distinct, and

126 independent provision, and such holding shall not affect the validity of the remaining

127 portions thereof.

128

129 **Section 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in

130 conflict herewith are hereby repealed to the extent of such conflict.

131

132 **Section 6:** Codification. The sections of the ordinance may be made a part of

133 the City Code of Laws and ordinances and may be re-numbered or re-lettered to

134 accomplish such, and the word "ordinance" may be changed to "section", "division", or

135 any other appropriate word.

136

137 **Section 7:** Effective Date. This ordinance shall become effective 10 days after

138 passage.

139

140 The passage of this ordinance on first reading was moved by Vice Mayor McVoy,

141 seconded by Commissioner Stokes, and upon being put to a vote, the vote was as follows:

142

143	Mayor Betty Resch	AYE
144	Vice Mayor Christopher McVoy	AYE
145	Commissioner Sarah Malega	ABSENT
146	Commissioner Kimberly Stokes	AYE
147	Commissioner Reinaldo Diaz	AYE

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The Mayor thereupon declared this ordinance duly passed on first reading on the 20th day of September, 2022.

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

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

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

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk



DATE: May 25, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

SUBJECT: **Ordinance 2022-13:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding a new definition “Micro-unit;” and Article 4 “Development Standards,” adding a new Section 23.4-25 “Micro-units,” providing for development standards for micro-units.

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to allow for a new multi-family unit type in the City to address housing affordability in the region. The proposed micro-unit housing type would have a smaller minimum unit size (minimum 250 sf – maximum 750 sf) and require only 1 parking space per unit with provisions for guest parking. A micro-unit development would also be required to provide additional interior common areas and an outdoor amenity area.

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

- Article 1, Section 23.1-12 – Definitions
- Article 4, NEW 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 2022-13.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-13.

Attachments

- A. Draft Ordinance 2022-13

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 6, 2022

DEPARTMENT: Community Sustainability

TITLE:

Ordinance 2022-14 – Second Reading - amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions”, and Article 2 “Administration”, Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative Standards,” providing standards for buildings

SUMMARY:

The proposed amendment would amend the City’s Site Design Qualitative Design Standards of the Land Development Regulations (LDRs) providing for enhanced architectural quality, compatibility and harmony as well as building performance standards for buildings over 7,500 sq. ft and for all planned developments to enhance and improve community sustainability.

BACKGROUND AND JUSTIFICATION:

The subject amendment to the City’s Land Development Regulations (LDRs) was drafted based on City Commission direction for staff to prepare changes to the LDRs to improve the architectural quality, compatibility and overall performance of new buildings and projects. The proposed amendment includes improved qualitative design standards for buildings as well as additional criteria that serve to ensure that buildings and projects are sensitive to the City’s commitment to cultural, historical, ecological, environmental, financial and overall community sustainability. Specifically, all new buildings of 7,500 sq. ft. or more will have meet to specific performance standards, and all planned development projects will have to incorporate design elements, features and performance standards that support the City’s commitment to community sustainability.

The Planning & Zoning Board (PZB) voted 5-1 with reservations concerning sections 16 and 17 to recommend approval of the proposed text amendment to the City Commission at its June 1, 2022 meeting*. The Historic Resources Preservation Board (HRPB) unanimously voted against recommending approval of the proposed text amendment to the City Commission at its June 8, 2022 meeting due to concerns regarding sections 16 and 17 as well as the specificity of the architectural design standard changes*. Both boards voiced concern regarding the financial burden being placed on new projects, potential investors, and affordable housing as well as staff resources.

Should the amendment be adopted, Staff does recognize that several layers of additional design review and documentation will be required of many projects. As such, Staff is requesting that an additional full-time planning position with an emphasis on design and sustainability be approved in order to ensure that the standards are implemented efficiently and effectively. The financial impact of this additional staff resource is projected to be \$115,000 annually beginning Fiscal Year 2024. The imposition of additional application fees and annual monitoring fees may provide some of the financial support for the position. In addition, outside consultants may provide the necessary staffing support until a full-time position can be established.

At its meeting of August 2, 2022, the Commission unanimously approved the proposed ordinance on first reading with the proviso that the words “strive to” be removed from item 16 at line 25, which is highlighted in strikeout format in the attached ordinance.

With the August 16, 2022, City Commission meeting, discussion focused on clarifications and more information regarding the ordinance. The ordinance was tabled for a second reading on September 20, 2022. Over the intervening weeks, the clarifications were extensive enough to warrant a second first reading with a subsequent second reading should the ordinance be approved.

The City Commission approved the ordinance 4-0 on first reading at the September 20, 2022 meeting.

MOTION:

Move to approve/disapprove Ordinance 2022-14 amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions”, and Article 2 “Administration”, Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative Standards,” providing standards for buildings.

ATTACHMENT(S):

Draft Ordinance 2022-14
PZHP Staff Report

**Note: draft meeting minutes were not available upon publication of this staff report.*

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ORDINANCE 2022-14 - 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,” ADDING THERETO NEW DEFINITIONS “SOCIAL JUSTICE” AND “SUSTAINABILITY;” AND “ARTICLE 2 “ADMINISTRATION,” DIVISION 3 “PERMITS,” SECTION 23.2-31 “SITE DESIGN QUALITATIVE STANDARDS,” PROVIDING FOR STANDARDS FOR BUILDINGS; 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 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” to add definitions and to define “Social Justice” and “Sustainability;” and

WHEREAS, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative Standards” to amend the section to provide further guidance, consistency, clarity and additional standards for buildngs; 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.

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

53
54 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
55 being true and correct and are made a specific part of this ordinance as if set forth herein.

56
57 **Section 2:** Chapter 23 “Land Development Regulations,” Article 1 “General
58 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” is hereby amended by
59 adding thereto new definitions for “Social Justice” and for “Sustainability” to read as
60 follows:

61
62 Social Justice: the political and philosophical theory that focuses on the concept of
63 fairness in relations between individuals in society and equal access to wealth,
64 opportunities and social privileges.

65
66 Sustainability: the three principles of economy, society (social and human) and
67 environment that focus on the needs of the present without compromising the ability of
68 future generations to meet their needs.

69
70 **Section 3:** Chapter 23 “Land Development Regulations,” Article 2
71 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site design qualitative standards,”
72 is hereby amended to read as follows:

73 **Sec. 23.2-31. Site design qualitative standards.**

- 74 a) *Intent.* It is the intent of this section to promote safety and minimize negative impacts
75 of development on its neighbors by establishing qualitative requirements for the
76 arrangements of buildings, structures, parking areas, landscaping and other site
77 improvements. The qualitative standards are designed to ensure that site
78 improvements are arranged in ways which cannot be otherwise accomplished with
79 quantitative standards.
- 80 b) *Application.* The site design qualitative standards set forth in this section shall apply
81 to all development subject to site plan review under section 23.2-30, and to all
82 conditional uses.
- 83 c) *Qualitative development standards.*
- 84 1. *Harmonious and efficient organization.* All elements of the site plan shall be
85 harmoniously and efficiently organized in relation to topography, the size and
86 type of plot, the character of adjoining property and the type and size of
87 buildings. The site shall be developed so as to not impede the normal and orderly
88 development or improvement of surrounding property for uses permitted in these
89 LDRs.
- 90 2. *Preservation of natural conditions.* The natural (refer to landscape code, Article
91 6 of these LDRs) landscape shall be preserved in its natural state, insofar as
92 practical, by minimizing tree and soil removal and by such other site planning
93 approaches as are appropriate. Terrain and vegetation shall not be disturbed in
94 a manner likely to significantly increase either wind or water erosion within or
95 adjacent to a development site. Natural detention areas and other means of

- 96 natural vegetative filtration of stormwater runoff shall be used to minimize ground
97 and surface water pollution, particularly adjacent to major waterbodies as
98 specified in ~~Part II~~, Chapter 12, Health and Sanitation, Article VIII, Fertilizer
99 Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to
100 development adjacent to waterbodies. Marinas shall be permitted only in water
101 with a mean low tide depth of four (4) feet or more.
- 102 3. *Screening and buffering.* Fences, walls or vegetative screening shall be provided
103 where needed and practical to protect residents and users from undesirable
104 views, lighting, noise, odors or other adverse off-site effects, and to protect
105 residents and users of off-site development from on-site adverse effects. This
106 section may be interpreted to require screening and buffering in addition to that
107 specifically required by other sections of these LDRs, but not less.
- 108 4. *Enhancement of residential privacy.* The site plan shall provide reasonable,
109 visual and acoustical privacy for all dwelling units located therein and adjacent
110 thereto. Fences, walls, barriers and vegetation shall be arranged for the
111 protection and enhancement of property and to enhance the privacy of the
112 occupants.
- 113 5. *Emergency access.* Structures and other site features shall be so arranged as
114 to permit emergency vehicle access by some practical means to all sides of all
115 buildings.
- 116 6. *Access to public ways.* All buildings, dwelling units and other facilities shall have
117 safe and convenient access to a public street, walkway or other area dedicated
118 to common use; curb cuts close to railroad crossings shall be avoided.
- 119 7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system
120 which is insulated as completely as reasonably possible from the vehicular
121 circulation system.
- 122 8. *Design of ingress and egress drives.* The location, size and numbers of ingress
123 and egress drives to the site will be arranged to minimize the negative impacts
124 on public and private ways and on adjacent private property. Merging and
125 turnout lanes traffic dividers shall be provided where they would significantly
126 improve safety for vehicles and pedestrians.
- 127 9. *Coordination of on-site circulation with off-site circulation.* The arrangement of
128 public or common ways for vehicular and pedestrian circulation shall be
129 coordinated with the pattern of existing or planned streets and pedestrian or
130 bicycle pathways in the area. Minor streets shall not be connected to major
131 streets in such a way as to facilitate improper utilization.
- 132 10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall
133 be designed for maximum efficiency. They shall occupy no more land than is
134 required to provide access, nor shall they unnecessarily fragment development
135 into small blocks. Large developments containing extensive public rights-of-way
136 shall have said rights-of-way arranged in a hierarchy with local streets providing
137 direct access to parcels and other streets providing no or limited direct access
138 to parcels.

- 139 11. *Off-street parking, loading and vehicular circulation areas.* Off-street parking,
140 loading and vehicular circulation areas shall be located, designed and screened
141 to minimize the impact of noise, glare and odor on adjacent property.
- 142 12. *Refuse and service areas.* Refuse and service areas shall be located, designed
143 and screened to minimize the impact of noise, glare and odor on adjacent
144 property.
- 145 13. *Protection of property values.* The elements of the site plan shall be arranged so
146 as to have minimum negative impact on the property values of adjoining
147 property.
- 148 14. *Transitional development.* Where the property being developed is located on the
149 edge of the zoning district, the site plan shall be designed to provide for a
150 harmonious and complementary transition between districts. Building exteriors
151 shall complement other buildings in the vicinity in size, scale, mass, bulk, height,
152 rhythm of openings and character. ~~Special consideration~~ Consideration shall be
153 given to a harmonious transition in height and design style so that the change in
154 zoning districts is not accentuated. Additional consideration shall be given to
155 complementary setbacks between the existing and proposed development.
- 156 15. *Consideration of future development.* In finding whether or not the above
157 standards are met, the review authority shall consider likely future development
158 as well as existing development.

159 d) *Buildings, generally.*

- 160 1. Buildings or structures which are part of a present or future group or complex
161 shall have a unity of character, style, integrity and design. Their architectural
162 style(s) shall be clearly expressed and detailed appropriately to vocabulary of
163 the style(s) and be of high quality in terms of materials, craftsmanship and
164 articulation. The relationship of building forms through of the use, texture and
165 color of material(s) shall be such as to create one (1) harmonious whole. When
166 the area involved forms an integral part of, is immediately adjacent to, or
167 otherwise clearly affects the future of any established section of the city, the
168 design, scale, height, setback, massing and location of on the site shall enhance
169 rather than detract from the character, value and attractiveness of the
170 surroundings. Harmonious does not mean or require that the buildings be the
171 same.
- 172 2. Buildings or structures located along strips of land or on a single site, and not a
173 part of a unified multi-building complex shall achieve as much visual harmony
174 and compatibility with the surroundings as is possible under the circumstances.
175 The overall building fenestration, orientation, rhythm, height, setback, mass and
176 bulk of an existing streetscape shall be respected. If a building is built in an
177 undeveloped area, ~~three-9~~ (3nine) primary requirements shall be met, including
178 honest design construction, proper design concepts, appropriate use of high-
179 quality materials, and appropriateness to compatibility with the overall character
180 of the city-, appreciation of location, respectful transition, activation of the
181 streetscape, building form(s) following proposed function(s)and overall
182 sustainability.

- 183 3. All façades visible to public or adjacent property shall be designed to create a
184 harmonious whole. Materials shall express their function clearly and not appear
185 foreign to the rest of the building. Facades shall have visual breaks every 75 feet
186 at a minimum. The breaks shall be setbacks of either 8" or 12" or more to create
187 reveal lines or step backs on the façade and to add rhythm. Buildings in Lake
188 Worth Beach typically have facades arranged in 25-foot or 50-foot increments.
189 Breaks in facades also may be achieved through the use of differing but
190 complementary and harmonious architectural styles. The massing elements of
191 each façade shall have a height to width ratio approximating the golden ratio of
192 1.618, either vertically or horizontally.
- 193 4. The concept of harmony shall not infer that buildings must look alike or be of the
194 same style. Harmony can be achieved through the proper consideration of
195 setback, floor to floor height, scale, mass, bulk, proportion, overall height,
196 orientation, site planning, landscaping, materials, rhythm of solids to voids and
197 architectural components including but not limited to porches, roof types,
198 fenestration, entrances, orientation and stylistic expression.
- 199 5. Look-alike buildings shall not be allowed unless, in the opinion of the ~~board~~
200 reviewing entity, there is sufficient separation to preserve the aesthetic character
201 of the present or evolving neighborhood. This is not to be construed to prohibit
202 the duplication of floor plans and exterior treatment in a planned development
203 where, in the opinion of the ~~board~~ reviewing entity, the aesthetics or the
204 development depend upon, or are enhanced by the look-alike buildings and their
205 relationship to each other.
- 206 6. Buildings, which are of symbolic design for reasons of advertising, unless
207 otherwise compatible with the criteria herein, will not be approved by the ~~board~~
208 reviewing entity. Symbols attached to the buildings will not be allowed unless
209 they are secondary in appearance to the building and landscape and are an
210 aesthetic asset to the building, project and neighborhood.
- 211 7. Exterior lighting may be used to illuminate a building and its grounds for safety
212 purposes, but in an aesthetic manner. Lighting is not to be used as a form of
213 advertising in a manner that is not compatible to the neighborhood or in a
214 manner that draws considerably more attention to the building or grounds at
215 night than in the day. Lighting following the form of the building or part of the
216 building will not be allowed if, in the opinion of the board, the overall effect will
217 be detrimental to the environment. All fixtures used in exterior lighting are to be
218 selected for functional as well as aesthetic value.
- 219 8. Building surfaces, walls, fenestration and roofs shall be compatible and in
220 harmony with the neighborhood.
- 221 9. "Take-out" or "pick-up" windows of retail or wholesale establishments shall not
222 be located on a building façade that faces a public right-of-way, unless they are
223 designed in such a manner as to constitute an aesthetic asset to the building
224 and neighborhood.
- 225 10. All exterior forms, attached to buildings, shall be in conformity to and secondary
226 to the building. They shall be an asset to the aesthetics of the site and to the
227 neighborhood.

- 228 11. All telephones, vending machines, or any facility dispensing merchandise, or a
229 service on private property, shall be confined to a space built into the building or
230 buildings or enclosed in a separate structure compatible with the main building,
231 and where appropriate and feasible, should not be readily visible from off-
232 premises.
- 233 12. Buildings of a style or style-type foreign to south Florida or its climate will not be
234 allowed. It is also to be understood that buildings which do not conform to the
235 existing or to the evolving atmosphere of the city, even though possessing
236 historical significance to south Florida, may not be approved.
- 237 13. No advertising will be allowed on any exposed amenity or facility such as
238 benches and trash containers.
- 239 14. Light spillage restriction. The applicant shall make adequate provision to ensure
240 that light spillage onto adjacent residential properties is minimized.
- 241 15. All buildings shall address both the public right of way and improve the overall
242 pedestrian experience through the inclusion of the following components:
- 243 a. clearly articulated entrances,
244 b. expanses of fenestration at the ground level,
245 c. provision of shade through porches, awnings, galleries, arcades and/or
246 loggias as well as other appropriate forms to the chosen architectural style(s),
247 d. integrated signage,
248 e. pedestrian scaled lighting,
249 f. buildings that define at least fifty percent (50%) of the street frontage, and
250 g. openings that approximate a golden ratio of 1.618.
- 251 16. All new buildings of 7,500 gross square feet or larger shall **strive to** incorporate
252 design principles, practices and performance standards to achieve the following
253 through a project proforma description and analysis prepared by the developer
254 and verified by an independent third party:
- 255 a. Overall 10% reduction in greenhouse emissions over the life of the building
256 as compared to industry standards,
257 b. Overall 10% reduction in carbon footprint during construction and operation
258 of the building as compared to industry standards,
259 c. Overall 20% reduction in refuse stream during construction and operation of
260 the building as compared to industry standards,
261 d. Overall utilization of at least 20% recycled materials and/or materials that are
262 recyclable,
263 e. Overall 20% reduction in water usage during operation of the building as
264 compared to industry standards,
265 f. Efficient use of natural resources through use reduction, reuse, reclamation,
266 and recycling.

267 g. Incorporation of design features and uses that support multi-modal
268 transportation options,

269 h. Incorporation of appropriate safety features to ensure the security and comfort
270 of both occupants and visitors,

271 i. Incorporation of amenities that are conducive to enhancing community pride
272 and social interaction, and

273 17. In addition to the items enumerated above, all new planned developments shall
274 strive to incorporate design elements, performance standards and/or
275 specifications to enhance the public's awareness and appreciation of the
276 community's commitment to the preservation and enhancement of the following
277 sustainability qualities, values and principles:

278 a. Cultural resources,

279 b. Historical resources,

280 c. Ecological/natural resources,

281 d. Diversity and inclusion,

282 e. Social justice,

283 f. Economic investment,

284 g. Neighborhood vitality,

285 h. Sense of place,

286 i. Education, and

287 j. Recreation.

288 e) Reserved.

289 f) *Signs.* The aesthetic quality of a building or of an entire neighborhood is materially
290 affected by achieving visual harmony of the signs on or about a surface as they relate
291 to the architecture of the building or the adjacent surroundings. In addition to the
292 mechanical limitations on signs imposed by Article 45, Supplemental Regulations,
293 the following aesthetic considerations must also be met:

294 1. The scale of the sign must be consistent with the scale of the building on which
295 it is to be placed or painted.

296 2. The overall effect of the configuration or coloring of the sign shall not be garish.
297 The colors shall not conflict with those of other signs already on the building or
298 in the immediate vicinity.

299 g) *Landscaping.* See Article 6 of these LDRs.

300 h) *Criteria for parking lots and vehicular use areas.*

301 1. Parking lots and other vehicular use areas are to be designed as an aesthetic
302 asset to a neighborhood and to the building, group of buildings, or facility they
303 serve. A parking lot is to be considered an outside space; a transitional space
304 that is located between access areas (such as roads) and the building, group of
305 buildings or other outside spaces which it serves. The parking lot, because it is
306 viewed from above as well as at eye level, should be designed accordingly.

- 307 2. Parking lots, vehicular use areas, and vehicles parked therein are to be
308 effectively screened from the public view and from adjacent property in a manner
309 that is attractive and compatible with safety, the neighborhood and the facility
310 served.
- 311 3. The responsibility for beautification and design of a parking lot is the same as
312 that which a homeowner has to his residential lot. The atmosphere within a
313 parking lot or vehicular use area is to be as pleasant and park-like as possible,
314 rather than a harsh stand of paving. Trees are of primary importance to the
315 landscape and are not to be minimized in either height or quantity. Trees impart
316 a sense of three-dimensional space in a relatively flat area. Trees cast shadows
317 that help to reduce the monotony of an expanse of paving and create a refuge
318 from the tropical sun. Signs designating entrances, exits and regulations are to
319 be of a tasteful design and shall be subject to review by the board. Consideration
320 may be given to use of pavement which is varied in texture or color to designate
321 lanes for automobile traffic, pedestrian walks and parking spaces. Brightly
322 colored pavement is to be used with restraint. In order to create a pleasant
323 atmosphere, it is recommended that consideration be given to sculpture,
324 fountains, gardens, pools and benches. Design emphasis is to be given to the
325 entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and
326 mechanical equipment shall be screened from the parking lot.
- 327 4. Lighting is to be designed for visual effects as well as safety and resistance to
328 vandalism. Care should be taken not to create a nuisance to the neighborhood
329 from brightness or glare. Low lights in modest scale can be used along with
330 feature lighting emphasizing plants, trees, barriers, entrances and exits. The
331 fixtures are to be selected for functional value and aesthetic quality. Fixtures
332 should be regarded as "furniture of the parking lot" which are visible both day
333 and night.
- 334 5. Additional regulations for parking lots and vehicular use areas may be found in
335 Article 4, Supplemental Regulations.
- 336 i) *Required utilities.* All construction of sanitary sewer collection facilities and water
337 supply and distribution systems shall conform to the requirements of the Florida
338 Building Code as amended and the Lake Worth Utilities Department construction
339 standards, and the appropriate state governing agency. The water supply system
340 within the development shall conform to the City of Lake Worth's fire rescue services
341 provider requirements for fire protection.
- 342 j) *Design guidelines for major thoroughfares.* The design standards for major
343 thoroughfares may be adopted and amended from time to time by resolution of the
344 city commission, and shall apply to the following properties:
- 345 1. Property adjacent to Lake and Lucerne Avenues from the Intracoastal to
346 Interstate 95 and within the Old Town Historic District;
- 347 2. Lake Worth Road;
- 348 3. Property adjacent to H, J, K, L, and M Streets within the Old Town Historic
349 District;

- 350 4. Property adjacent to 10th Avenue North from the east side of Dixie Highway west
351 to Interstate 95;
- 352 5. Property adjacent to 6th Avenue South from the east side of Dixie Highway west
353 to Interstate 95;
- 354 6. Property adjacent to Federal Highway from the south city limit to the south
355 boundary of College Park; and
- 356 7. Property adjacent to Dixie Highway from the south city limit to the north City limit.

357 k) *Storefront window treatments.*

- 358 1. All windows or openings of buildings located within the city's zoning districts
359 including DT, MU-E, MU-FH, MU-DH, MU-W, TOD-E and TOD-W whereby the
360 interiors of such buildings can be observed from the public streets or sidewalks,
361 shall be treated or screened in the manner set forth below.
- 362 2. All windows or openings of vacant buildings or buildings under construction
363 located within all of the city's zoning districts including DT, MU-E, MU-FH, MU-
364 DH, MU-W, TOD-E and TOD-W, which windows or openings can be viewed from
365 the public streets and sidewalks and which expose the interiors of such
366 buildings, shall screen the vacant interior of the building in which they are
367 located.
- 368 3. Window treatment or screening may be achieved by either constructing within
369 the window or opening a pocket, equivalent in dimension to the dimension of the
370 window or opening itself, and forty (40) inches or more in depth, or hanging
371 curtains or utilizing interior shutters. The pocket shall be used for purposes of
372 screening the interior of the building, and to provide an attractive display for
373 those who can observe the window or opening from the streets or public
374 sidewalks of the town. This pocket shall be decorated by featuring displays of
375 the incoming tenant, or vignettes representing designs and merchandise of
376 existing city merchants. The window glass shall be clean both inside and outside.
377 It is advisable that the window shall be lighted at night.
- 378 4. All windows or openings of businesses that are operational, vacant or under
379 construction may not have storage materials, such as kitchen equipment,
380 alcoholic beverage containers, stacked furniture, debris or packing materials
381 visible from a public street or right-of-way. A window or opening of an operational
382 business will be decorated with merchandise or screened from view with curtains
383 or interior shutters.
- 384 5. Any storefront both vacant or operational that has more than twenty-five (25)
385 feet of frontage on a public sidewalk must provide a vignette display in at least
386 one-half ($\frac{1}{2}$) of its available window space.
- 387 6. Newspaper, printed paper or unpainted plywood will not be allowed in a window.
- 388 7. No windows or openings of storefronts will utilize a mirrored reflective film. Films
389 allowing light to pass through, but blocking ultraviolet light will be permitted. The
390 intent is that interior displays will be visible from the right-of-way.
- 391 8. An owner must comply with these specifications within seven (7) days of
392 vacancy of a storefront.

393 9. Penalties. Any owner of any building found to be in violation of this division shall
394 be subject to general penalties as provided by law or to the provisions of the
395 code enforcement board.

396 l) *Community appearance criteria.* The general requirements outlined in this section
397 are minimum aesthetic standards for all site developments, buildings, structures, or
398 alterations within the corporate limits of the city, except single-family residences.
399 However, additions to existing buildings and sites shall be subject to review by the
400 development review official for a determination regarding submission to the planning
401 and zoning board or historic resources preservation board for review. All site
402 development, structures, buildings or alterations to site development, structures or
403 buildings shall demonstrate proper design concepts, express honest design
404 construction, be appropriate to surroundings, and meet the following community
405 appearance criteria:

406 1. The plan for the proposed structure or project is in conformity with good taste,
407 good design, and in general contributes to the image of the city as a place of
408 beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

409 2. The proposed structure or project is not, in its exterior design and appearance,
410 of inferior quality such as to cause the nature of the local environment or evolving
411 environment to materially depreciate in appearance and value.

412 3. The proposed structure or project is in harmony with the proposed developments
413 in the general area, with code requirements pertaining to site plan, signage and
414 landscaping, and the comprehensive plan for the city, and with the criteria set
415 forth herein.

416 4. The proposed structure or project is in compliance with this section and 23.2-29,
417 as applicable.

418 m) *Compliance with other requirements.* The requirements of this section are in addition
419 to any other requirement of the Code of Ordinances of the city, such as the building
420 code. Approval by the decisionmaking body of a given set of plans and specifications
421 does not necessarily constitute evidence of applicant's compliance with other
422 requirements of the city code.

423
424 **Section 4: Severability.** If any section, subsection, sentence, clause, phrase or
425 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
426 competent jurisdiction, such portion shall be deemed a separate, distinct, and
427 independent provision, and such holding shall not affect the validity of the remaining
428 portions thereof.

429
430 **Section 5: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in
431 conflict herewith are hereby repealed to the extent of such conflict.

432
433 **Section 6: Codification.** The sections of the ordinance may be made a part of
434 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
435 accomplish such, and the word "ordinance" may be changed to "section", "division", or
436 any other appropriate word.

437

438 **Section 7: Effective Date.** This ordinance shall become effective 10 days after
439 passage.

440

441 The passage of this ordinance on first reading was moved by Vice Mayor McVoy,
442 seconded by Commissioner Stokes, and upon being put to a vote, the vote was as follows:

443

444	Mayor Betty Resch	AYE
445	Vice Mayor Christopher McVoy	AYE
446	Commissioner Sarah Malega	ABSENT
447	Commissioner Kimberly Stokes	AYE
448	Commissioner Reinaldo Diaz	AYE

449

450 The Mayor thereupon declared this ordinance duly passed on first reading on the
451 20th day of September, 2022.

452

453

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

457

458	Mayor Betty Resch
459	Vice Mayor Christopher McVoy
460	Commissioner Sarah Malega
461	Commissioner Kimberly Stokes
462	Commissioner Reinaldo Diaz

463

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

466

467

LAKE WORTH BEACH CITY COMMISSION

468

469

By: _____
Betty Resch, Mayor

470

471

472

473 ATTEST:

474

475

476

477 _____
Melissa Ann Coyne, City Clerk

478



DATE: May 25, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

SUBJECT: **Ordinance 2022-11:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 related to “Site Design Qualitative Standards.”

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to revise the site design qualitative standards to provide additional guidance, consistency, clarity and additional standards related to building design and sustainable performance. The City Commission also expressed a desire to ensure the design of new buildings would be of a high-quality architectural design that also would be respectful of the existing streetscape. The new building performance standards would require new buildings to exceed industry standards with regard to greenhouse emissions, carbon footprint and utilization of recycled materials as well as reductions in water and energy usage. New buildings also shall be required to incorporate design features that support multi-modal transportation, amenities that are conducive to enhancing community pride and social interaction, and safety features. Further, design elements, performance standards and/or specifications to enhance the public’s awareness and appreciation of the community’s commitment to the incorporation of sustainable qualities, values and principles as outlined in the ordinance on page 6.

Due to the complexity and comprehensive nature of the newly proposed sustainability requirements, an additional staff position or the use of outside consultants shall be required for the review of the proposed building performance standards.

The proposed amendments would amend the LDR in Chapter 23 of the City’s Code of Ordinances as follows:

- Article 2, Section 23.2-31 – Site Design Qualitative Standards

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-11.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-11.

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 6, 2022

DEPARTMENT: City Attorney

TITLE:

Ordinance No. 19-2022 – First Reading - Adopting amendments to Chapter 7 “Beaches, Parks and Recreation” to prohibit smoking and vaping in City parks and on the City’s beach

SUMMARY:

The proposed Ordinance will amend Chapter 7 “Beaches, Parks and Recreation,” Article I “Parks, Recreational Facilities and Public Property” and Article VI “Municipal Beach Area and Municipal Beach” to prohibit smoking and vaping in city parks and on the beach and to provide for enforcement of the same.

BACKGROUND AND JUSTIFICATION:

The State legislature preempted the regulation of smoking to the State under section 386.209, Florida Statutes, which prohibited municipalities from regulating smoking. However, effective July 1, 2022, section 386.209 was amended to allow municipalities to restrict smoking and vaping within the boundaries of public beaches and public parks owned by such municipalities, except that they may not restrict the smoking of unfiltered cigars. Based upon the documented health problems caused by secondhand smoke and aerosol (vaping), the City wishes to adopt an ordinance that will prohibit smoking and vaping within its City parks and on its beach. The ordinance also provides for enforcement of these regulations by the Palm Beach County Sheriff’s Office through the City’s civil citation process set forth in Chapter 2, Article X of the Code.

The commission voted 4-0 to postpone the item from the September 20, 2022 meeting.

MOTION:

Move to approve / disapprove Ordinance No. 19-2022 on first reading and set the second reading and public hearing for October 18, 2022.

ATTACHMENTS:

Ordinance No. 19-2022

1
2
3
4 **ORDINANCE 2022-19 - AN ORDINANCE OF THE CITY OF LAKE**
5 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 7 “BEACHES,**
6 **PARKS AND RECREATION,” ARTICLE I “PARKS, RECREATIONAL**
7 **FACILITIES AND PUBLIC PROPERTY,” SECTION 7-9 “REGULATION**
8 **OF CONDUCT IN PARKS AND RECREATION AREAS AND ON PUBLIC**
9 **PROPERTY” BY CREATING A NEW SUBSECTION (K) TO BE**
10 **ENTITLED “SMOKING AND VAPING” TO PROHIBIT SMOKING AND**
11 **VAPING IN CITY PARKS AND PROVIDING FOR ENFORCEMENT; AND**
12 **ARTICLE VI “MUNICIPAL BEACH AREA AND MUNICIPAL BEACH,”**
13 **SECTION 7-80 “ADDITIONAL REGULATIONS APPLYING TO THE**
14 **MUNICIPAL BEACH AREA,” BY CREATING A NEW SUBSECTION (Z)**
15 **TO BE ENTITLED “SMOKING AND VAPING” TO BAN SMOKING AND**
16 **VAPING ON CITY BEACH AND TO PROVIDE FOR ENFORCEMENT;**
17 **AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION**
18 **AND AN EFFECTIVE DATE**
19
20

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

25 **WHEREAS**, under section 386.209, Florida Statutes, the State legislature
26 preempted the regulation of smoking to the State which prohibited municipalities and
27 counties from regulating smoking within local parks and beaches; and
28

29 **WHEREAS**, effective July 1, 2022, the Florida legislature amended section
30 386.209, Florida Statutes, to allow municipalities to restrict smoking within the boundaries
31 of public beaches and public parks that are owned by such municipalities, except that
32 they may not restrict the smoking of unfiltered cigars; and
33

34 **WHEREAS**, as noted in the reports cited in the staff analysis for HB 105 (2022)
35 which amended section 386.209, Florida Statutes (and which are incorporated herein by
36 reference), secondhand smoke can cause numerous health problems and has been
37 causally linked to cancer and other fatal diseases; and
38

39 **WHEREAS**, various articles have reported that electronic smoking devices emit
40 secondhand aerosol which contain nicotine, ultrafine particles and low levels of toxins
41 that are known to cause cancer; and
42

43 **WHEREAS**, further, the Ocean Conservancy, Inc. has also reported that cigarette
44 butts are the number one littered item on beaches and that cigarette butts are also a
45 major part of plastic pollution because they are made of tightly packed plastic fibers that
46 erode into smaller bits, which accumulate in fish and other organisms and not only

47 impacts animal health and reproductivity, but also human health when people consume
48 sick fish; and

49
50 **WHEREAS**, the City Commission finds that the harmful impact of cigarette butts,
51 secondhand smoke and secondhand aerosol at the City’s beaches and parks are
52 detrimental to beach and park users and should be banned to the greatest extent allowed
53 by law; and

54
55 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
56 municipality having such power and authority conferred upon it by the Florida Constitution
57 and Chapter 166, Florida Statutes; and

58
59 **WHEREAS**, the City Commission finds and declares that the adoption of this
60 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
61 City, its residents and visitors.

62
63 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
64 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

65
66 **Section 1:** The foregoing “WHEREAS” clauses are incorporated into this
67 Ordinance as true and correct findings of the City Commission, without limitation, the
68 reports cited in the staff analysis for Florida HB 105 (2022) which amended section
69 386.209, Florida Statutes.

70
71 **Section 2:** Chapter 7 “Beaches, Parks and Recreation,” Article I “Parks,
72 Recreational Facilities and Public Property,” Section 7-9 “Regulation of conduct in parks
73 and recreation areas and on public property” is hereby amended by adding thereto a new
74 subsection (k) to read as follows:

75
76 **Sec. 7-9. – Regulation of conduct in parks and recreation areas and on public**
77 **property.**

78 In addition to the regulations contained in sections 7-1 through 7-7 of this article, the
79 following regulations shall apply to all parks and recreation facilities and public property,
80 unless otherwise noted. Conduct relating specifically to the municipal beach area shall
81 be proscribed by chapter 7, article VI of this Code.

82
83 * * *

84 **(k) Smoking and vaping.**

85
86 **(1) Definitions.** For the purposes of this section, the following terms shall have
87 the meanings given. Words not otherwise defined shall have the meaning
88 set forth in Part II, Chapter 386, Florida Statutes (the Florida Clean Air Act),
89 or shall be construed to mean the common and ordinary meaning.

90 “Smoking” means inhaling, exhaling, burning, carrying, or possessing any
91 lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any
92 other lighted tobacco product. However, “unfiltered cigars” shall be exempt
93 from this definition of smoking.

“Vape” or “vaping” means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

(2) Prohibition. A person is prohibited from smoking and/or vaping in a park located within the city.

(3) Enforcement. The city’s law enforcement agency is hereby authorized to enforce this subsection through the issuance of a city civil citation as set forth in Chapter 2, Article X of this Code.

Section 3: Chapter 7 “Beaches, Parks and Recreation,” Article VI “Municipal Beach Area and Municipal Beach,” Section 7-80 “Additional regulations applying to the municipal beach area” is hereby amended by adding thereto a new subsection (z) to read as follows:

Sec. 7-80. – Additional regulations applying to the municipal beach area.

Purpose. Citizens and visitors should be afforded a safe, clean environment in which recreational opportunities can be maximized. Due to the wide variety of patron needs and use of city property, it is necessary to establish the following regulations. These regulations are in addition to regulations that are contained in other sections of the Code of Ordinances or otherwise posted in particular parks, recreational facilities or municipal beaches.

* * *

(z) Smoking and vaping.

(1) Definitions. For the purposes of this section, the following terms shall have the meanings given. Words not otherwise defined shall have the meaning set forth in Part II, Chapter 386, Florida Statutes (the Florida Clean Air Act), or shall be construed to mean the common and ordinary meaning.

“Smoking” means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product. However, “unfiltered cigars” shall be exempt from this definition of smoking.

“Vape” or “vaping” means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

(2) Prohibition. A person is prohibited from smoking and/or vaping on the municipal beach located within the city. This prohibition shall only apply to the beach and not the entire municipal beach area as defined in this Code.

138 (3) Enforcement. The city's law enforcement agency is hereby authorized to enforce
139 this subsection through the issuance of a city civil citation as set forth in Chapter
140 2, Article X of this Code.

141
142 **Section 4:** Severability. If any section, subsection, sentence, clause, phrase or
143 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
144 competent jurisdiction, such portion shall be deemed a separate, distinct, and
145 independent provision, and such holding shall not affect the validity of the remaining
146 portions thereof.

147
148 **Section 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
149 conflict herewith are hereby repealed to the extent of such conflict.

150
151 **Section 6:** Codification. The sections of the ordinance may be made a part of
152 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
153 accomplish such, and the word "ordinance" may be changed to "section", "division", or
154 any other appropriate word.

155
156 **Section 7:** Effective Date. This ordinance shall become effective 10 days after
157 passage.

158
159 The passage of this ordinance on first reading was moved by
160 _____, seconded by _____, and upon
161 being put to a vote, the vote was as follows:

- 162
163 Mayor Betty Resch
164 Vice Mayor Christopher McVoy
165 Commissioner Sarah Malega
166 Commissioner Kimberly Stokes
167 Commissioner Reinaldo Diaz

168
169 The Mayor thereupon declared this ordinance duly passed on first reading on the
170 _____ day of _____, 2022.

171
172
173 The passage of this ordinance on second reading was moved by
174 _____, seconded by _____, and upon being put to a vote,
175 the vote was as follows:

- 176
177 Mayor Betty Resch
178 Vice Mayor Christopher McVoy
179 Commissioner Sarah Malega
180 Commissioner Kimberly Stokes
181 Commissioner Reinaldo Diaz
182

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

185

186

187

LAKE WORTH BEACH CITY COMMISSION

188

189

190

By: _____

191

Betty Resch, Mayor

192

193 ATTEST:

194

195

196

197 Melissa Ann Coyne, City Clerk

198

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 6, 2022

DEPARTMENT: Finance

TITLE:

Resolution No. 78-2022 – Establishment of a Public Education Fund

SUMMARY:

Resolution 78-2022 establishes a new Special Revenue Fund titled “Public Education Fund” to account for public education funds received by the City from external sources.

BACKGROUND AND JUSTIFICATION:

The City of Lake Worth Beach desires to support and promote quality public education for every child in Lake Worth Beach Public Schools by partnering with teachers and students on projects that will showcase their accomplishments. In addition, the City wishes to provide funding for innovative classroom projects that engage the students in content that is relevant to them as well as the city.

The City will have to maintain separate revenue and expenditures within a segregated fund whereby revenue sources are restricted and or otherwise committed to educational initiatives.

An accompanying \$75,000 budget amendment recommending the transfer from the fiscal year 2021 CIP appropriation, County School Board Wi-Fi project, will be considered for adoption by the City for the FY 2022 budget to provide necessary funding.

MOTION:

Move to approve/disapprove Resolution No. 78-2022 to establish a new Special Revenue Fund titled “Public Education Fund” to account for revenues and expenditures committed to educational initiatives.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A
Resolution 78-2022

RESOLUTION NO. 78-2022 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ESTABLISHING A PUBLIC EDUCATION FUND; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach desires to support and promote quality public education for every child in Lake Worth Beach Public Schools by collaborating with teachers and students on projects that will showcase their accomplishments; and

WHEREAS, the City wishes to provide funding for innovative classroom projects that engage the students in content that is relevant to them as well as the city; and

WHEREAS, the City encourages innovative activities outside the classroom that foster education and student growth; and

WHEREAS, the City wants to facilitate the alignment between the business community and education; and

WHEREAS, the City encourages students to participate in fine arts, STEM, multilingual and multicultural education; and

WHEREAS, the City desires to facilitate objectives and needs that may be identified from time-to-time by the City's Education Task Force or similar entity; and

WHEREAS, the City wants to create an awareness for postsecondary opportunities within city government; and

WHEREAS, the City wishes to maintain separate revenue and expenditures within a segregated fund whereby revenue sources are restricted and or otherwise committed to educational initiatives as outlined above; and

WHEREAS, the City has determined that supporting and promoting educational initiatives within the City serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The appropriate Finance officers of the City are authorized and directed to

take all necessary and appropriate actions to establish a Special Revenue Fund titled "Public Education Fund" to account for public education funds received by the City from external sources, including donations, or by transfers as authorized by the City Commission from other City available funds, including; current year revenues, fund balance, unspent appropriations which may include unspent capital, or from other legal available funds; and to record the receipts and expenditures for the purposes stated herein.

Section 3. The accompanying \$75,000 budget amendment recommending the transfer from the fiscal year 2021 CIP appropriation, County School Board Wi-Fi project, will be considered for adoption by the City for the FY 2022 budget to provide necessary funding for the referenced initiatives.

Section 4. This Resolution shall become effective immediately upon its passage.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared this resolution duly passed and adopted on the _____ day of _____, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: September 20, 2022

DEPARTMENT: Finance

TITLE:

Resolution No. 79-2022 – FY 2022 Budget Transfer

SUMMARY:

Resolution 79-2022 adopts a budget transfer in the amount of \$75,000 from the fiscal year 2021 CIP appropriation, County School Board Wi-Fi project, to the newly “Public Education Fund” established by Resolution No. 78-2022. Approval for this transfer is required by the City Commissioner’s because it exceeds \$50,000 and additionally, because the transfer is between funds.

BACKGROUND AND JUSTIFICATION:

The City of Lake Worth Beach desires to support and promote quality public education for every child in Lake Worth Beach Public Schools by partnering with teachers and students on projects that will showcase their accomplishments. In addition, the City wishes to provide funding for innovative classroom projects that engage the students in content that is relevant to them as well as the city.

Resolution 78-2022 established a new Special Revenue Fund titled “Public Education Fund” to maintain separate revenue and expenditures whereby revenue sources are restricted and or otherwise committed to educational initiatives.

This budget transfer provides funding for the educational initiatives as outlined in Resolution No. 78-2022. The source of funds will be from the fiscal year 2021 CIP appropriation, County School Board Wi-Fi project, in the amount of \$75,000.

MOTION:

Move to approve/disapprove Resolution No. 79-2022 to adopt the budget transfer from CIP to the new Public Education Fund.

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution 79-2022

FISCAL IMPACT ANALYSIS

A. Five Year Fiscal Impact Summary:

Fiscal Years	2022	2023	2024	2025	2026
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
Capital Expenditures	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
Additional Full-Time	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Account Description	Project Number	FY22 Budget	Current Balance	Budget Transfer	Agenda Expenditure	Balance

C. Budget Action

	G/L Number	Description	\$ Amount
Appropriation Of Funds			
New Revenues / Sources of Funds			
Subtotal			-
New Expenditures / Uses of Funds			
Subtotal			-
Net Change - must be positive			-
Transfer of Funds			
Transfer From / Source of Funds	421-6034-531.63-60	School Board Wi-Fi CIP Project	75,000.00
Subtotal			75,000.00
Transfer To / Use of Funds	105-9010-519.34-50	Public Education Fund	75,000.00
Subtotal			75,000.00
Net Change - must be positive			-

RESOLUTION NO. 79-2022, BUDGET TRANSFER OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING A BUDGET TRANSFER OF \$75,000 BETWEEN FUNDS FOR THE CITY'S NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (the "City") previously adopted the Fiscal Year (FY) 2022 Annual Operating Budget pursuant to Resolution No. 60-2021 on September 27, 2021;

WHEREAS, the City finds it is necessary and essential to transfer funds from the FY 2022 Capital Improvement Program (CIP) Budget to the newly "Public Education Fund" established by Resolution No. 78-2022;

WHEREAS, Approval for this transfer is required by the City Commissioner's because of it exceeds \$50,000 and additionally, because the transfer is between funds

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

Section 1. The above recitals are hereby ratified and confirmed as being true and correct and are hereby incorporated into this Resolution.

Section 2. As hereinafter stated in this Resolution, the term "fiscal year" shall mean the period of time beginning October 1, 2021, and ending and including September 30, 2022.

Section 3 The funds and available resources and revenues that are set out and attached as Exhibit "A" and incorporated herein by reference, be, and the same hereby are, transferred to provide the monies to be used to pay the necessary operating and other expenses of the respective funds and departments of the City for the fiscal year.

Section 4. The sums, which are set out in Exhibit "A" and herein incorporated by reference, listed as operating and other expenses of the respective funds and departments of the City, be, and the same hereby are, transferred and shall be paid out of the revenues herein transferred for the fiscal year.

Section 5. The revenues and the expenses for which transfers are hereby made, all set forth above, shall be as set out in the Revised City of Lake Worth Operating Budget for the fiscal year as attached in Exhibit "A".

Section 6. The sums set out in Exhibit "A" are hereinbefore incorporated by reference and based upon departmental estimates prepared by the City Manager and the Finance

Director, shall be, and the same hereby are, fixed and adopted as the revised budget for the operation of the City and its other enterprises for the fiscal year.

Section 7. Except as amended in Exhibit "A" hereto, the remainder of the FY 2022 Annual Operating Budget for the fiscal year remains in full force and effect.

Section 8. This resolution shall become effective immediately upon its passage.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared this resolution duly passed and adopted on the 20th day of September 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 6, 2022

DEPARTMENT: City Manager's Office

TITLE:

Update Status Discussion of CRA Owned Contributing Properties along South L and South K Streets

SUMMARY:

Discussion of the condemnation status of five (5) Community Redevelopment Agency (CRA) owned contributing properties along South L and South K Streets

BACKGROUND AND JUSTIFICATION:

On May 11, 2022, Staff provided a current status update regarding the seven (7) CRA owned contributing structures within the Old Town Historic District that were purchased beginning in 2018 in an effort to encourage redevelopment in the downtown. Current condition summaries and estimates for renovation for all of them were provided as well as an overview of next steps. Due to the cost of renovation and existing conditions, five (5) of the structures have been deemed financially unfeasible to restore. Two (2) were deemed appropriate for renovation. The Commission accepted the reports and recommendations.

CRA and City Staff in collaboration with the City's Building Official are providing the official condemnation reports for the five (5) structures that were deemed beyond repair. The reports are included as attachments. The structures involved are located at 30 South L Street, 32 South L Street, 25 South K Street, 704 1st Avenue South and 710 1st Avenue South. The CRA also has obtained demolition proposals from several contractors outlining the costs to demolish and clear the five (5) properties in question. The City has yet to obtain cost estimates for termite tenting for the two (2) structures to remain located at 24 South L Street and 26 South L Street.

MOTION:

Provide direction as appropriate

ATTACHMENT(S):

Condemnation Reports for Five (5) Properties
Demolition Estimates Spreadsheet
May 11, 2022 Staff Report
Original Summary Memo dated May 9, 2022
Seven (7) Condition Reports



Declaration of unsafe conditions.

July 11, 2022

In my capacity as Building Official, I have inspected the building located at 25 South K Street several times over the past year. I have determined that the building is unsafe according to the City's definition of "unsafe building" in Section 9-2.2, Code of Ordinances, City of Lake Worth Beach, Florida, Abatement of unsafe buildings. The building is hereby declared unsafe for the following reasons:

The building as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse. (Sec. 9-2.2(c)(7))

The wood frame building has significant termite damage visible. The foundation of the building is questionable. The piers on which the house is set show signs of settling and elements of the building are leaning. There is photographic evidence of the site visits in the file.

The building is vacant. It is my recommendation that the building be demolished at this time. Please sign and return this Declaration to me to authorize the demolition of the building.

If you have any questions, please let me know.

Sincerely,

Peter Ringle

Peter Ringle, CBO, CFM
Building Official
Community Sustainability Department



BUILDING DIVISION
1900 2ND AVENUE NORTH
LAKE WORTH BEACH, FL 33460

Declaration of unsafe conditions.

July 11, 2022

In my capacity as Building Official, I have inspected the building located at 30 South L Street several times over the past year. I have determined that the building is unsafe according to the City's definition of "unsafe building" in Section 9-2.2, Code of Ordinances, City of Lake Worth Beach, Florida, Abatement of unsafe buildings. The building is hereby declared unsafe for the following reasons:

The building as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse. (Sec. 9-2.2(c)(7))

The wood frame building has significant termite damage visible. The rim board as well as the floor joists have been structurally compromised by the termites. There is photographic evidence of the site visits in the file.

The building is vacant. It is my recommendation that the building be demolished at this time. Please sign and return this Declaration to me to authorize the demolition of the building.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in red ink that reads "Peter Ringle".

Peter Ringle, CBO, CFM
Building Official
Community Sustainability Department



BUILDING DIVISION
1900 2ND AVENUE NORTH
LAKE WORTH BEACH, FL 33460

Declaration of unsafe conditions.

July 11, 2022

In my capacity as Building Official, I have inspected the building located at 32 South L Street several times over the past year. I have determined that the building is unsafe according to the City's definition of "unsafe building" in Section 9-2.2, Code of Ordinances, City of Lake Worth Beach, Florida, Abatement of unsafe buildings. The building is hereby declared unsafe for the following reasons:

The building as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse. (Sec. 9-2.2(c)(7))

The building is both wood frame and concrete block. There was no access to the interior of the building during my inspections. This declaration is based on the visible evidence observed on the exterior. The wood frame portion of the building shows significant evidence of water damage. The exterior wall on the north side of the building shows signs of structural distress. There is photographic evidence of the site visits in the file.

The building is vacant. It is my recommendation that the building be demolished at this time. Please sign and return this Declaration to me to authorize the demolition of the building.

If you have any questions, please let me know.

Sincerely,

Peter Ringle

Peter Ringle, CBO, CFM
Building Official
Community Sustainability Department



BUILDING DIVISION
1900 2ND AVENUE NORTH
LAKE WORTH BEACH, FL 33460

Declaration of unsafe conditions.

July 11, 2022

In my capacity as Building Official, I have inspected the building located at 704 1st Ave S several times over the past year. I have determined that the building is unsafe according to the City's definition of "unsafe building" in Section 9-2.2, Code of Ordinances, City of Lake Worth Beach, Florida, Abatement of unsafe buildings. The building is hereby declared unsafe for the following reasons:

The building as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse. (Sec. 9-2.2(c)(7))

The building is composed of a mixture of wood frame and concrete block construction. The wood frame portion of the building shows evidence of termite damage. The floor joists also show evidence of deflection. The roof of the concrete block portion is leaking and there may be issues with rotten roof joists and termite damage of the roof.

The building is vacant. It is my recommendation that the building be demolished at this time. Please sign and return this Declaration to me to authorize the demolition of the building.

If you have any questions, please let me know.

Sincerely,

Peter Ringle

Peter Ringle, CBO, CFM
Building Official
Community Sustainability Department



Declaration of unsafe conditions.

July 11, 2022

In my capacity as Building Official, I have inspected the building located at 710 1st Ave S several times over the past year. I have determined that the building is unsafe according to the City's definition of "unsafe building" in Section 9-2.2, Code of Ordinances, City of Lake Worth Beach, Florida, Abatement of unsafe buildings. The building is hereby declared unsafe for the following reasons:

The building as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse. (Sec. 9-2.2(c)(7))

The wood frame building has significant termite damage visible. The foundation of the building is questionable. The piers on which the building is set show signs of settling and elements of the building are leaning. There is photographic evidence of the site visits in the file.

The building is vacant. It is my recommendation that the building be demolished at this time. Please sign and return this Declaration to me to authorize the demolition of the building.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in red ink that reads "Peter Ringle".

Peter Ringle, CBO, CFM
Building Official
Community Sustainability Department

Authorizing Demolition

Carmen Davis, City Manager

TABULATION SHEET	IFB CRA #07-01-2022 DEMO, ASBESTOS REMOVAL & LOT CLEARING of Eight Downtown Structures at 6 Parcels			TABBED BY: Chris Dabros				
Page 1 of 1	BIDS CLOSE ON: 07-15-2022 3pm			REVIEWER: Joan Oliva				
VENDORS BIDDING-----> Tabulated Items:	<i>DEVLAND SITE</i>	<i>FLORIDA DEMOLITION INC.</i>	<i>LOTUS CONSTRUCTION OF SOUTH FLORIDA LLC</i>	<i>THE BG GROUP</i>	<i>PROPERTY SERVICES WARRANTY INC.</i>	<i>RITEWAY DEMOLITION</i>		
Bid Package Arrived by Close Day & Time:	Yes	Yes	Yes	Yes	Yes	No. Received after hours on July 15th		
Copies of Proof of Insurance Receivd?	Yes	NO	NO	Yes	Yes - But Expired	NO		
DRUG FREE CERT. Received?	Yes	Yes	Yes	Yes	Yes	NO		
ADDRESS	<i>DEVLAND SITE</i>	<i>FLORIDA DEMOLITION INC.</i>	<i>LOTUS CONSTRUCTION OF SOUTH FLORIDA LLC</i>	<i>THE BG GROUP</i>	<i>PROPERTY SERVICES WARRANTY INC.</i>	<i>RITEWAY DEMOLITION</i>		
SITE #1 710 1st Ave. South	\$22,160.50	\$29,065.00	\$24,000.00	\$31,404.00	\$8,500.00	\$23,433.00		
SITE #2 704 1st Ave. South	\$37,000.00	\$23,544.00	\$23,750.00	\$28,605.00	\$13,500.00	\$31,953.00		
SITE #3 25 South K Street	\$28,771.00	\$27,677.00	\$17,500.00	\$35,919.00	\$9,900.00	\$38,358.00		
SITE #4 30 South L Street	\$23,570.00	\$20,125.00	\$16,500.00	\$27,623.00	\$10,500.00	\$24,397.00		
SITE #5 32 South L Street	\$28,500.00	\$20,125.00	\$17,000.00	\$24,247.00	\$13,500.00	\$21,066.00		
SITE #6 509 Lake Ave.	\$13,072.00	\$17,988.00	\$16,500.00	\$26,964.00	\$7,200.00	\$26,816.00		
TOTAL COSTS:	\$153,073.50	\$138,524.00	\$115,250.00	\$174,762.00	\$63,100.00	\$166,023.00		
NOTES:								NOTE: PSW Totaled on their bid form to be \$81,895 (they provided incorrect math)

EXECUTIVE BRIEF SPECIAL MEETING

AGENDA DATE: May 18, 2022

DEPARTMENT: City Manager's Office

TITLE:

Status Discussion of Contributing Properties along South L and South K Streets

SUMMARY:

Discussion of the current condition and estimates of probable costs for renovations of the contributing properties along South L and South K Streets

BACKGROUND AND JUSTIFICATION:

There are seven (7) contributing structures with the Old Town Historic District that were purchased by the Community Redevelopment Agency (CRA) approximately four (4) years ago in furtherance of encouraging redevelopment in the downtown. Over the intervening years, the structures have stood vacant, empty and deteriorating. At the direction of the City Commission, Staff obtained estimates of probable cost to restore each of the seven (7) structures so that they might be leased and inhabited for residential purposes.

Provided here is a summary of the findings as well as the full reports prepared by Jeff Berkoff of Bella Construction, a local Lake Worth Beach contractor.

MOTION:

Provide direction as appropriate

ATTACHMENT(S):

Summary Memo
Seven (7) Reports



Memorandum

To: Carmen Davis, City Manager
From: William Waters, DCS Director
Subject: Visual Assessment of Historic Buildings on South K and South L Streets
Date: May 9, 2022

Per the direction provided by the City Commission, staff obtained renovation costs for the contributing properties along South L and South K Streets. The estimates of probable costs in order for them to be inhabited and leased for residential purposes were provided by Jeff Berkoff of Bella Construction, a Lake Worth Beach construction firm. Each estimate is itemized including all activities for each structure

Provided as attachments are the seven (7) individual reports for each of the structures. In summary, the reports provide the following:

Address		Estimate of Cost for Renovations
24 South L Street	-	\$159,800
26 South L Street	-	\$367,900
30 South L Street	-	\$338,900
32 South L Street	-	\$348,300
25 South K Street	-	\$266,800
704 1 st Avenue South	-	\$317,800
710 1 st Avenue South	-	Recommendation for Demolition due to Cost

Attachments

- 24 South L Street
- 26 South L Street
- 30 South L Street
- 32 South L Street
- 25 South K Street
- 704 1st Avenue South
- 710 1st Avenue South

Bella Construction Corp

Quality Design-Build & Remodeling Contractors
Certified General Contractors CGC 1512434
EPA Lead-Safe Certified Firm NAT-94354-1

PROPOSAL

3626 EMBASSY DRIVE WEST PALM BEACH FL 33401
PH: [561] 722-6402 EMAIL jb@bellaconst.net

DATE 4-26-22
JOB # 6220
PAGE # 1

JOB: CITY OF L.W. BEACH
ESTIMATED REPAIR COSTS FOR 30 S. 'L' ST

E-MAIL
PHONE

ATT: WILLIAM WATTERS

	DESCRIPTION	LINE TOTAL
	ESTIMATE OF PROBABLE COSTS FOR RESIDENCE TO BE 'LIVABLE' AND WITHIN CURRENT CODES:	
1	REMOVE EXISTING WINDOWS & REPLACE WITH [19] NEW IMPACT RATED UNITS, NEW EXTERIOR DOORS	\$32,000
2	FURNISH/INSTALL NEW GAS HOT WATER HEATERS	\$2,000
3	FURNISH/INSTALL NEW A/C SYSTEMS	\$11,000
4	MISC. FLOOR REPAIRS/FLOOR REFINISHING	\$22,600
5	COMPLETE INTERIOR & EXTERIOR PRIME & PAINT FOLLOWING ALL REPAIR WORK, MISC. PATCHING	\$22,800
6	MISC KITCHEN REPAIRS/REPLACE NON- WORKING APPLIANCES	\$26,000
7	UPDATE BATHROOMS NEW FIXTURES & PLUMBING WORK, NEW TILE, REMEDIATE MOLD	\$25,500
8	MISC ELECTRICAL REPAIRS, NEW SMOKE DETECTORS	\$15,500
9	MANAGEMENT, SUPERVISION, COORDINATION OF TRADES, INSPECTIONS	\$27,000
10	RESERVE BUDGET FOR UNKNOWN/HIDDEN CONDITIONS	\$25,000
11	REASONABLE LANDSCAPE/HARDSCAPE BUDGET	\$6,000
12	REPAIRS TO DETACHED GARAGE IN REAR	\$13,500
*	NOTE: ROOFING & SIDING APPEAR IN POOR SHAPE. STATUS OF ANY INSULATION UNKNOWN. ASBESTOS REPORT DETECTS <u>NO</u> ASBESTOS. NEW ROOF & SIDING BUDGET. RE-FRAME 3 SIDES OF HOUSE & INSULAT.	\$88,000
13	ALLOWANCE FOR TERMITES DAMAGE REPAIR & TENT/TREAT IF NEEDED	\$22,000
	TOTAL PROBABLE COSTS	\$338,900

"OUR CUSTOMERS HAVE A BETTER EXPERIENCE"

Bella Construction Corp

Quality Design-Build & Remodeling Contractors
 Certified General Contractors CGC 1512434
 EPA Lead-Safe Certified Firm NAT-94354-1

PROPOSAL

3626 EMBASSY DRIVE WEST PALM BEACH FL 33401
 PH: [561] 722-6402 EMAIL jb@bellaconst.net

DATE 4-21-22
 JOB # 6220
 PAGE # 1

JOB: CITY OF L.W. BEACH
 ESTIMATED REPAIR COSTS FOR 704 1ST AVE SOUTH

**E-MAIL
 PHONE**

ATT: WILLIAM WATTERS

	DESCRIPTION	LINE TOTAL
	ESTIMATE OF PROBABLE COSTS FOR RESIDENCE TO BE 'LIVABLE' AND WITHIN CURRENT CODES:	
1	REMOVE EXISTING WINDOWS & REPLACE WITH [22] NEW IMPACT RATED UNITS, NEW EXTERIOR DOORS	\$34,000
2	FURNISH/INSTALL [2] NEW GAS HOT WATER HEATERS	\$2,000
3	FURNISH/INSTALL [2] NEW A/C SYSTEMS	\$21,000
4	MISC. FLOOR REPAIRS/FLOOR REFINISHING	\$20,000
5	COMPLETE INTERIOR & EXTERIOR PRIME & PAINT FOLLOWING ALL REPAIR WORK, MISC. PATCHING	\$32,800
6	MISC KITCHEN REPAIRS/REPLACE NON- WORKING APPLIANCES	\$26,000
7	UPDATE BATHROOMS NEW FIXTURES & PLUMBING WORK, NEW TILE, REMEDIATE MOLD	\$25,500
8	MISC ELECTRICAL REPAIRS, NEW SMOKE DETECTORS	\$25,500
9	MANAGEMENT, SUPERVISION, COORDINATION OF TRADES, INSPECTIONS	\$27,000
10	RESERVE BUDGET FOR UNKNOWN/HIDDEN CONDITIONS	\$25,000
11	REASONABLE LANDSCAPE/HARDSCAPE BUDGET	\$8,000
12	ASBESTOS REMEDIATION BUDGET	\$18,000
*	NOTE: ROOFING & SIDING APPEAR IN POOR SHAPE. STATUS OF ANY INSULATION UNKNOWN. ASBESTOS REPORT DETECTS ASBESTOS. FOOTINGS SETTLING & FOUNDATION ISSUES BUDGET	\$25,000
	THIS IS A 2-PLEX UNIT	
13	ALLOWANCE FOR TERMITE DAMAGE REPAIR AND TENT/TREAT IF NEEDED [BOTH UNITS INCLUDED]	\$28,000
	TOTAL PROBABLE COSTS	\$317,800

"OUR CUSTOMERS HAVE A BETTER EXPERIENCE"

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 6, 2022

DEPARTMENT: City Manager

TITLE:

Presentation by FAU of the disparity analysis and the four alternative redistricting maps for review and discussion

SUMMARY:

Pursuant to the City's Professional Services Agreement with FAU, representatives from The John Scott Dailey Florida Institute of Government at Florida Atlantic University (the "Institute") will present four alternative redistricting maps for review and discussion.

BACKGROUND AND JUSTIFICATION:

Generally, redistricting redefines election districts based on changes in the population. The Equal Protection Clause of the United States Constitution has been found to guarantee the right of "one person, one vote" to municipal residents, such that a municipality must redraw its election districts periodically to maintain equal population. Every ten years, after a census, updated population data often times results in election districts with unequal populations, which requires the redrawing of districts to maintain compliance with the United States Constitution and the Voting Rights Act. The City of Lake Worth Beach has never done redistricting since its incorporation in 1913.

The City Commission entered into an Agreement with FAU to analyze the City's 2020 Census data and population projections and the City's existing election districts. At the September 12, 2022 work session, James Gammack-Clark, Senior Instructor in the Geosciences Department at FAU, presented FAU's report on the population analysis, recommending that redistricting be undertaken due to the imbalance in the population of the four districts. The City Commission gave consensus to continue with the process by creating potential maps of the new districts for discussion. The four alternative maps will also be presented for public review and comment at two public meetings, the first on October 13 at 6 PM at the HATCH and the second on October 15 at 10 AM at South Grade Elementary School.

ATTACHMENT(S):

Potential redistricting maps
District Analysis
Deviation Summary
Reports on maps (will be available before the meeting)

Consultant Report: District Analysis for the City of Lake Worth Beach

September 7, 2022

John Scott Dailey Florida Institute of Government
Florida Atlantic University

Steven Bourassa, Ph.D.
Professor and Chair, Department of Urban and Regional Planning

James Gammack-Clark, M.A., Ph.D. candidate (ABD)
Senior Instructor, Department of Geosciences

Ronald R. Schultz, Ph.D.
Professor Emeritus, Department of Geosciences

Michael Stamm Jr. MURP
Adjunct Faculty, Department of Urban and Regional Planning

Introduction

The City of Lake Worth Beach contracted with Florida Atlantic University (FAU) to conduct an analysis of their City Commission election districts. The contract outlines a two-part process: Part A, a population analysis of the current election districts and recommendation for redistricting and Part B, if necessary, the creation of redistricting options for the City.

This report transmits a general analysis of the 2020 U.S. Census apportionment dataset, adjusted for future growth to the year 2024, as well as a population analysis of the existing City Commission election districts for the City. The report then provides a recommendation as to whether the City should conduct a full redistricting analysis.

The districting requirements in the City Charter are unique, as the Charter defines the specific district boundaries. The consulting team was tasked by the City to prepare an analysis of population balance among the districts that accounts for the 2020 U.S. Census population count to determine if the districts have fallen out of alignment.

The 2020 Census

There are two primary differences that make the 2020 U.S. Census stand out from those that preceded it: a significant delay in its release due to the COVID-19 pandemic, and the implementation of a new 'differential privacy' policy. We will briefly address both of these here for the sake of posterity and context.

The decennial census aims to capture a snapshot in time of the population of the United States of America. Understanding that the population is constantly changing, with births, deaths, and migration patterns constantly adjusting the fabric of the American people, Census Day represents a single moment in time for which the U.S. population is enumerated with the greatest precision possible. This day is always April 1st. By this date, every household in America received an invitation to participate in the 2020 census, with three options to respond: online, by mail, or by phone. 2020 represented the first census to include an online response option. Subsequent to this day is a period of time in which the U.S. Census Bureau follows up with non-responders and begins a quality control process. Traditionally, the Census Bureau would deliver an apportionment count to the U.S. President on December 31st, followed by a distribution of redistricting data to the states exactly one year to the day after Census Day: in this case, April 1, 2021.

However, due to complications caused by the COVID-19 pandemic, the Census Bureau sought statutory relief from Congress that would allow for apportionment counts to be delivered to the President by April 30, 2021, and redistricting data to be delivered to the states no later than September 30, 2021. Additionally, the Census Bureau compressed the typical three-month nonresponse follow up enumeration period to two and half months. Ultimately, redistricting data were released in a 'legacy format' on August 12, 2021. This delay inevitably and unavoidably complicated redistricting efforts for every electoral district in the nation. It also meant that the amount of error in the data, inherent to every census where 100% accuracy is impossible, would likely be greater in the 2020 census. The Census Bureau has since confirmed that the rate of missing information was higher in the 2020 census than in the 2010 census. However, they have also stated that this rate was lower than they initially feared.

The 2020 redistricting data are the first to employ 'differential privacy protection'. This represents the Census Bureau's introduction of 'noise' into the data at the more local geographic scale (Blocks and Block Groups) with the intent to strike a balance between data protection and precision. The effect is that while the enumeration counts can be trusted at the Census Tract level, we must anticipate a certain degree of 'fuzziness' at the Block level. Specifically, while the aggregate count of population for a Census Tract will be accurate, a certain proportion of people/housing units will have been *deliberately* misallocated by the Census Bureau at the Block level. While this may not be problematic in the realignment of Congressional Districts, for example, it certainly represents a challenge for Municipal Districts, for which the geographic precision of Census Blocks is highly desirable.

Taken together, therefore, the complications related to the COVID-19 pandemic and the implementation of 'differential privacy' introduce a certain amount of additional uncertainty to the primary source of data for this analysis (2020 Census Redistricting Data (PL 94-171)) that is unprecedented. Nevertheless, these data remain the standard upon which municipal redistricting efforts shall be based across the nation.

Lake Worth Beach City Charter

The Charter does not provide procedural language as it pertains to redistricting or evaluation of election district population.

Article II (Territorial Boundaries: Election Precincts) Sec. 2 – Election Districts:

The City of Lake Worth is hereby divided into four (4) election districts, as follows:

District 1. All that territory lying west of Dixie Highway and south of Lake Avenue.

District 2. All that territory lying west of Dixie Highway and north of Lake Avenue.

District 3. All that territory lying east of Dixie Highway and north of Lake Avenue.

District 4. All that territory lying east of Dixie Highway and south of Lake Avenue.

Current Districts

An Evaluation of the Existing Districts:

Referring to the 2020 Census Blocks, the City of Lake Worth Beach has a population of 42,219 which means the ideal district size for each of the four election districts is 10,555 people. District 2 is the largest district with 14,149 people and District 4 is the smallest District with 6,539 people. Based on 2020 data, the election districts have a total deviation of **133.31%** and a spread between the largest and smallest districts of **72.10%**. Based on the 2020 Census block data, the current districts are well above the 10% deviation (spread) threshold used to evaluate election districts for population equity.

An Evaluation of Future Growth:

To ensure that any recommendations for redistricting reflect the most up-to-date information about population growth, they are based on projections to 2024. City staff identified developments that were not included in the 2020 Census counts but are expected to be constructed and occupied by 2024. These projects add a total of 1,554 new units to the city's existing housing stock. Population projections were established for each of these projects by multiplying the number of units by the Persons Per Household (PPH) value established by the U.S. Census American Community Survey for the City of Lake Worth Beach (2016-2020): 2.9 (with the result rounded to the nearest whole number). These results are listed in **Table 1** below. (Note: Population projections were made at the census block level, rather than on a project by project basis. Rounding error will thus produce a slight discrepancy in the population column if the reader attempts to multiply the total units per project by the PPH value, rather than summing the projected population for each block, as was done in this case.) In total, 4,508 people will be added to the city's total population count, with the majority (3,588) being allotted to District 2.

*Table 1 – City of Lake Worth Beach
Population Estimates for Approved Developments*

Subdivision	Units	Population Estimate	Current District	Completion Date
The One	14	41	4	2020
The Mid	230	667	2	2021
Aviara	49	142	3	2022
The Bohemian	200	580	1	2022
129 South K Street	4	12	4	2023
1303/1305 Lucerne Avenue	4	12	2	2023
15 North E Street	2	6	2	2023
211 Ocean Breeze	3	9	4	2023
230 North L Street	6	17	3	2023
320 Lake Osborne Drive	6	17	1	2023
509 North H Street	3	9	2	2023
Advantix	189	548	2	2023
Alora	12	35	4	2023
Casa Bella	18	52	2	2023
Deco Green	125	363	2	2023
Detroit Street Apartments	81	235	2	2023
Lake Worth Apartments	24	70	2	2023/2024
Lake Worth Station	81	235	2	2023/2024
Serendipity	12	35	2	2023/2024
Solimar	8	23	3	2023/2024
The Avery	200	580	2	2023/2024
The Cloisters Phase III	15	44	4	2023/2024
The Perch	18	52	2	2023/2024
Village Flats Phase I	41	119	2	2023/2024
Village Flats Phase II and III	12	35	2	2023/2024
Lake Worth Residences	197	571	2	2024
	1,554	4,509		

Note: The U.S. Census average persons per household (2016-2020) for the City of Lake Worth Beach (2.9) was used to calculate the population estimate, rounded to the nearest whole number.

Accounting for this anticipated growth, the 2024 projected population for the City of Lake Worth Beach will be 46,727. Dividing by four puts the projected average population for each district at 11,682. The **Existing Districts Map** and **Table 2** show the geographic boundaries and projected population counts for the current districts. The district with the greatest projected population is District 2 with 17,737 residents; the district with the smallest projected population is District 4 with 6,680 residents.

Under these projections, District 2 will account for the greatest portion of the city’s population at 37.96%. This deviates from the theoretical average population of 11,682 by 51.84%. District 4, the smallest district, has 14.30% of the population and deviates from the average by -42.82%. This represents a difference of 11,057 people between the two districts, and a spread of **94.66%** (42.82% + 51.84%). The sum deviation of all districts, meanwhile, is **153.51%** and the mean deviation is **38.38%**. As such, the current districts are severely unbalanced and the anticipated growth will exacerbate the situation. While the current district configuration is geographically compact and utilizes easy to understand boundaries consistent with the descriptions in the City Charter, the current population imbalance exceeds the standard criterion for redistricting: there must be no more than a 10% deviation between districts.

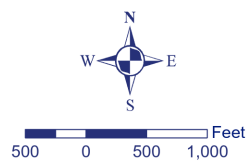
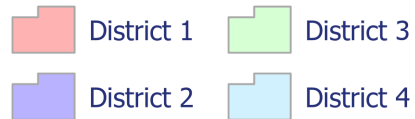
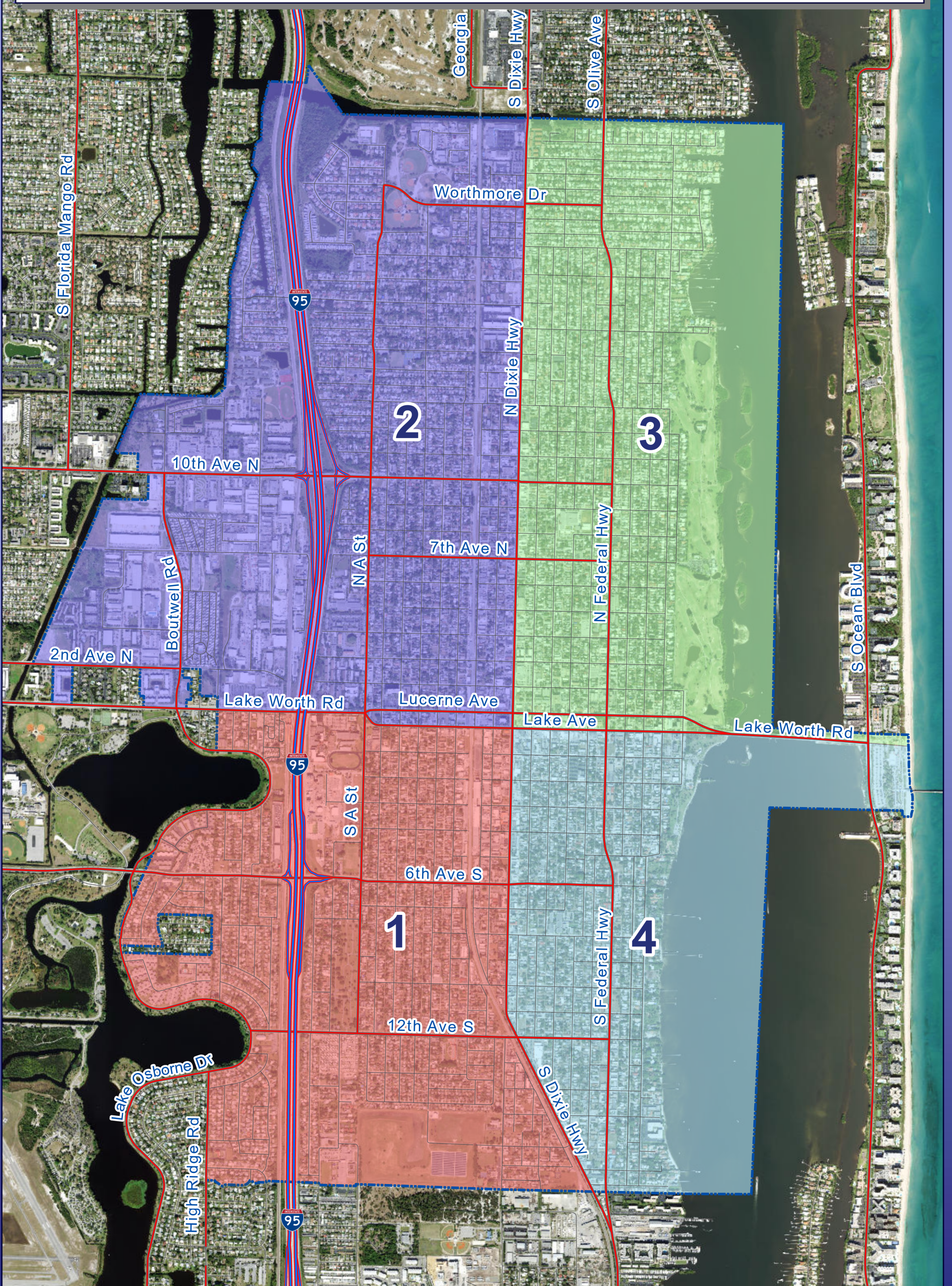
***Table 2 – Current Commission Districts – City of Lake Worth Beach
2020 Enumeration and 2024 Population Projection***

Current Districts	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	13,996	33.15	32.60%	14,593	31.23	24.92%
District 2	14,149	33.51	34.05%	17,737	37.96	51.84%
District 3	7,535	17.85	-28.61%	7,717	16.52	-33.94%
District 4	6,539	15.49	-38.05%	6,680	14.30	-42.82%
Total	42,219	100	133.31%	46,727	100	153.51%
Average	10,555	25	33.33%	11,682	25	38.38%

The overall pattern of district boundary changes would need to increase the population of District 3 and District 4. This will, of course, necessitate an adjustment of their geographic boundaries where District 3 and 4 gain territory, while districts 1 and 2 lose territory.

City of Lake Worth Beach

Existing Commission Districts



Redistricting Criteria and Data Sources

The City's Charter defines the geographic boundaries of the election districts, but does not clarify the process as to how and when election districts should be evaluated. To conduct the City's redistricting process, the consultant will abide by the following standards by which rational districts are developed nationwide and which are supported by case law and practice throughout the nation. These criteria can be summarized as follows:

- 1) Reasonable population equality across districts:
 - Districts should have approximately the same number of people when all persons, regardless of age, are counted. Ideal district size is based on the total population divided by the number of districts.
 - Redistricting should adhere to Section 2 of the Voting Rights Act of 1965, as amended and interpreted through case law. This criterion requires that minority population clusters be respected in the development of district boundaries. Arbitrary dilution and other discriminatory practices are prohibited.
 - Redistricting should adhere to Florida's Fair Districting Amendment.
 - Although deviations should be avoided wherever possible, there must be no more than a 10% overall deviation from the ideal size across districts.
- 2) Geographic contiguity and appropriate compactness:
 - Follow major natural and manmade boundaries to the extent possible in defining boundaries of voting districts.
 - Maintain the integrity of communities of interest based on race, life cycle/age, income, and other community identity characteristics such as subdivisions.
 - Minimize the degree of change in pre-existing patterns of districts, to promote continuity of citizen identification with a district.
 - Maintain district compactness and spatial contiguity. A compact shape for each district will be sought in each redistricting option presented to the city.

The first criterion is of primary importance; the second is significant in guiding decisions in reaching reasonable population balance.

In developing revised Lake Worth Beach City Commission election districts, the spatial units used in composing or building the districts are residential housing subdivisions (communities) and U.S. Census blocks. Subdivisions are typically homogeneous in their housing characteristics and thus serve households with broadly similar interests. Therefore, district borders are typically subdivision boundaries and associated major roadways or other obvious physical features. U.S. Census blocks are typically subunits in subdivisions and are the smallest spatial unit used in tabulating Census data.

Recommendation

It is the opinion of the FAU redistricting team, that the existing City Commission election district boundaries are severely imbalanced and that a realignment of these boundaries, to better balance their population, is required. Without redistricting, the sum of the deviations from the ideal average population is expected to be 153.51%, with a mean deviation of 38.38%, and a spread of 94.66%. This far exceeds the 10% desired maximum.

The overall pattern of district boundary changes will need to increase the population of District 3 and 4 to achieve the desired population equity between districts. This will necessitate an adjustment of the geographic boundaries where District 1 and 2 decrease in size. Should the City of Lake Worth Beach opt to proceed, it is the intent of the FAU team to provide the City's Commission with redistricting map alternatives for their consideration, consistent with the terms of the agreement between FAU and the City. FAU will work with City staff to schedule future meetings to present the redistricting map alternatives to the City Commission.

Appendix

District Demographics

The table below depict the demographics taken from the 2020 U.S. Census for the existing commission districts. Note that the columns 'White' through 'Other' sum to the City's population total. These categories represent the U.S. Census' definition of race. The last two columns ('Hispanic or Latino' and 'Not Hispanic or Latino') also sum to the City's population total (the U.S. Census' classification of ethnicity).

Current Commission Districts – City of Lake Worth Beach
Expanded Demographics, U.S. Census 2020

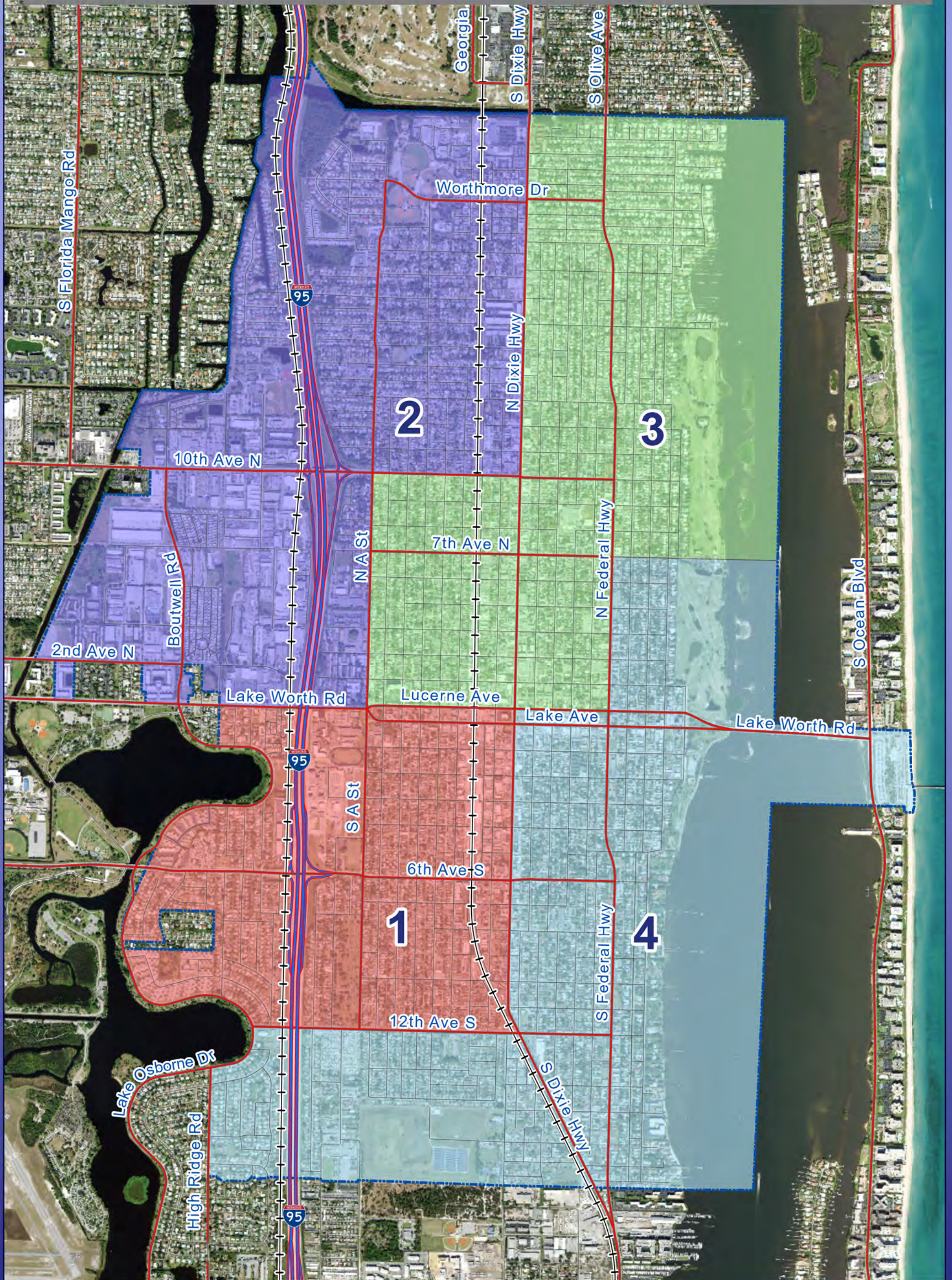
District (Existing)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	13,996	3,785 (27.04%)	3,515 (25.11%)	993 (7.09%)	89 (0.64%)	8 (0.06%)	5,606 (40.05%)	7,422 (53.03%)	6,574 (46.97%)
2	14,149	4,490 (31.73%)	2,767 (19.56%)	1,087 (7.68%)	182 (1.29%)	14 (0.1%)	5,609 (39.64%)	7,740 (54.7%)	6,409 (45.3%)
3	7,535	5,056 (67.1%)	512 (6.79%)	134 (1.78%)	77 (1.02%)	6 (0.08%)	1,750 (23.22%)	1,950 (25.88%)	5,585 (74.12%)
4	6,539	3,149 (48.16%)	1,266 (19.36%)	237 (3.62%)	69 (1.06%)	0 (0%)	1,818 (27.8%)	2,245 (34.33%)	4,294 (65.67%)
	42,219	16,480 (39.03%)	8,060 (19.09%)	2,451 (5.81%)	417 (0.99%)	28 (0.07%)	14,783 (35.02%)	19,357 (45.85%)	22,862 (54.15%)

Deviation Summary

Configuration	Impacted Population	Total Deviation	Mean Deviation	Spread
Existing	N/A	150.21	37.55	90.65
Alternative 1	9,892	7.44	1.86	4.96
Alternative 2	10,073	11.27	2.82	8.28
Alternative 3	10,360	2.62	0.66	1.72
Alternative 4	10,743	7.91	1.98	6.10

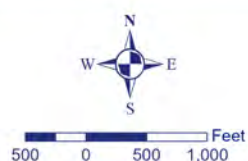
City of Lake Worth Beach

Alternative Districts: Option 1



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Sources: U.S. Census Bureau
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- District 1
- District 2
- District 3
- District 4



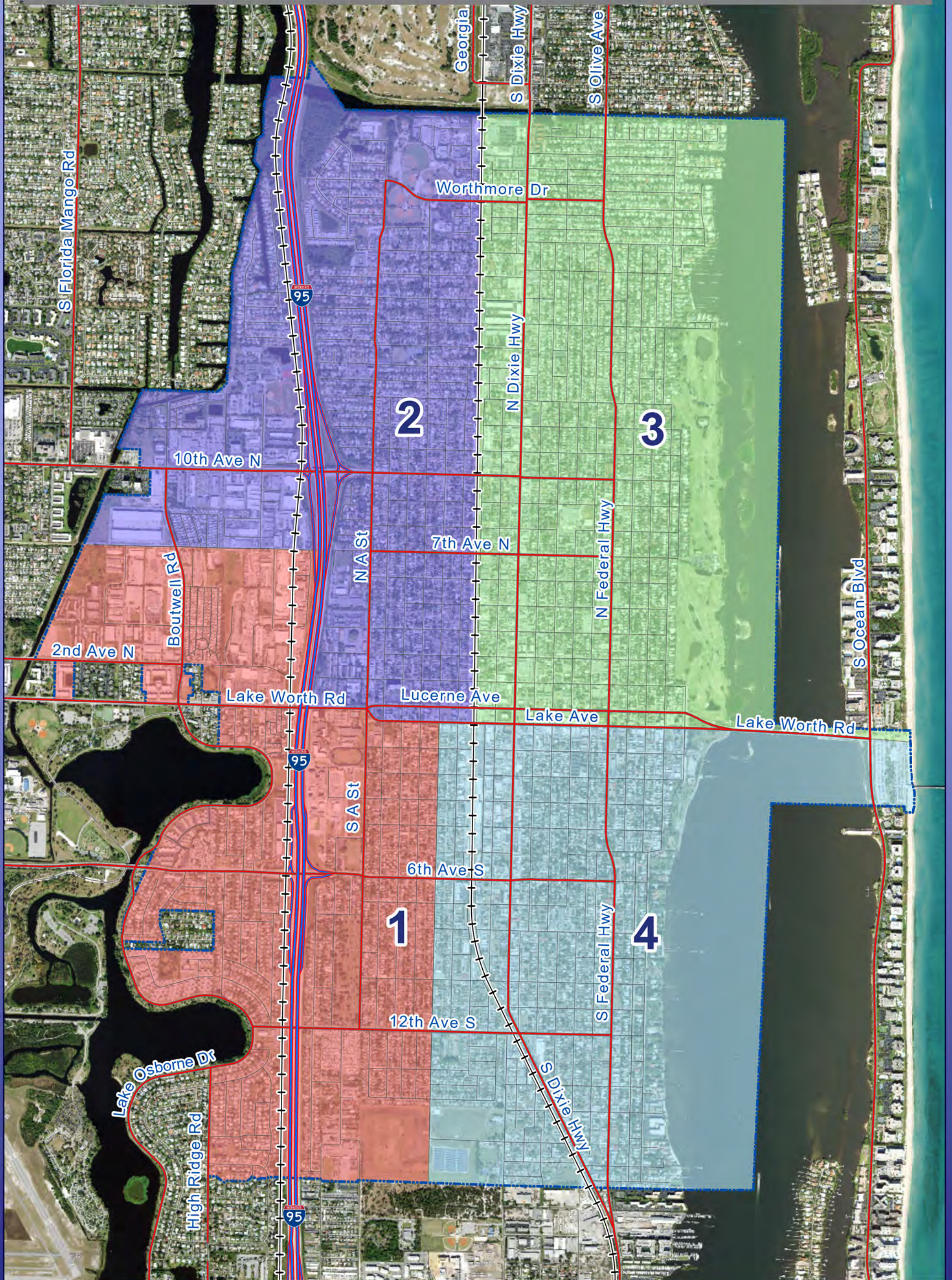
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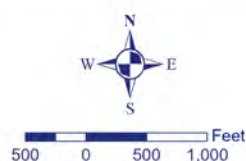
City of Lake Worth Beach

Alternative Districts: Option 2



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- District 1
- District 2
- District 3
- District 4



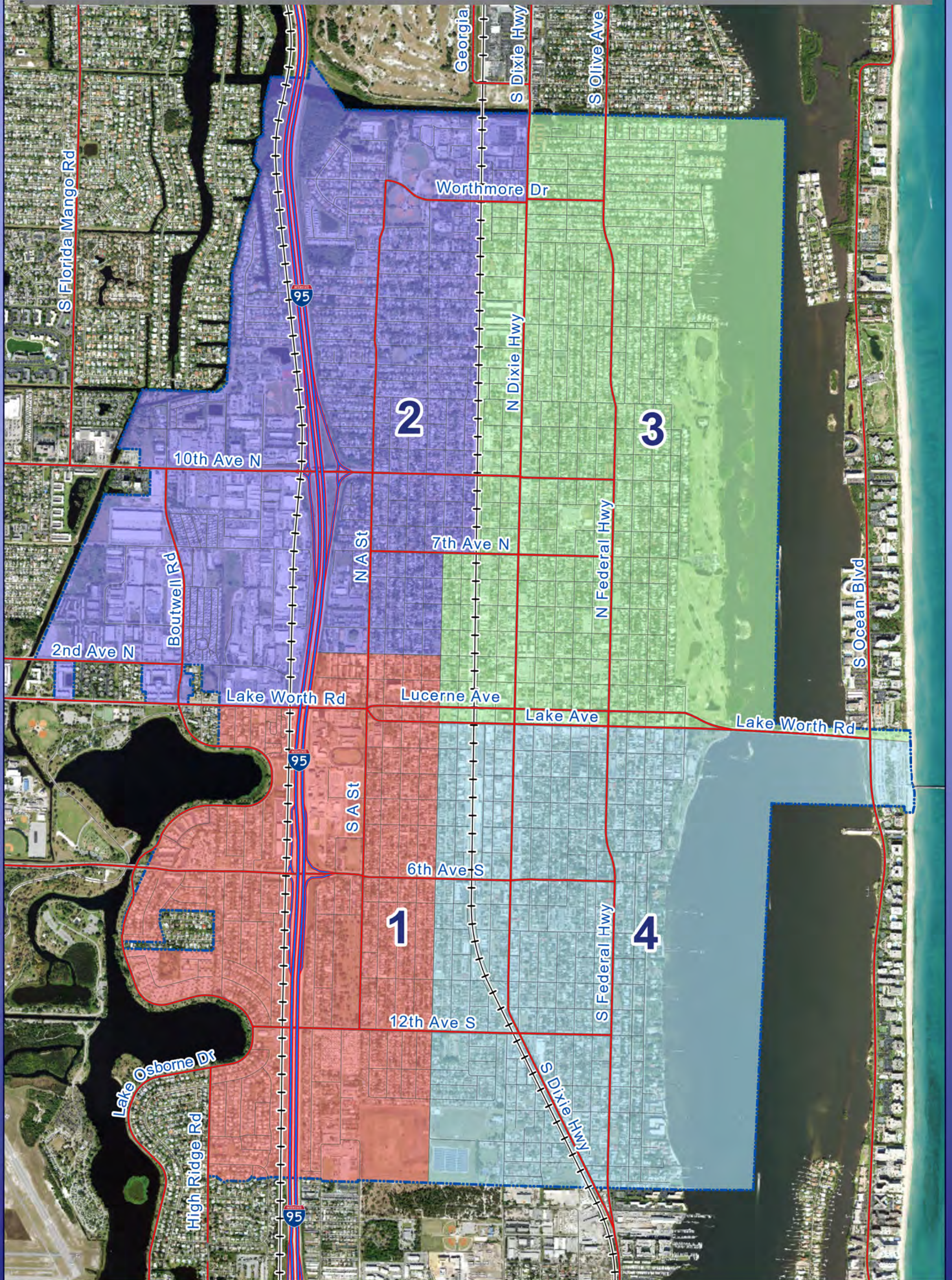
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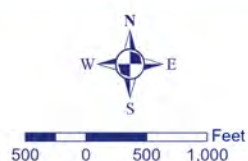
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Alternative Districts: Option 3



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- District 1
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- District 3
- District 4



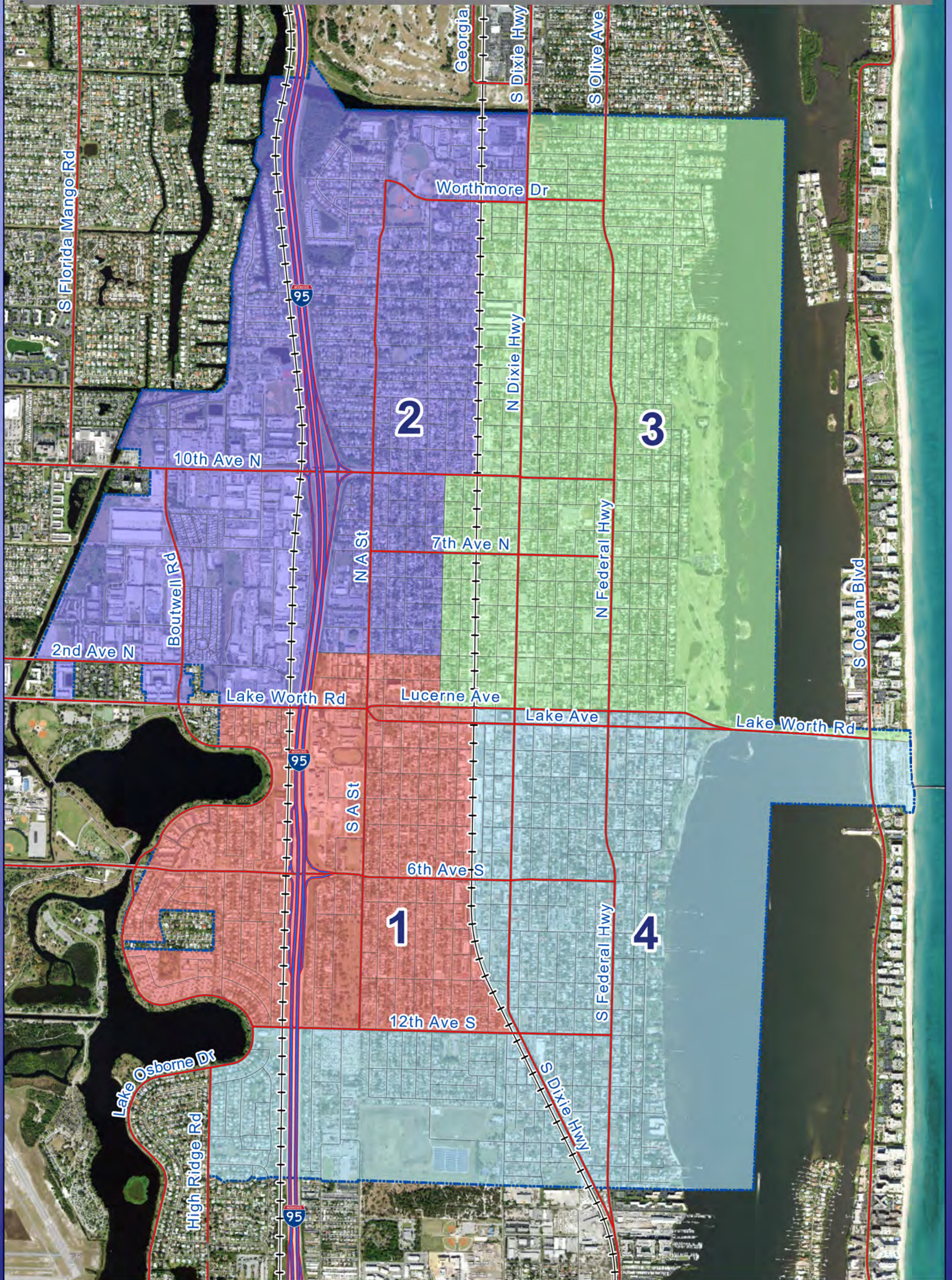
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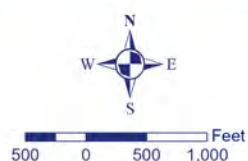
City of Lake Worth Beach

Alternative Districts: Option 4



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- District 1
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- District 2
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Interim Consultant Report: Redistricting Alternatives for the City of Lake Worth Beach

September 25, 2022

John Scott Dailey Florida Institute of Government
Florida Atlantic University

Steven Bourassa, Ph.D.
Professor and Chair, Runstad Department of Real Estate, University of Washington;
formerly Professor and Chair, Department of Urban and Regional Planning,
Florida Atlantic University

James Gammack-Clark, M.A., Ph.D. candidate (ABD)
Senior Instructor, Department of Geosciences, Florida Atlantic University

Ronald R. Schultz, Ph.D.
Professor Emeritus, Department of Geosciences, Florida Atlantic University

Michael Stamm Jr. MURP
Adjunct Faculty, Department of Urban and Regional Planning,
Florida Atlantic University

Introduction

The City of Lake Worth Beach contracted with Florida Atlantic University (FAU) to conduct an analysis of their City Commission election districts. The contract outlines a two-part process: Part A, a population analysis of the current election districts and recommendation for redistricting and Part B, if necessary, the creation of redistricting options for the City. On September 7, 2022 the FAU redistricting team submitted the District Analysis for the City of Lake Worth Beach that provided a population analysis of the existing City Commission Districts, a population projection through 2024 for the Commission Districts and a recommendation to proceed to Part B of the contract. The City Commission at their September 12, 2022 meeting voted to proceed to Part B of the contract, creating map alternatives for the City Commission election districts.

This report transmits redistricting map alternatives (Part B) for dissemination to the City Commission and public as part of the City's redistricting process. The population data used to create the map options is from the 2020 U.S. Census apportionment dataset, adjusted for future growth to the year 2024. The FAU team anticipates updating the Redistricting Alternatives report following public meetings and prior to the anticipated first reading of an ordinance selecting a map option.

Redistricting Criteria and Data Sources

The City's Charter defines the geographic boundaries of the election districts, but does not clarify the process as to how and when election districts should be evaluated. To conduct the City's redistricting process, the consultant has used the following standards by which rational districts are developed nationwide and which are supported by case law and practice throughout the nation:

- 1) Reasonable population equality across districts:
 - Districts should have approximately the same number of people when all persons, regardless of age, are counted. Ideal district size is based on the total population divided by the number of districts.
 - Redistricting should adhere to Section 2 of the Voting Rights Act of 1965, as amended and interpreted through case law. This criterion requires that minority population clusters be respected in the development of district boundaries. Arbitrary dilution and other

discriminatory practices are prohibited.

- Redistricting should adhere to Florida's Fair Districting Amendment.
- Although deviations should be avoided wherever possible, there must be no more than a 10% overall deviation from the ideal size across districts.

2) Geographic contiguity and appropriate compactness:

- Follow major natural and manmade boundaries to the extent possible in defining boundaries of voting districts.
- Maintain the integrity of communities of interest based on race, life cycle/age, income, and other community identity characteristics such as subdivisions.
- Minimize the degree of change in pre-existing patterns of districts, to promote continuity of citizen identification with a district.
- Maintain district compactness and spatial contiguity. A compact shape for each district will be sought in each redistricting option presented to the city.

The first criterion is of primary importance; the second is significant in guiding decisions in reaching reasonable population balance.

In developing revised Lake Worth Beach City Commission election districts, the spatial units used in composing or building the districts are residential housing subdivisions (communities) and U.S. Census blocks. Subdivisions are typically homogeneous in their housing characteristics and thus serve households with broadly similar interests. Therefore, district borders are typically subdivision boundaries and associated major roadways or other obvious physical features. U.S. Census blocks are typically subunits in subdivisions and are the smallest spatial unit used in tabulating Census data.

Lake Worth Beach City Charter

This redistricting process was motivated by a change to the City's Charter that was approved March 8, 2022. This change provided for election of City Commissioners by District rather than City-wide (the mayor will continue to be elected City-wide). This Charter amendment led to a concern about possible imbalance in population across the current districts, which presently divide the City into four quadrants without any consideration for population equity.

The Charter does not provide procedural language pertaining to redistricting or evaluation of election district population. However, Article II (Territorial Boundaries: Election Precincts) Sec. 2 – Election

Districts, defines the boundaries of the current districts:

The City of Lake Worth is hereby divided into four (4) election districts, as follows:

District 1. All that territory lying west of Dixie Highway and south of Lake Avenue.

District 2. All that territory lying west of Dixie Highway and north of Lake Avenue.

District 3. All that territory lying east of Dixie Highway and north of Lake Avenue.

District 4. All that territory lying east of Dixie Highway and south of Lake Avenue.

Current Districts

An Evaluation of the Existing Districts:

Referring to the 2020 Census Blocks, the City of Lake Worth Beach has a population of 42,219, which implies that the ideal district size for each of the four election districts is 10,555 people. District 2 is the largest district with 14,149 people and District 4 is the smallest District with 6,539 people. Based on 2020 data, the election districts have a total deviation of **133.31%** and a spread between the largest and smallest districts of **72.10%**. Based on the 2020 Census Block data, the current districts are well above the 10% deviation (spread) threshold used to evaluate election districts for population equity.

An Evaluation of Future Growth:

To ensure that any recommendations for redistricting reflect the most up-to-date information about population growth, they are based on projections to 2024. City staff identified developments that were not included in the 2020 Census counts but are expected to be constructed and occupied by 2024. The projected population was amended after the submission of the initial Part A report. Following discussions with the City Commission and City staff, February of 2024 was specified as the new planning horizon for this Redistricting project. Consequently, the FAU team reduced the projected new units total from 1,554 to 1,364. The reduction in units resulted in a projected population growth of 3,958 instead of 4,508.

*Table 1 – City of Lake Worth Beach
Population Estimates for Approved Developments*

Subdivision	Units	Population Estimate	Current District	Completion Date
The One	14	41	4	2020
The Mid	230	667	2	2021
Aviara	49	142	3	2022
The Bohemian	200	580	1	2022
129 South K Street	4	12	4	2023
1303/1305 Lucerne Avenue	4	12	2	2023
15 North E Street	2	6	2	2023
211 Ocean Breeze	3	9	4	2023
230 North L Street	6	17	3	2023
320 Lake Osborne Drive	6	17	1	2023
509 North H Street	3	9	2	2023
Advantix	189	548	2	2023
Alora	12	35	4	2023
Casa Bella	18	52	2	2023
Deco Green	125	363	2	2023
Detroit Street Apartments	81	235	2	2023
Lake Worth Apartments	24	70	2	2023/2024
Lake Worth Station	81	235	2	2023/2024
Serendipity	12	35	2	2023/2024
Solimar	8	23	3	2023/2024
The Avery	200	580	2	2023/2024
The Cloisters Phase III	15	44	4	2023/2024
The Lord's Place	7	21	4	2023/2024
The Perch	18	52	2	2023/2024
Village Flats Phase I	41	119	2	2023/2024
Village Flats Phase II and III	12	35	2	2023/2024
	1,364	3,959		

Note: The U.S. Census average persons per household (2016-2020) for the City of Lake Worth Beach (2.9) was used to calculate the population estimate, rounded to the nearest whole number.

Population projections were established for each of these projects by multiplying the number of units by the Persons Per Household (PPH) value established by the U.S. Census American Community Survey for the City of Lake Worth Beach (2016-2020): 2.9 (with the result rounded to the nearest whole number).

These results are listed in **Table 1** above. (Note: Population projections were made at the Census Block

level, rather than on a project-by-project basis. Rounding error will thus produce a slight discrepancy in the population column if the reader attempts to multiply the total units per project by the PPH value, rather than summing the projected population for each block, as was done in this case.) In total, 3,958 people will be added to the city's total population count, with the majority (3,018) being allotted to the District 2 population count.

Accounting for this anticipated growth, the 2024 projected population for the City will be 46,177. Dividing by four puts the projected average population for each district at 11,544. The **Existing Districts Map** and **Table 2** show the geographic boundaries and projected population counts for the current districts. The district with the greatest projected population is District 2 with 17,166 residents; the district with the smallest projected population is District 4 with 6,701 residents.

*Table 2 – Current Commission Districts – City of Lake Worth Beach
2020 Enumeration and 2024 Population Projection*

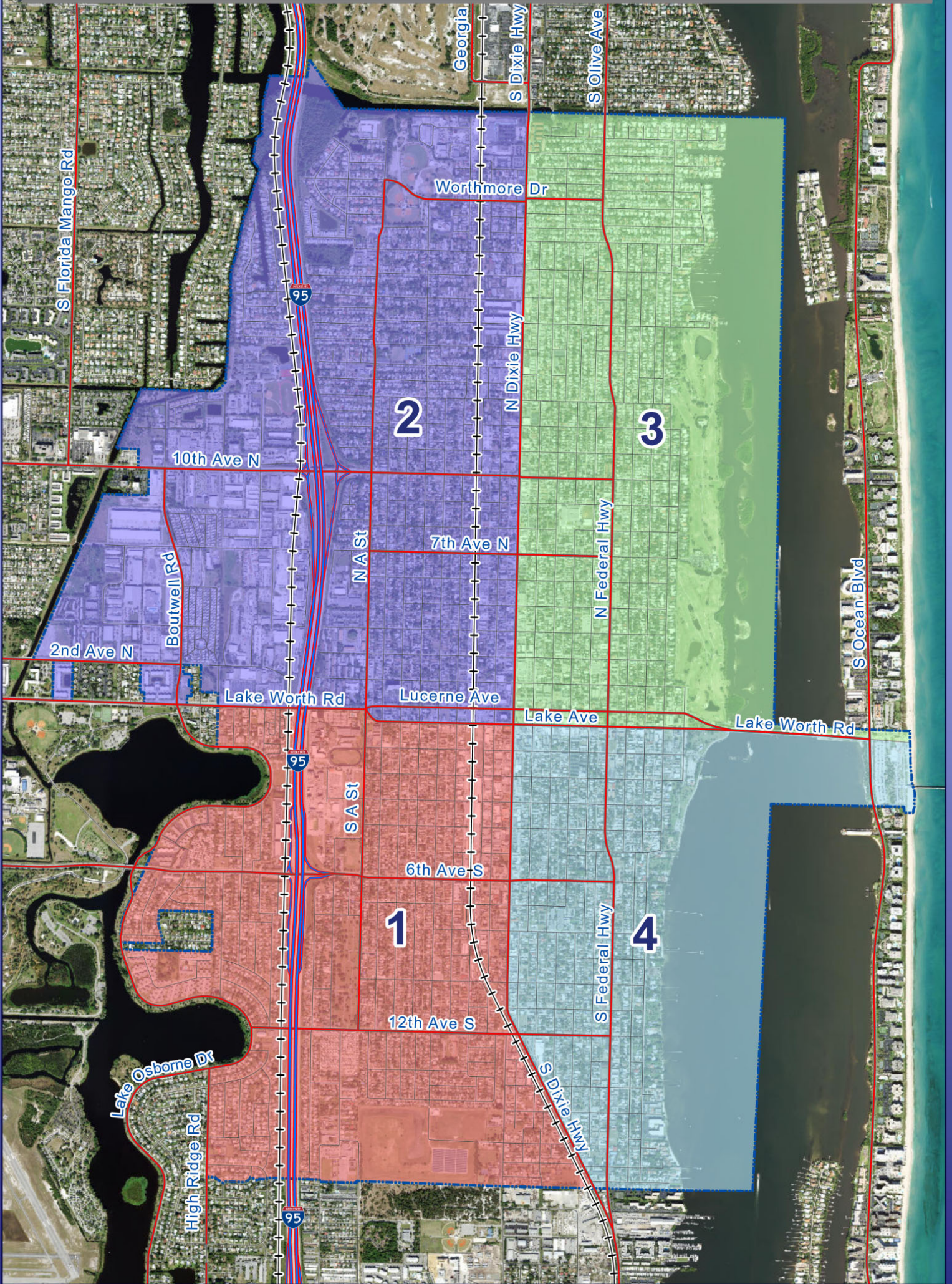
Current Districts	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	13,996	33.15	32.60%	14,593	31.60	26.41%
District 2	14,149	33.51	34.05%	17,166	37.17	48.70%
District 3	7,535	17.85	-28.61%	7,717	16.71	-33.15%
District 4	6,539	15.49	-38.05%	6,701	14.51	-41.95%
Total	42,219	100	133.31%	46,177	100	150.21%
Average	10,555	25	33.33%	11,544	25	37.55%

Under these projections, District 2 will account for the greatest portion of the city's population at 37.17%. This deviates from the theoretical average population of 11,544 by 48.7%. District 4, the smallest district, has 14.51% of the population and deviates from the average by -41.95%. This represents a difference of 10,465 people between the two districts, and a spread of **90.65%** (48.7% + 41.95%). The sum deviation of all districts, meanwhile, is **150.21%** and the mean deviation is **37.55%**. As such, the current districts are severely unbalanced and the anticipated growth will exacerbate the situation. While the current district configuration is geographically compact and utilizes easy to understand boundaries consistent with the descriptions in the City Charter, the projected population imbalance exceeds the standard criterion for redistricting: there must be no more than a 10% deviation between districts.

The overall pattern of district boundary changes would need to increase the population of District 3 and District 4. This will, of course, necessitate an adjustment of their geographic boundaries where District 3 and 4 gain territory, while districts 1 and 2 lose territory.

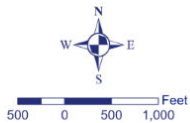
City of Lake Worth Beach

Existing Commission Districts



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 Contact: James Gammack-Clark
 Filename: Lake_Worth_Beach.aprx
 Sources: U.S. Census Bureau
 City of Lake Worth Beach
 Florida Atlantic University

- District 1
- District 3
- District 2
- District 4



City of Lake Worth Beach

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Alternatives

Given the necessity for redistricting, four alternatives have been developed for review and discussion by the City Commission and the citizens of Lake Worth Beach. All the alternatives presented here meet standard districting guidelines. They represent alternative ways to better balance district populations, while also keeping with the intent of the other identified guidelines.

The high degree of population inequality across districts means that significant changes to district boundaries are needed to achieve compliance with redistricting standards. Consequently, all the proposed alternatives involve substantial modifications to current boundaries.

Alternative 1

Alternative 1 shifts territory in all the districts to achieve population equity. The impacts of these modifications on the districts' 2024 projected populations and geographic boundaries are reflected in **Table 3**, the **Existing vs. Alternative 1 Comparison Map**, the **Neighborhoods & Alternative 1 Map**, and the **Alternative 1 Map**.

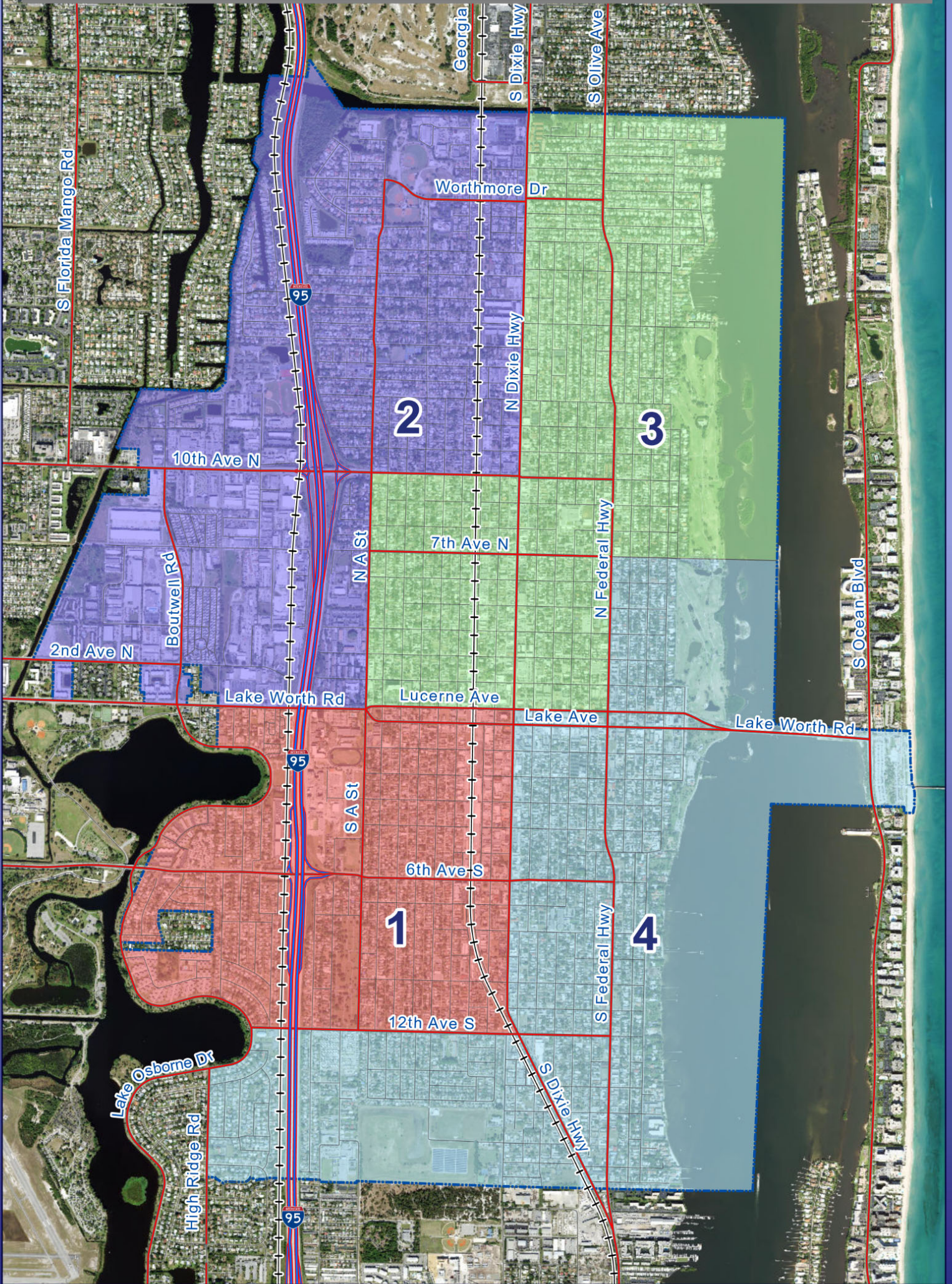
*Table 3 – Alternative Districts 1 – City of Lake Worth Beach
2024 Population Projections*

Alt. 1	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	10,648	25.22	0.88%	11,468	24.83	-0.66%
District 2	9,249	21.91	-12.37%	11,764	25.48	1.90%
District 3	11,293	26.75	6.99%	11,754	25.45	1.82%
District 4	11,029	26.12	4.49%	11,191	24.24	-3.06%
Total	42,219	100	24.74%	46,177	100	7.44%
Average	10,555	25	6.19%	11,544	25	1.86%

This Alternative represents the biggest departure of the four alternatives presented in this report from the city's present four quarters configuration. The North-South border becomes Lucerne Avenue, while the East-West border largely remains Dixie Highway, except for where District 3 projects west to North A Street, south of 10th Avenue. This results in only three neighborhoods being split in this alternative, which is the fewest among the four alternatives. The mean deviation of Alternative 1 is **1.86%**, while the spread between the largest and smallest districts is **4.96%** (3.06 +1.90).

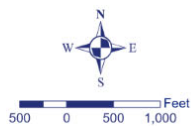
City of Lake Worth Beach

Alternative Districts: Option 1



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Filename: Lake_Worth_Beach.aprx
Sources: U.S. Census Bureau
City of Lake Worth Beach
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- District 1
- District 2
- District 3
- District 4



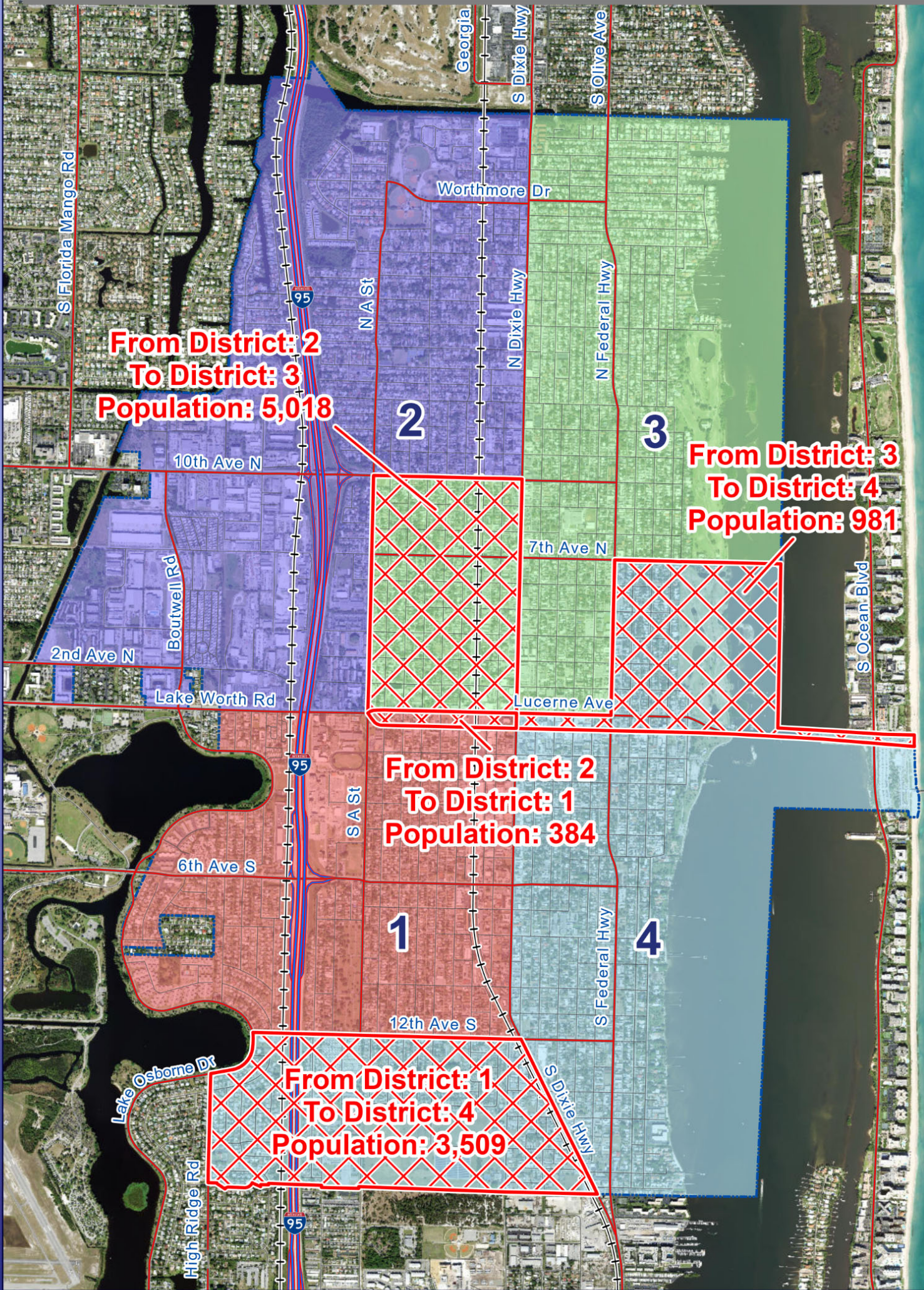
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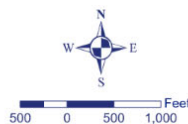
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Existing vs. Alternative Districts: Option 1



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- District 1
- District 3
- Changes
- District 2
- District 4



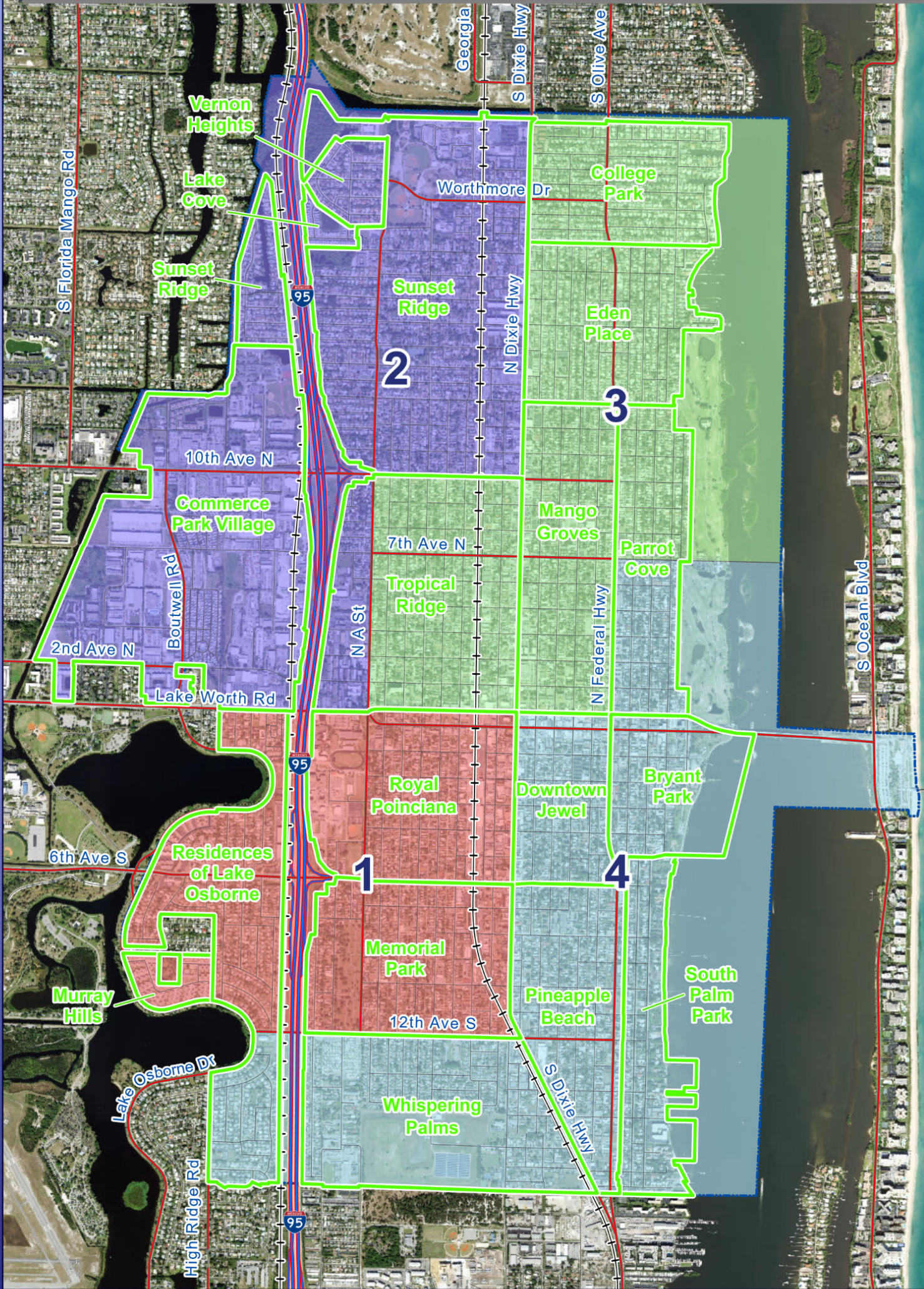
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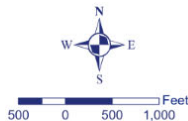
City of Lake Worth Beach

Neighborhoods & Alternative Districts: Option 1



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 City of Lake Worth Beach
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- District 1
- District 3
- Neighborhoods
- District 2
- District 4



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Alternative 2

Alternative 2 shifts territory in all the districts to achieve population equity. The impacts of these modifications on the districts’ 2024 projected populations and geographic boundaries are reflected in **Table 4**, the **Existing vs. Alternative 2 Comparison Map**, the **Neighborhoods & Alternative 2 Map**, and the **Alternative 2 Map**.

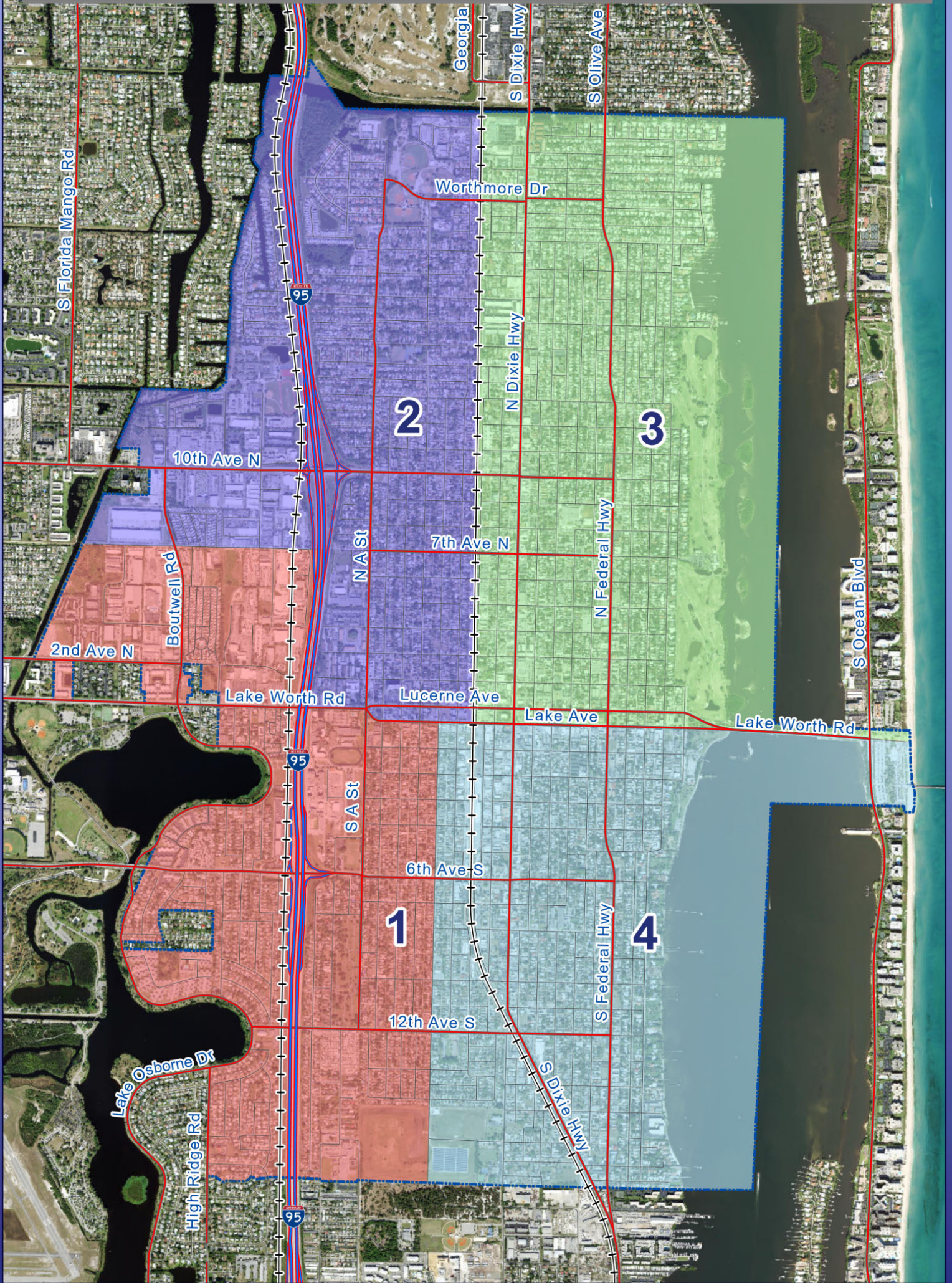
*Table 4 – Alternative Districts 2 – City of Lake Worth Beach
2024 Population Projections*

Alt. 2	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	11,594	27.46	9.85%	11,846	25.65	2.61%
District 2	10,420	24.68	-1.28%	11,893	25.76	3.02%
District 3	9,446	22.37	-10.50%	10,937	23.68	-5.26%
District 4	10,759	25.48	1.94%	11,501	24.91	-0.37%
Total	42,219	100	23.56%	46,177	100	11.27%
Average	10,555	25	5.89%	11,544	25	2.82%





This alternative attempts to maintain somewhat the four quarters arrangement of the existing Districts, although they no longer meet at a common intersection. The East-West border between Districts 2 and 3 is moved west to another easily recognizable landmark: the FEC railway. The North-South border remains unchanged at Lake Worth Road, with the exception of District 1 expanding north into the southern half of the Lake Worth Park of Commerce, west of I-95. The border between Districts 1 and 4 moves further to the west, running along a minor road: South E Street. Eight neighborhoods are split in this alternative, which is the most among the four alternatives. The mean deviation of Alternative 2 is **2.82%**, while the spread between the largest and smallest districts is **8.28%** (3.02 +5.26). Both measures are the highest among the four alternatives.

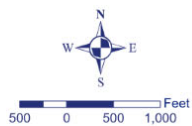
City of Lake Worth Beach

Alternative Districts: Option 2



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|--|--|
|  District 1 |  District 3 |
|  District 2 |  District 4 |



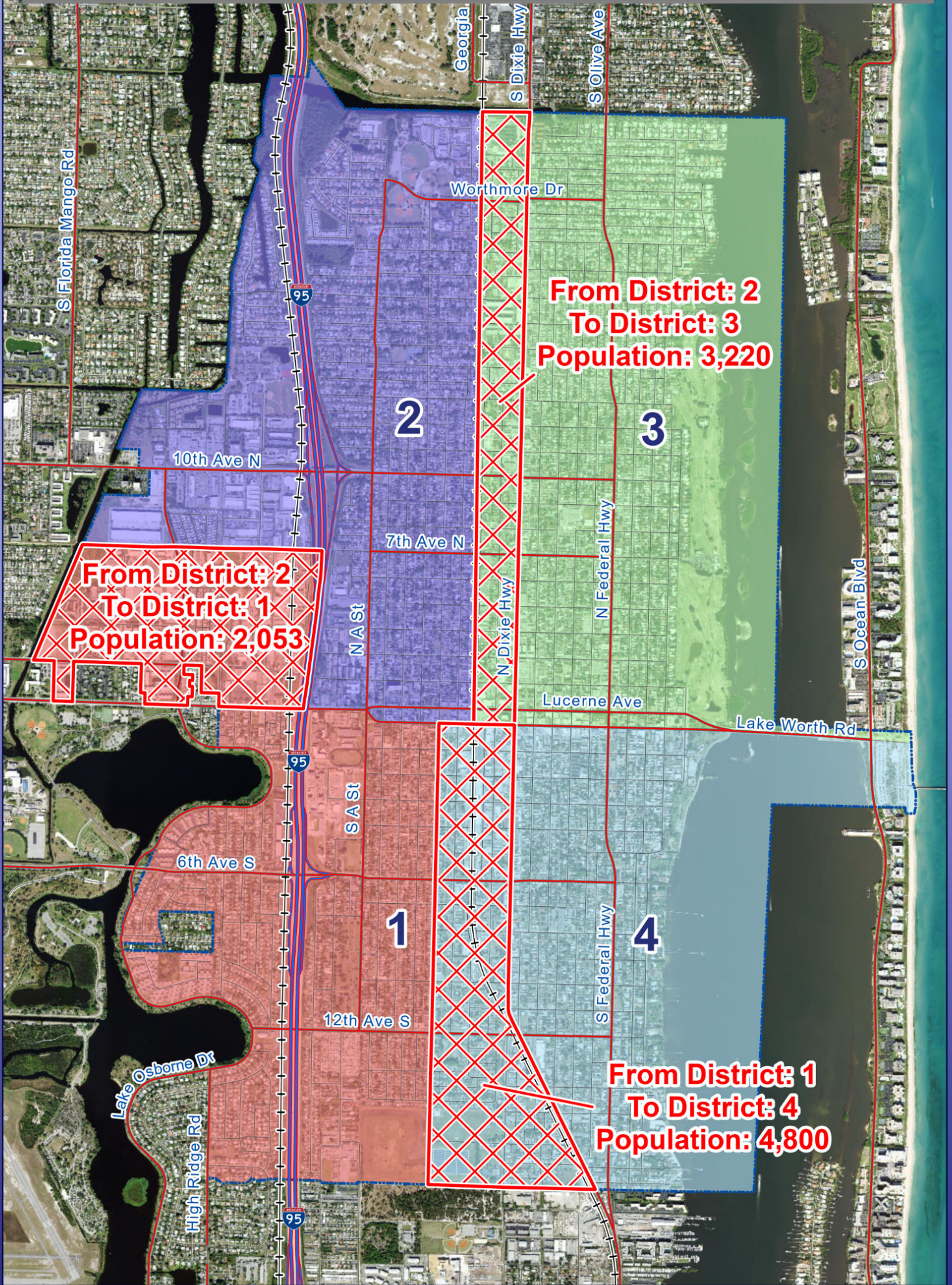
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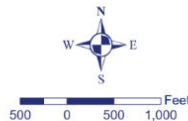
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Existing vs. Alternative Districts: Option 2



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 Sources: U.S. Census Bureau
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- District 1
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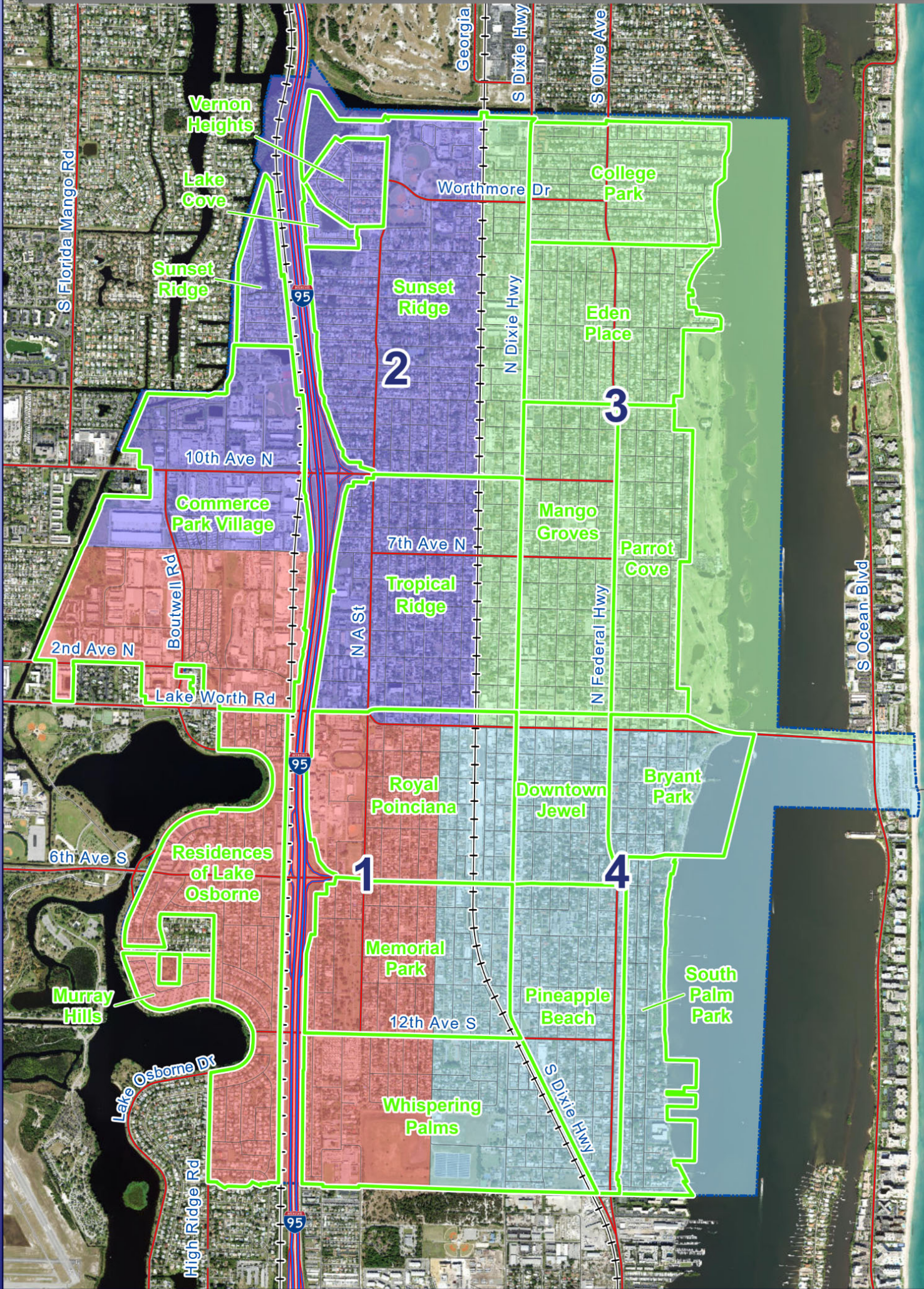
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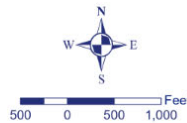
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Neighborhoods & Alternative Districts: Option 2



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- Neighborhoods
- District 2
- District 4



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Alternative 3

Alternative 3 shifts territory in all the districts to achieve population equity. The impacts of these modifications on the districts’ 2024 projected populations and geographic boundaries are reflected in **Table 5**, the **Existing vs. Alternative 3 Comparison Map**, the **Neighborhoods & Alternative 3 Map**, and the **Alternative 3 Map**.

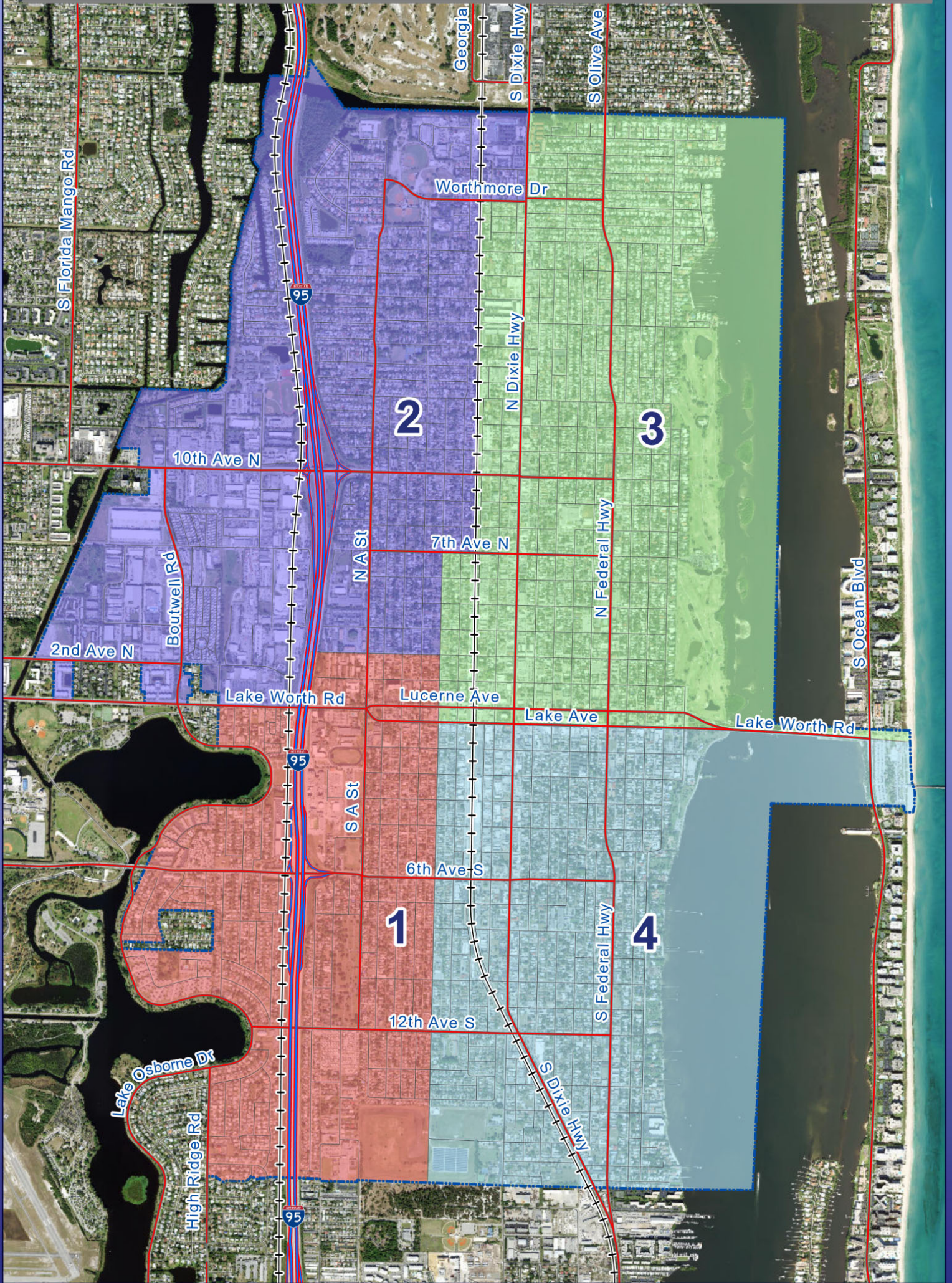
*Table 5 – Alternative Districts 3 – City of Lake Worth Beach
2024 Population Projections*

Alt. 3	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	11,315	26.80	7.20%	11,436	24.77	-0.94%
District 2	10,121	23.97	-4.11%	11,606	25.13	0.53%
District 3	10,024	23.74	-5.03%	11,634	25.19	0.78%
District 4	10,759	25.48	1.94%	11,501	24.91	-0.37%
Total	42,219	100	18.28%	46,177	100	2.62%
Average	10,555	25	4.57%	11,544	25	0.66%





Alternative 3 is a variant of Alternative 2 that creates a more compact and balanced District 1 while leaving District 4 unchanged. District 1’s border extends north to 3rd Ave N, while the East-West border remains E Street. As with Alternative 2, this somewhat maintains the city’s four quarters alignment, though again without a common intersection. Lake Worth Road remains the North-South border. The population balance between Districts 2 and 3 is improved by sacrificing the straight East-West border found in Alternative 2. It now makes several westerly jogs as it runs from the north to the south: first from Dixie Highway to the FEC railway south of Worthmore Drive, and then again to E Street south of 7th Avenue North. Seven neighborhoods are split in this alternative. The mean deviation of Alternative 3 is **0.66%**, while the spread between the largest and smallest districts is **1.72%** (0.94 + 0.78). Both measures are the lowest among the four alternatives.

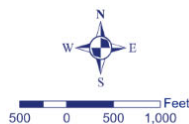
City of Lake Worth Beach

Alternative Districts: Option 3



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|  District 1 |  District 3 |
|  District 2 |  District 4 |



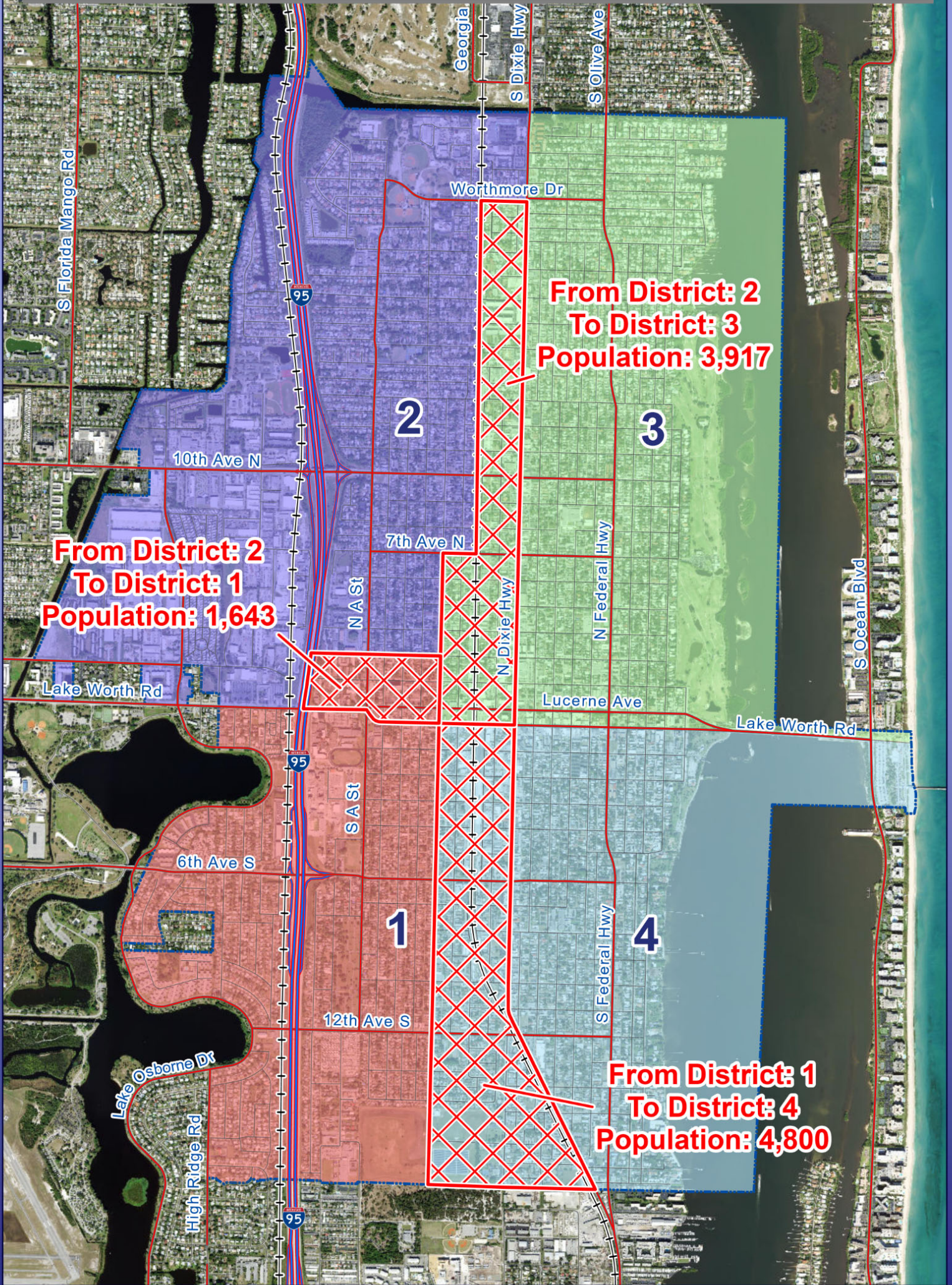
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Phone (561) 586-1600



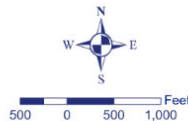
City of Lake Worth Beach

Existing vs. Alternative Districts: Option 3



Revision Date: 9/20/2022
 Contact: James Gammack-Clark
 Filename: Lake_Worth_Beach.aprx
 Sources: U.S. Census Bureau
 City of Lake Worth Beach
 Florida Atlantic University

- District 1
- District 3
- Changes
- District 2
- District 4



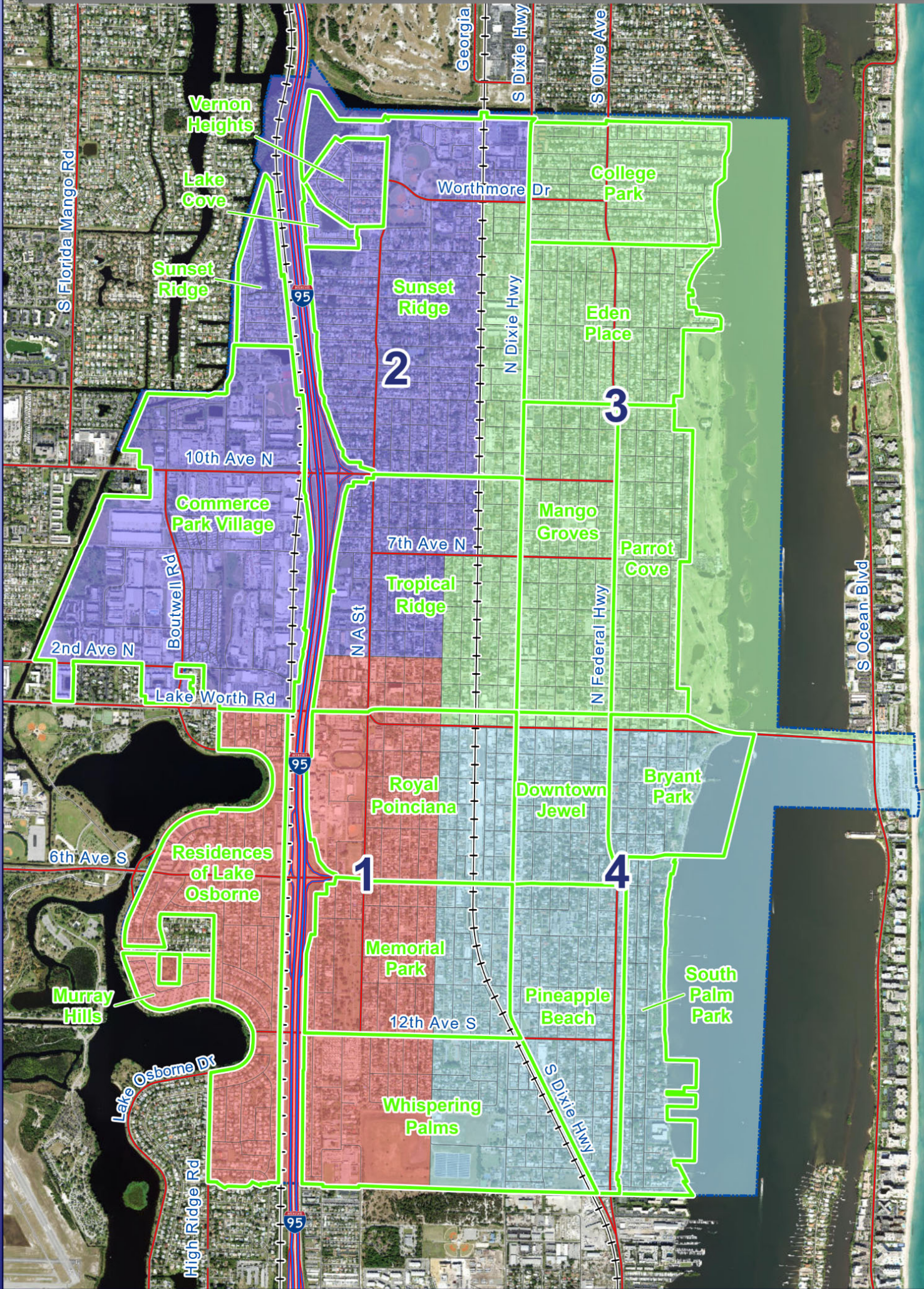
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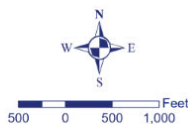
City of Lake Worth Beach

Neighborhoods & Alternative Districts: Option 3



Revision Date: 9/20/2022
 Contact: James Gammack-Clark
 Filename: Lake_Worth_Beach.aprx
 Sources: U.S. Census Bureau
 City of Lake Worth Beach
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- District 1
- District 3
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Alternative 4

Alternative 4 shifts territory in all the districts to achieve population equity and spatial contiguity. The impacts of these modifications on the districts' 2024 projected populations and geographic boundaries are reflected in **Table 6**, the **Existing vs. Alternative 4 Comparison Map**, the **Neighborhoods & Alternative 4 Map**, and the **Alternative 4 Map**.

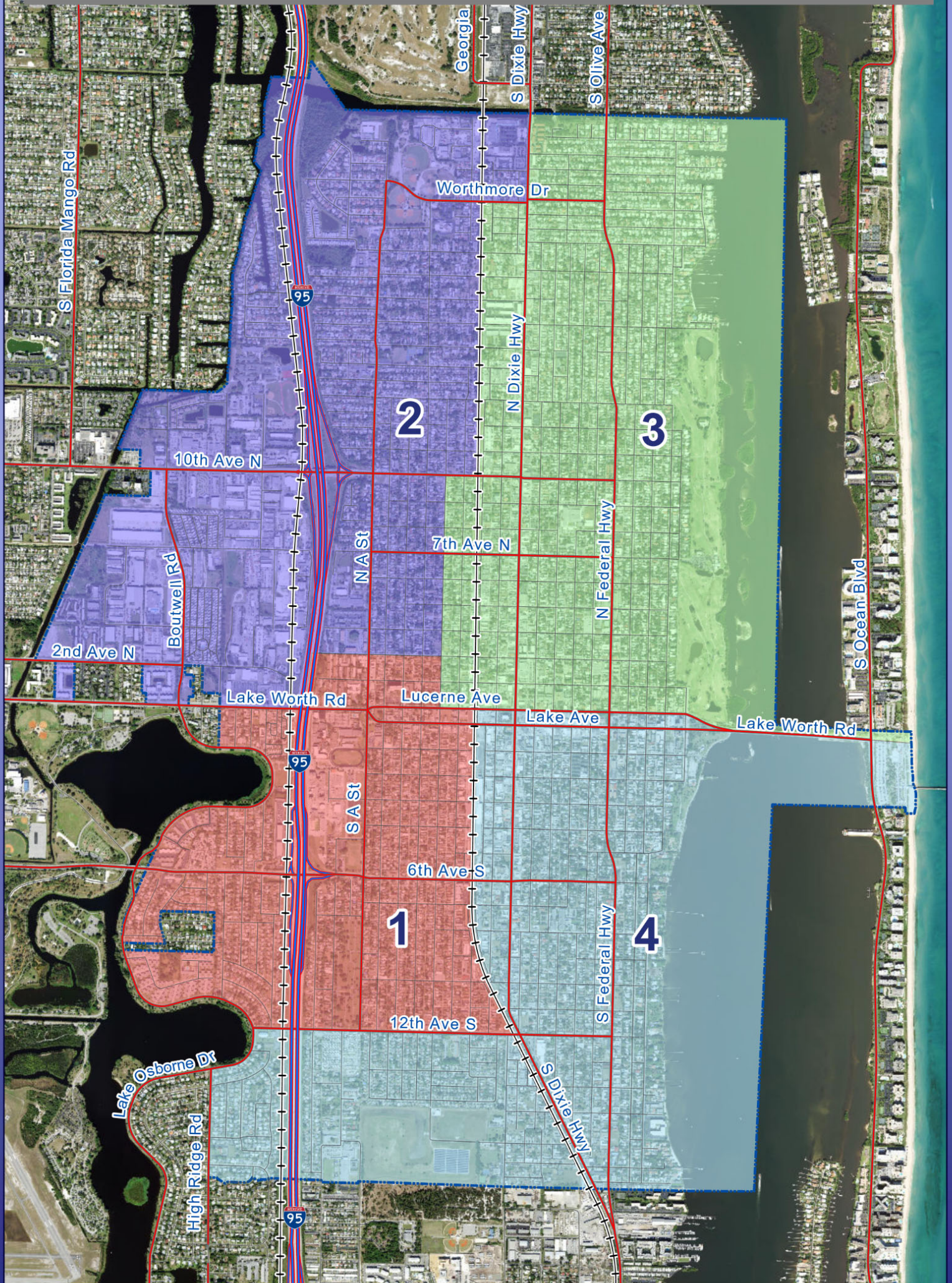
*Table 6– Alternative Districts 4 – City of Lake Worth Beach
2024 Population Projections*

Alt. 4	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	11,637	27.56	10.25%	11,877	25.72	2.88%
District 2	9,687	22.94	-8.22%	11,172	24.19	-3.22%
District 3	10,177	24.11	-3.58%	11,668	25.27	1.07%
District 4	10,718	25.39	1.55%	11,460	24.82	-0.73%
Total	42,219	100	23.60%	46,177	100	7.91%
Average	10,555	25	5.90%	11,544	25	1.98%

Alternative 4 attempts to marry the best of Alternatives 1 and 3 together. The East-West border between districts 2 and 3 jogs west at 10th Avenue North rather than at 7th Avenue North, and the North-South border between districts 3 and 4 moves to Lucerne Avenue. District 4's western border moves from Dixie Highway to the FEC railway, north of 12th Ave S. Four neighborhoods are split in this alternative, which is the second fewest among the four. The mean deviation of Alternative 4 is **1.98%**, while the spread between the largest and smallest districts is **6.1%** (2.88 + 3.22).

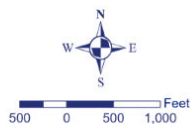
City of Lake Worth Beach

Alternative Districts: Option 4



Revision Date: 9/20/2022
Contact: James Gammack-Clark
Filename: Lake_Worth_Beach.aprx
Sources: U.S. Census Bureau
City of Lake Worth Beach
Florida Atlantic University

- District 1
- District 2
- District 3
- District 4



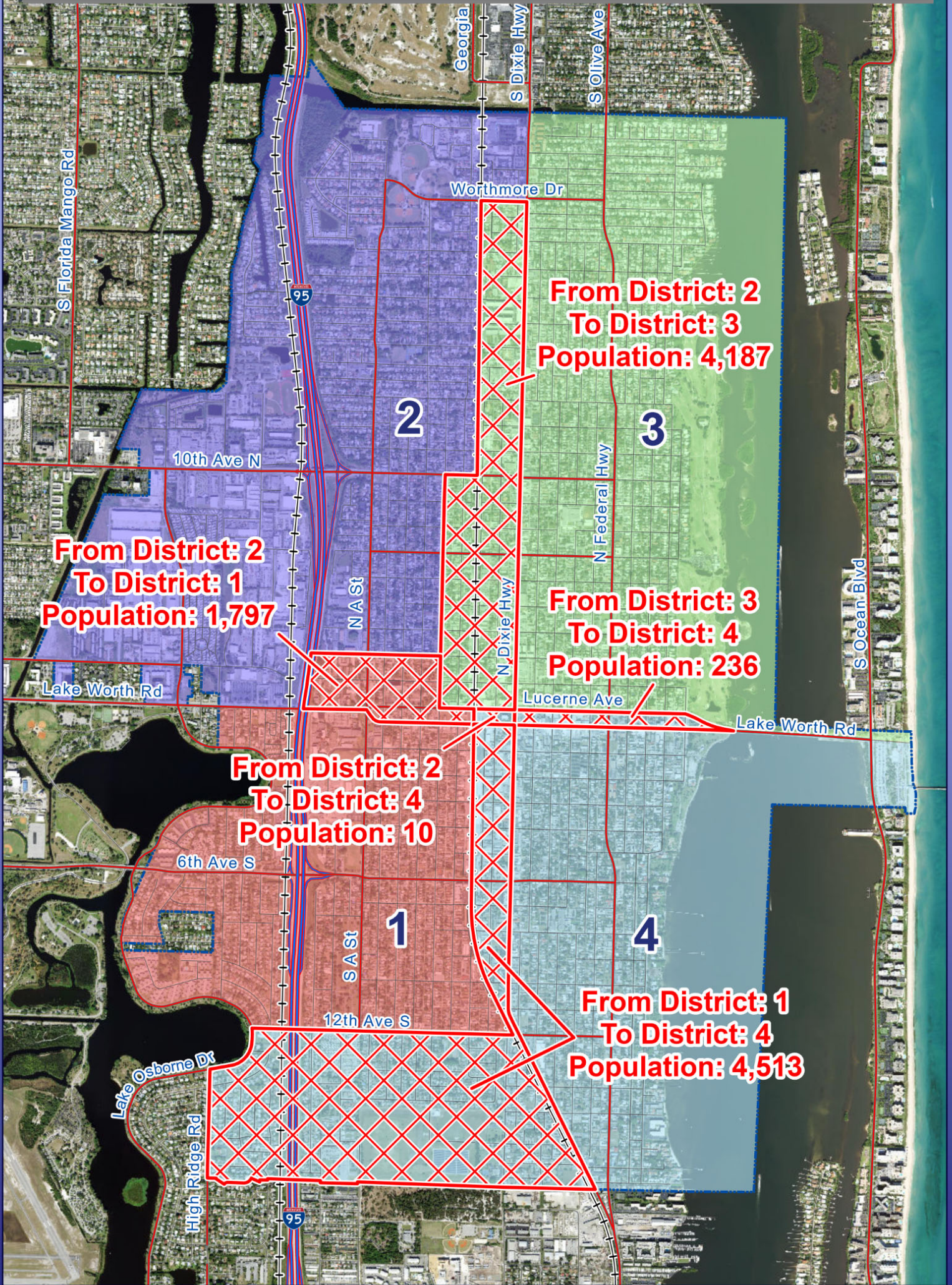
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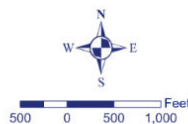
City of Lake Worth Beach

Existing vs. Alternative Districts: Option 4



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 Contact: James Gammack-Clark
 Filename: Lake_Worth_Beach.aprx
 Sources: U.S. Census Bureau
 City of Lake Worth Beach
 Florida Atlantic University

- District 1
- District 3
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- District 4



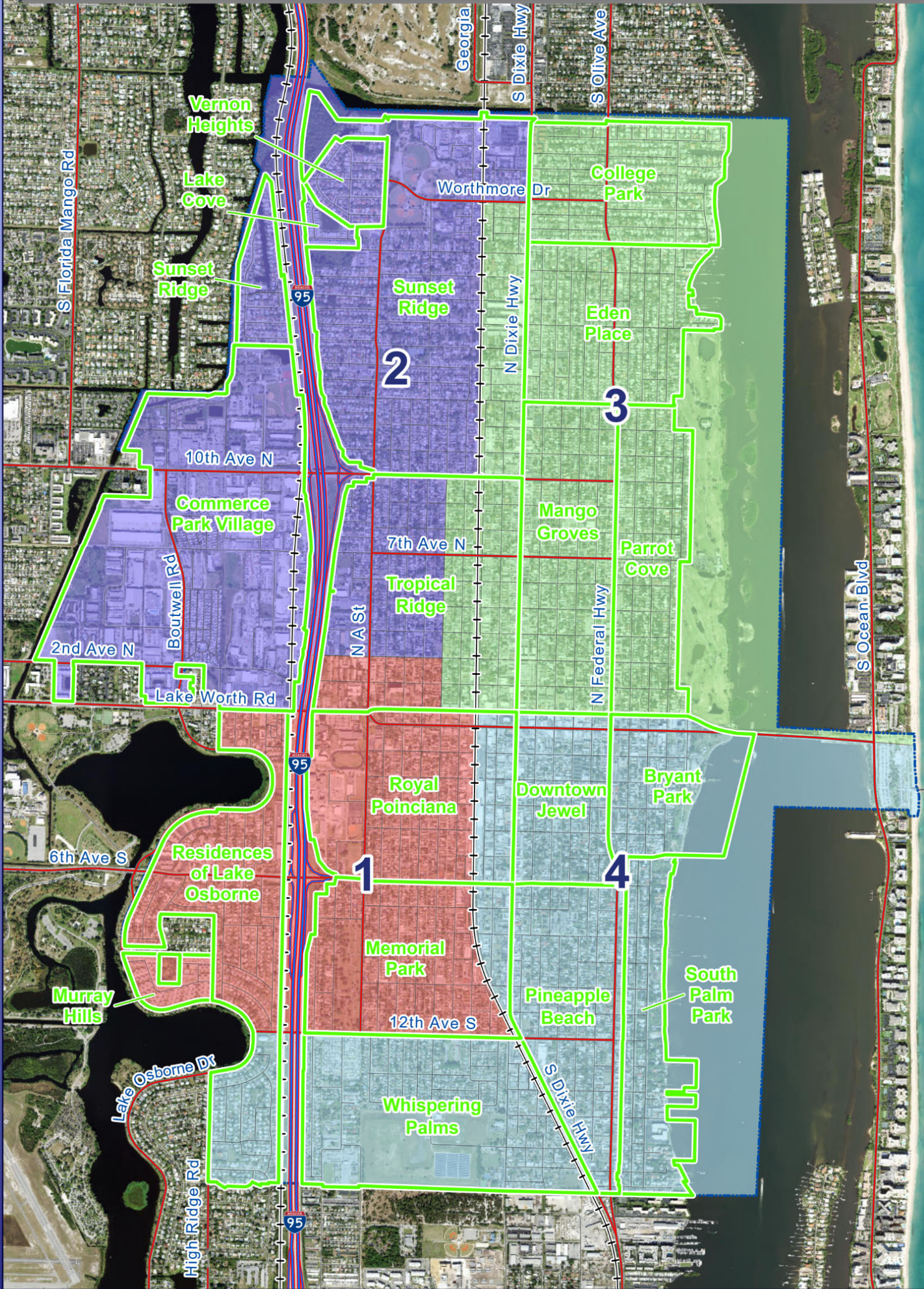
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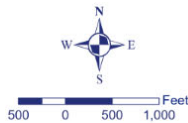
City of Lake Worth Beach

Neighborhoods & Alternative Districts: Option 4



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 Sources: U.S. Census Bureau
 City of Lake Worth Beach
 Florida Atlantic University

- District 1
- District 3
- Neighborhoods
- District 2
- District 4



City of Lake Worth Beach

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Summary of Map Alternatives

Each of the four redistricting map alternatives achieves population equity by adjusting the geographic boundaries of the existing City Commission election Districts, with Districts 1 and 2 contracting and Districts 3 and 4 expanding. Each of the map options causes approximately 10,000 residents to be moved to new election districts. This is directly related to the existing extreme deviation that exists between districts in their current configuration. **Table 7** below compares each of the map options showing the impacted population, the number of split neighborhoods, and the population deviations. Each of the alternatives reduces the spread between the largest and smallest districts to acceptable levels (less than 10%). Alternative 1 splits the fewest number of number of neighborhoods among the four alternatives and impacts the fewest number of residents. However, it also represents the biggest departure from the city's existing four quarters district configuration. Alternative 3 has both the lowest spread and mean deviation, meaning that it is the balanced of the options presented. Alternative 4 attempts to marry the best of aspects of Alternatives 1 and 3 together.

*Table 7 – Map Alternatives Summary Table – City of Lake Worth Beach
2024 Population Projections*

Configuration	Impacted Population	Split Neighborhoods	Total Deviation	Mean Deviation	Spread
Existing Districts	N/A	3	150.21	37.55	90.65
Alternative 1	9,892	3	7.44	1.86	4.96
Alternative 2	10,073	8	11.27	2.82	8.28
Alternative 3	10,360	7	2.62	0.66	1.72
Alternative 4	10,743	4	7.91	1.98	6.10

Appendix

The 2020 Census

There are two primary differences that make the 2020 U.S. Census stand out from those that preceded it: a significant delay in its release due to the COVID-19 pandemic, and the implementation of a new 'differential privacy' policy. We will briefly address both of these here for the sake of posterity and context.

The decennial census aims to capture a snapshot in time of the population of the United States of America. Understanding that the population is constantly changing, with births, deaths, and migration patterns continuously adjusting the fabric of the American people, Census Day represents a single moment in time for which the U.S. population is enumerated with the greatest precision possible. This day is always April 1st. By this date, every household in America received an invitation to participate in the 2020 census, with three options to respond: online, by mail, or by phone. 2020 represented the first census to include an online response option. Subsequent to this day is a period of time in which the U.S. Census Bureau follows up with non-responders and begins a quality control process. Traditionally, the Census Bureau would deliver an apportionment count to the U.S. President on December 31st, followed by a distribution of redistricting data to the states exactly one year to the day after Census Day: in this case, April 1, 2021.

However, due to complications caused by the COVID-19 pandemic, the Census Bureau sought statutory relief from Congress that would allow for apportionment counts to be delivered to the President by April 30, 2021, and redistricting data to be delivered to the states no later than September 30, 2021. Additionally, the Census Bureau compressed the typical three-month nonresponse follow up enumeration period to two and half months. Ultimately, redistricting data were released in a 'legacy format' on August 12, 2021. This delay inevitably and unavoidably complicated redistricting efforts for every electoral district in the nation. It also meant that the amount of error in the data, inherent to every census where 100% accuracy is impossible, would likely be greater in the 2020 census. The Census Bureau has since confirmed that the rate of missing information was higher in the 2020 census than in the 2010 census. However, they have also stated that this rate was lower than they initially feared.

The 2020 redistricting data are the first to employ 'differential privacy protection'. This represents the Census Bureau's introduction of 'noise' into the data at the more local geographic scale (Blocks and Block Groups) with the intent to strike a balance between data protection and precision. The effect is that while

the enumeration counts can be trusted at the Census Tract level, we must anticipate a certain degree of ‘fuzziness’ at the Block level. Specifically, while the aggregate count of population for a Census Tract will be accurate, a certain proportion of people and housing units will have been *deliberately* misallocated by the Census Bureau at the Block level. While this may not be problematic in the realignment of Congressional Districts, for example, it certainly represents a challenge for Municipal Districts, for which the geographic precision of Census Blocks is highly desirable.

Taken together, therefore, the complications related to the COVID-19 pandemic and the implementation of ‘differential privacy’ introduce a certain amount of additional uncertainty to the primary source of data for this analysis (2020 Census Redistricting Data (PL 94-171)) that is unprecedented. Nevertheless, these data remain the standard upon which municipal redistricting efforts shall be based across the nation.

District Demographics

The tables below depict the demographics taken from the 2020 U.S. Census for the existing commission districts and the four proposed alternatives. Note that the columns ‘White’ through ‘Other’ sum to the City’s population total. These categories represent the U.S. Census’ definition of race. The ‘Other’ column, which accounts for a significant portion of the city’s population, represents all of those people who identified as belong to two or more races. The last two columns are ‘Hispanic or Latino’ and ‘Not Hispanic or Latino’ (the U.S. Census’ classification of ethnicity) also sum to the City’s population total.

Current Commission Districts – City of Lake Worth Beach

Expanded Demographics, U.S. Census 2020

District (Existing)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	13,996	3,785 (27.04%)	3,515 (25.11%)	993 (7.09%)	89 (0.64%)	8 (0.06%)	5,606 (40.05%)	7,422 (53.03%)	6,574 (46.97%)
2	14,149	4,490 (31.73%)	2,767 (19.56%)	1,087 (7.68%)	182 (1.29%)	14 (0.1%)	5,609 (39.64%)	7,740 (54.7%)	6,409 (45.3%)
3	7,535	5,056 (67.1%)	512 (6.79%)	134 (1.78%)	77 (1.02%)	6 (0.08%)	1,750 (23.22%)	1,950 (25.88%)	5,585 (74.12%)
4	6,539	3,149 (48.16%)	1,266 (19.36%)	237 (3.62%)	69 (1.06%)	0 (0%)	1,818 (27.8%)	2,245 (34.33%)	4,294 (65.67%)
	42,219	16,480 (39.03%)	8,060 (19.09%)	2,451 (5.81%)	417 (0.99%)	28 (0.07%)	14,783 (35.02%)	19,357 (45.85%)	22,862 (54.15%)

Alternative 1 – City of Lake Worth Beach

Expanded Demographics, U.S. Census 2020

District (Alt 1)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	10,648	2,874 (26.99%)	2,329 (21.87%)	844 (7.93%)	72 (0.68%)	5 (0.05%)	4,524 (42.49%)	6,005 (56.4%)	4,643 (43.6%)
2	9,249	3,081 (33.31%)	2,231 (24.12%)	233 (2.52%)	146 (1.58%)	10 (0.11%)	3,548 (38.36%)	4,495 (48.6%)	4,754 (51.4%)
3	11,293	5,651 (50.04%)	969 (8.58%)	971 (8.6%)	98 (0.87%)	10 (0.09%)	3,594 (31.83%)	4,961 (43.93%)	6,332 (56.07%)
4	11,029	4,874 (44.19%)	2,531 (22.95%)	403 (3.65%)	101 (0.92%)	3 (0.03%)	3,117 (28.26%)	3,896 (35.33%)	7,133 (64.67%)
	42,219	16,480 (39.03%)	8,060 (19.09%)	2,451 (5.81%)	417 (0.99%)	28 (0.07%)	14,783 (35.02%)	19,357 (45.85%)	22,862 (54.15%)

*Alternative 2 – City of Lake Worth Beach
Expanded Demographics, U.S. Census 2020*

District (Alt 2)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	11,594	3,504 (30.22%)	2,743 (23.66%)	670 (5.78%)	97 (0.84%)	4 (0.03%)	4,576 (39.47%)	5,997 (51.73%)	5,597 (48.27%)
2	10,420	3,467 (33.27%)	1,878 (18.02%)	899 (8.63%)	146 (1.4%)	13 (0.12%)	4,017 (38.55%)	5,572 (53.47%)	4,848 (46.53%)
3	9,446	5,636 (59.67%)	786 (8.32%)	294 (3.11%)	91 (0.96%)	7 (0.07%)	2,632 (27.86%)	3,179 (33.65%)	6,267 (66.35%)
4	10,759	3,873 (36%)	2,653 (24.66%)	588 (5.47%)	83 (0.77%)	4 (0.04%)	3,558 (33.07%)	4,609 (42.84%)	6,150 (57.16%)
42,219	16,480 (39.03%)	8,060 (19.09%)	2,451 (5.81%)	417 (0.99%)	28 (0.07%)	14,783 (35.02%)	19,357 (45.85%)	22,862 (54.15%)	

*Alternative 3 – City of Lake Worth Beach
Expanded Demographics, U.S. Census 2020*

District (Alt 3)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	11,315	3,541 (31.29%)	2,459 (21.73%)	774 (6.84%)	101 (0.89%)	6 (0.05%)	4,434 (39.19%)	5,804 (51.29%)	5,511 (48.71%)
2	10,121	3,297 (32.58%)	2,095 (20.7%)	691 (6.83%)	147 (1.45%)	11 (0.11%)	3,880 (38.34%)	5,330 (52.66%)	4,791 (47.34%)
3	10,024	5,769 (57.55%)	853 (8.51%)	398 (3.97%)	86 (0.86%)	7 (0.07%)	2,911 (29.04%)	3,614 (36.05%)	6,410 (63.95%)
4	10,759	3,873 (36%)	2,653 (24.66%)	588 (5.47%)	83 (0.77%)	4 (0.04%)	3,558 (33.07%)	4,609 (42.84%)	6,150 (57.16%)
42,219	16,480 (39.03%)	8,060 (19.09%)	2,451 (5.81%)	417 (0.99%)	28 (0.07%)	14,783 (35.02%)	19,357 (45.85%)	22,862 (54.15%)	

Alternative 4 – City of Lake Worth Beach
Expanded Demographics, U.S. Census 2020

District (Alt 4)	Total Population	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Other	Hispanic or Latino	Not Hispanic or Latino
1	11,637	3,244 (27.88%)	2,571 (22.09%)	927 (7.97%)	98 (0.84%)	7 (0.06%)	4,790 (41.16%)	6,370 (54.74%)	5,267 (45.26%)
2	9,687	3,184 (32.87%)	2,079 (21.46%)	616 (6.36%)	139 (1.43%)	11 (0.11%)	3,658 (37.76%)	4,990 (51.51%)	4,697 (48.49%)
3	10,177	5,682 (55.83%)	842 (8.27%)	471 (4.63%)	93 (0.91%)	7 (0.07%)	3,082 (30.28%)	3,896 (38.28%)	6,281 (61.72%)
4	10,718	4,370 (40.77%)	2,568 (23.96%)	437 (4.08%)	87 (0.81%)	3 (0.03%)	3,253 (30.35%)	4,101 (38.26%)	6,617 (61.74%)
42,219	16,480 (39.03%)	8,060 (19.09%)	2,451 (5.81%)	417 (0.99%)	28 (0.07%)	14,783 (35.02%)	19,357 (45.85%)	22,862 (54.15%)	



FLORIDA ATLANTIC UNIVERSITY

City Commission Election District Analysis

October 6, 2022 • City of Lake Worth Beach, Florida



Agenda

- The FAU Redistricting Team
- The City Charter
- The Process
- District Population Analysis
 - 2020 Enumeration
 - 2024 Projection
- Next Steps
- Redistricting Criteria
- Map Alternatives 1 to 4
- Summary of Map Alternatives



FAU Redistricting Team

- **Steven C. Bourassa, Ph.D.**
 - Professor and Chair, Runstad Department of Real Estate, University of Washington;
Formerly Professor and Chair, Department of Urban and Regional Planning
- **James Gammack-Clark, M.A., Ph.D. candidate (ABD)**
 - Senior Instructor, Department of Geosciences
- **Ronald R. Schultz, Ph.D.**
 - Professor Emeritus, Department of Geosciences
- **Michael Stamm, Jr., MURP**
 - Adjunct Faculty, Department of Urban and Regional Planning

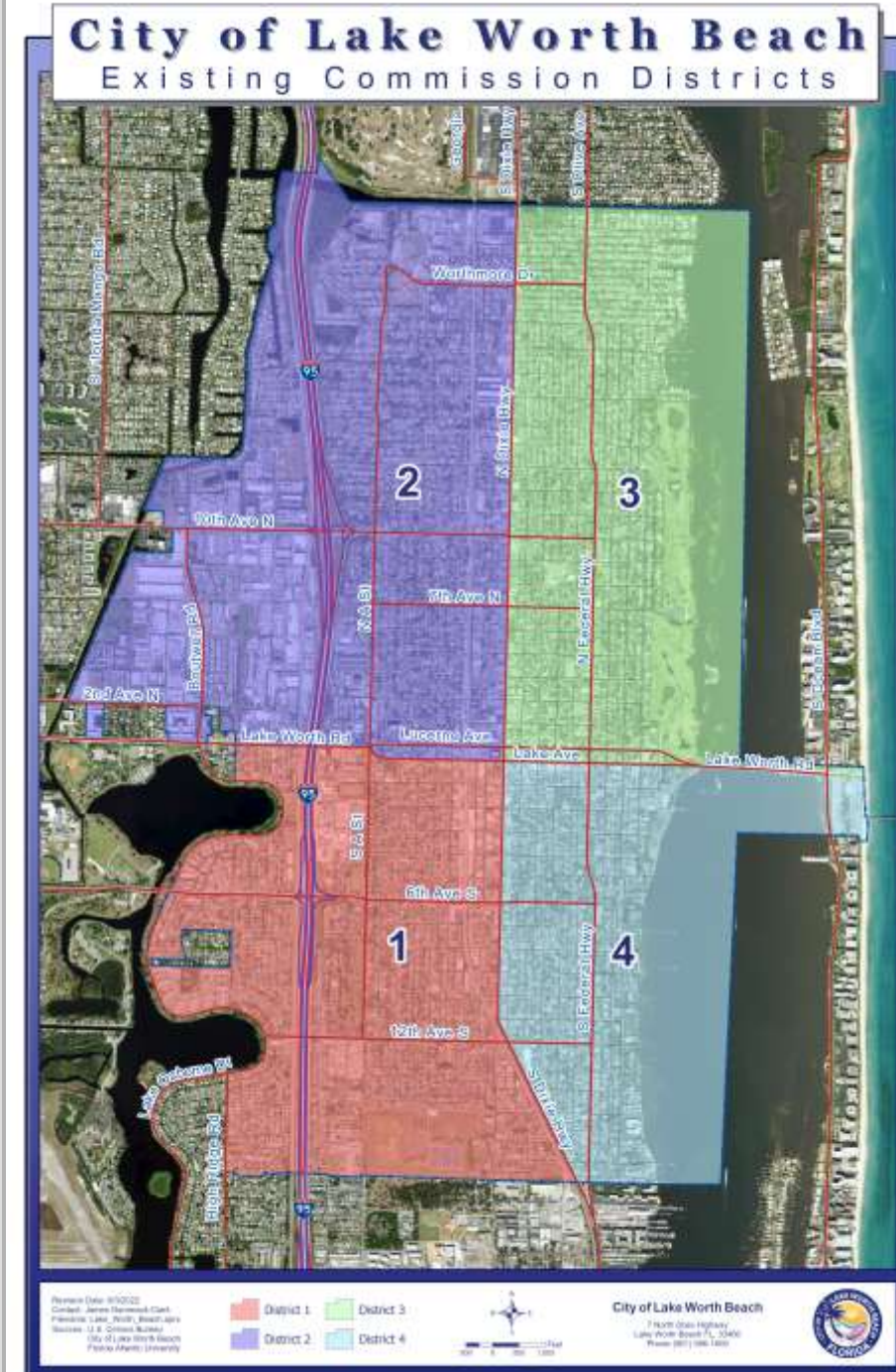


City Charter Current Election Districts

Four election districts

All territory lying:

1. West of Dixie Hwy and south of Lake Ave
2. West of Dixie Hwy and north of Lake Ave
3. East of Dixie Hwy and north of Lake Ave
4. East of Dixie Hwy and south of Lake Ave





The Process

- Part A – Current District Analysis and Population Projections
 - September 7, 2022: report submitted to City
 - September 12, 2022: City Commission voted to proceed to Part B
- Part B – Creation of Redistricting Map Alternatives
 - Presentation of alternatives to City Commission and public
 - Map selection and adoption by ordinance



Data

- U.S. Census Bureau's 2020 Census Redistricting Summary Files [Public Law 94-171]:
 - Resident population counts by census block
 - The smallest enumeration unit possible
 - Aggregated to form each of the four voting districts
- Housing data provided by the City of Lake Worth Beach
 - From which Population Estimates were derived to account for new housing, completed since April 1, 2020 (Census Day) or scheduled for completion and occupancy by February of 2024



2020 Enumeration and 2024 Population Projection

- 2020 US Census Blocks:
 - The population of the City of Lake Worth Beach is 42,219
 - Average population for each district is 10,555

Current Districts	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	13,996	33.15	32.60%	14,593	31.60	26.41%
District 2	14,149	33.51	34.05%	17,166	37.17	48.70%
District 3	7,535	17.85	-28.61%	7,717	16.71	-33.15%
District 4	6,539	15.49	-38.05%	6,701	14.51	-41.95%
Total	42,219	100	133.31%	46,177	100	150.21%
Average	10,555	25	33.33%	11,544	25	37.55%



Existing Districts – Projections

- Projection required to determine future population equity
- 3,958 people will be added to the city by 2024
 - The majority of which (3,018) will be located in District 2

Subdivision	Units	Population Estimate	Current District	Completion Date
The One	14	41	4	2020
The Mid	230	667	2	2021
Aviara	49	142	3	2022
The Bohemian	200	580	1	2022
129 South K Street	4	12	4	2023
1303/1305 Lucerne Avenue	4	12	2	2023
15 North E Street	2	6	2	2023
211 Ocean Breeze	3	9	4	2023
230 North L Street	6	17	3	2023
320 Lake Osborne Drive	6	17	1	2023
509 North H Street	3	9	2	2023
Advantix	189	548	2	2023
Alora	12	35	4	2023
Casa Bella	18	52	2	2023
Deco Green	125	363	2	2023
Detroit Street Apartments	81	235	2	2023
Lake Worth Apartments	24	70	2	2023/2024
Lake Worth Station	81	235	2	2023/2024
Serendipity	12	35	2	2023/2024
Solimar	8	23	3	2023/2024
The Avery	200	580	2	2023/2024
The Cloisters Phase III	15	44	4	2023/2024
The Lord's Place	7	21	4	2023/2024
The Perch	18	52	2	2023/2024
Village Flats Phase I	41	119	2	2023/2024
Village Flats Phase II and III	12	35	2	2023/2024
	1,364	3,959		



2020 Enumeration and 2024 Population Projection

- 2024 population projection :
 - The population of the City of Lake Worth Beach will be 46,177
 - Average population for each district will be 11,544

Current Districts	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	13,996	33.15	32.60%	14,593	31.60	26.41%
District 2	14,149	33.51	34.05%	17,166	37.17	48.70%
District 3	7,535	17.85	-28.61%	7,717	16.71	-33.15%
District 4	6,539	15.49	-38.05%	6,701	14.51	-41.95%
Total	42,219	100	133.31%	46,177	100	150.21%
Average	10,555	25	33.33%	11,544	25	37.55%



District Analysis – PROJECTED (2024)

- Largest: District 2 will have 17,166 people
 - 5,622 (48.70%) more people than the projected average
- Smallest: District 4 will have 6,701 people
 - 4,483 (41.95%) fewer people than the projected average

Current Districts	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	13,996	33.15	32.60%	14,593	31.60	26.41%
District 2	14,149	33.51	34.05%	17,166	37.17	48.70%
District 3	7,535	17.85	-28.61%	7,717	16.71	-33.15%
District 4	6,539	15.49	-38.05%	6,701	14.51	-41.95%
Total	42,219	100	133.31%	46,177	100	150.21%
Average	10,555	25	33.33%	11,544	25	37.55%



District Analysis - PROJECTED (2024)

- Population imbalance will become even more extreme
 - Total deviation of 150.21% across all four districts
 - Spread = 90.65% (48.7% + 41.95% between highest and lowest districts)
 - Exceeding max. 10% overall deviation from the ideal size across districts

Current Districts	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	13,996	33.15	32.60%	14,593	31.60	26.41%
District 2	14,149	33.51	34.05%	17,166	37.17	48.70%
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District 4	6,539	15.49	-38.05%	6,701	14.51	-41.95%
Total	42,219	100	133.31%	46,177	100	150.21%
Average	10,555	25	33.33%	11,544	25	37.55%



Next Steps:

- Part B
 - Election districts are severely out of balance
 - City needs to redistrict
 - The overall pattern of district boundary changes will need to increase the population of Districts 3 and 4, while reducing that of Districts 1 and 2
 - This will necessitate an adjustment of the geographic boundaries where District 3 and 4 must expand in size, while Districts 1 and 2 must contract
 - Creation of map options for Commission consideration
- The Charter does not provide guidance for redistricting
 - It only defines the existing district boundaries



COMMISSION ELECTION DISTRICT MAP ALTERNATIVES



Redistricting Parameters

- The following guide our efforts:
 1. Reasonable population equality across districts
 - A maximum 10% overall deviation from the ideal size across districts.
 - Adhere to Section 2 of the Voting Rights Act of 1965: Arbitrary dilution of minority population clusters and other discriminatory practices are prohibited.
 2. Geographic contiguity and appropriate compactness
 - Follow major natural and manmade boundaries where possible.
 - Respect for the integrity of communities of interest.
 - Minimize the degree of change in pre-existing patterns of districts.
- Population equality is of primary importance
 - The others are significant in guiding decisions towards reaching reasonable population balance.

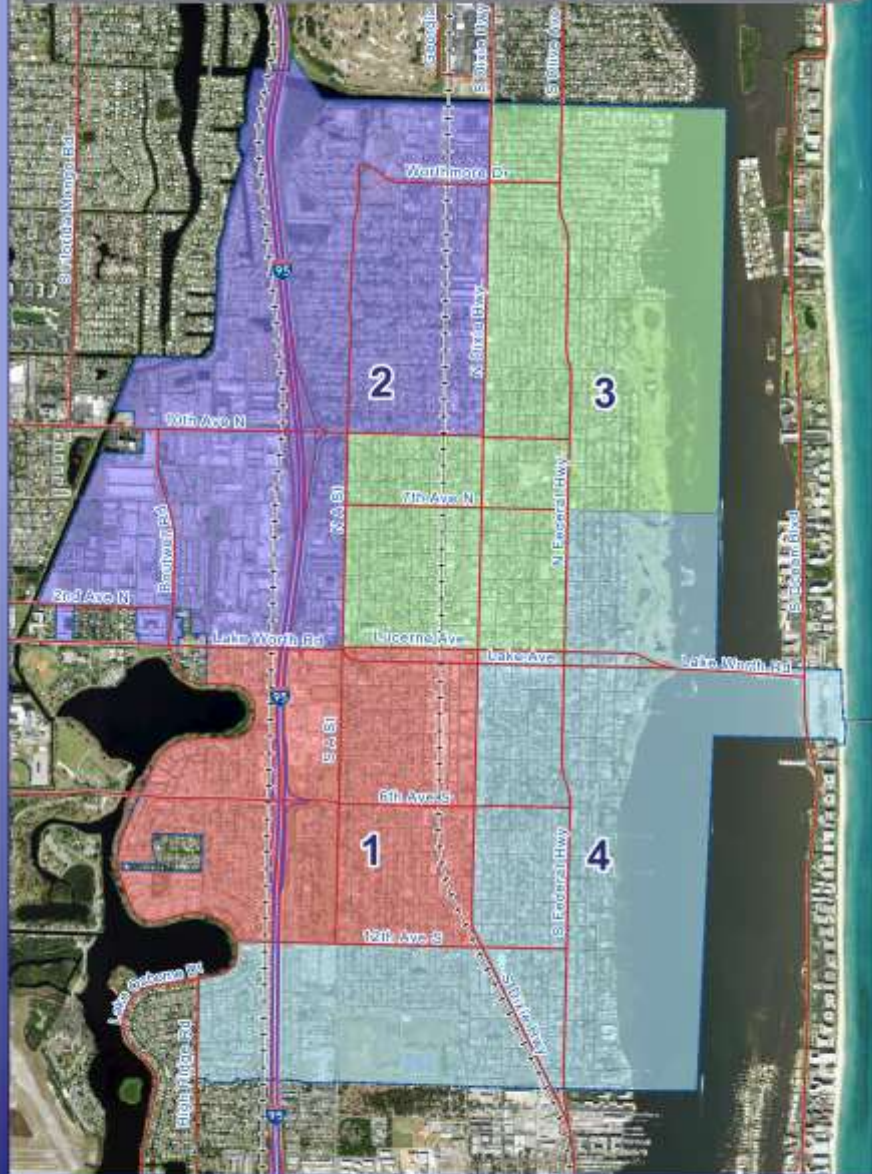


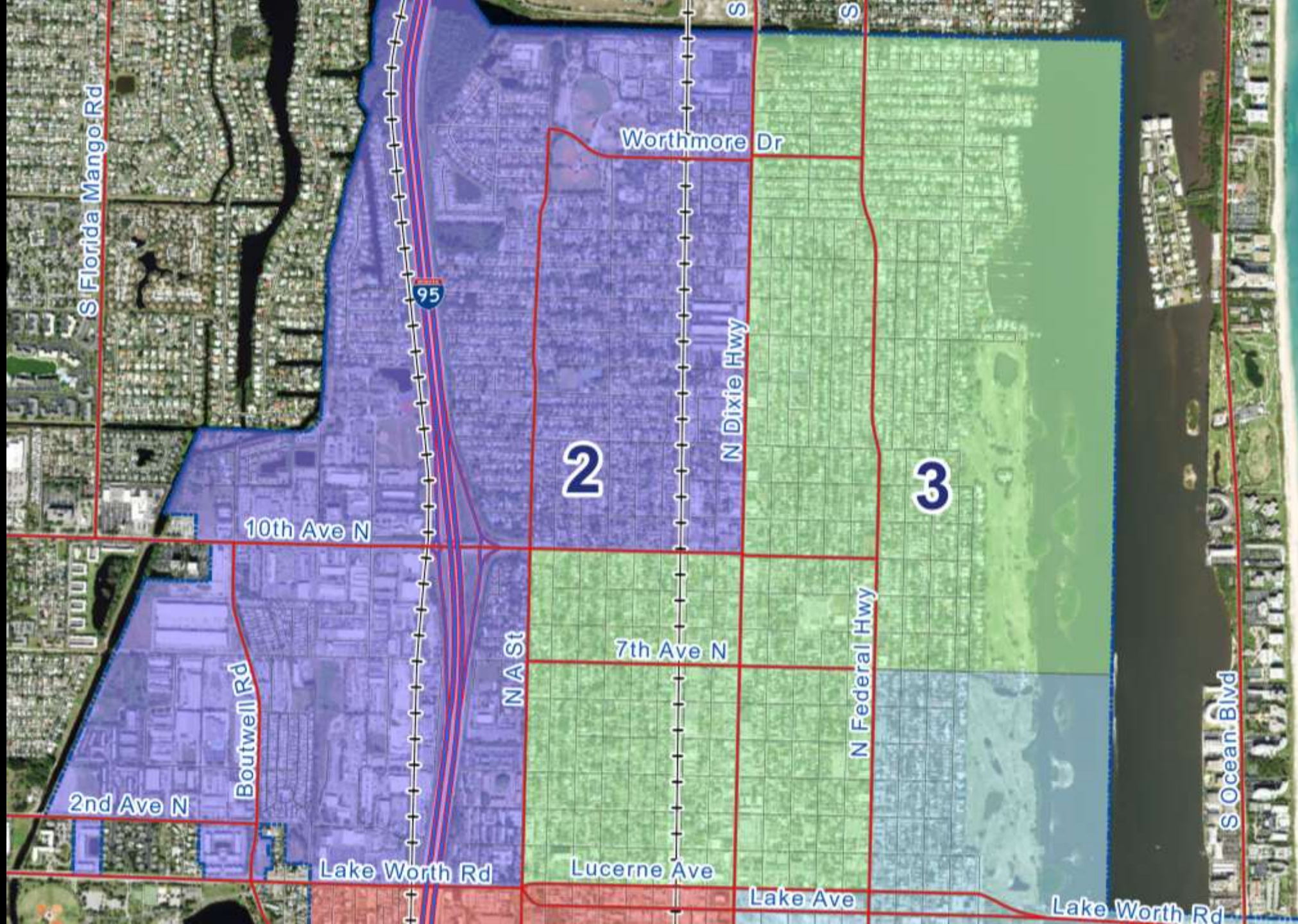
Alternatives

- Four Alternatives have been prepared for consideration:
 - All meet standard districting guidelines
 - Alternative ways to better balance district populations
 - Keep with the intent of the other identified guidelines

Alternative 1

- The biggest departure from the city's present four quadrant configuration:
 - North-South border becomes Lucerne Ave, except where District 4 projects north to 7th Ave, east of Federal Hwy
 - East-West border largely remains Dixie Hwy
 - Except for where District 3 projects west to North A St, south of 10th Ave, and where
 - District 4 projects west to High Ridge Rd south of 12th Ave S





S Florida Mango Rd

Worthmore Dr

95

2

N Dixie Hwy

3

10th Ave N

NA St

7th Ave N

N Federal Hwy

2nd Ave N

Boutwell Rd

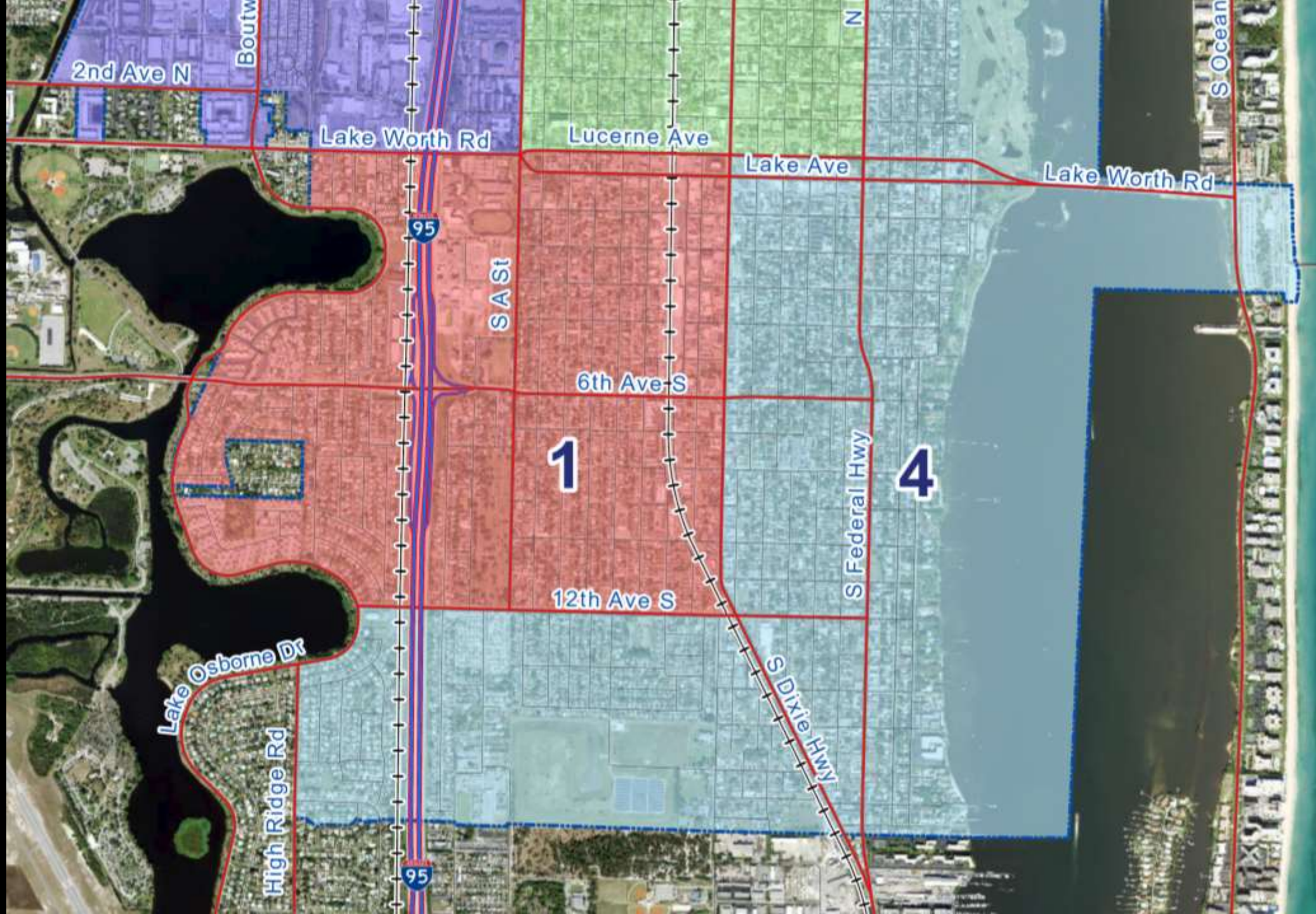
Lake Worth Rd

Lucerne Ave

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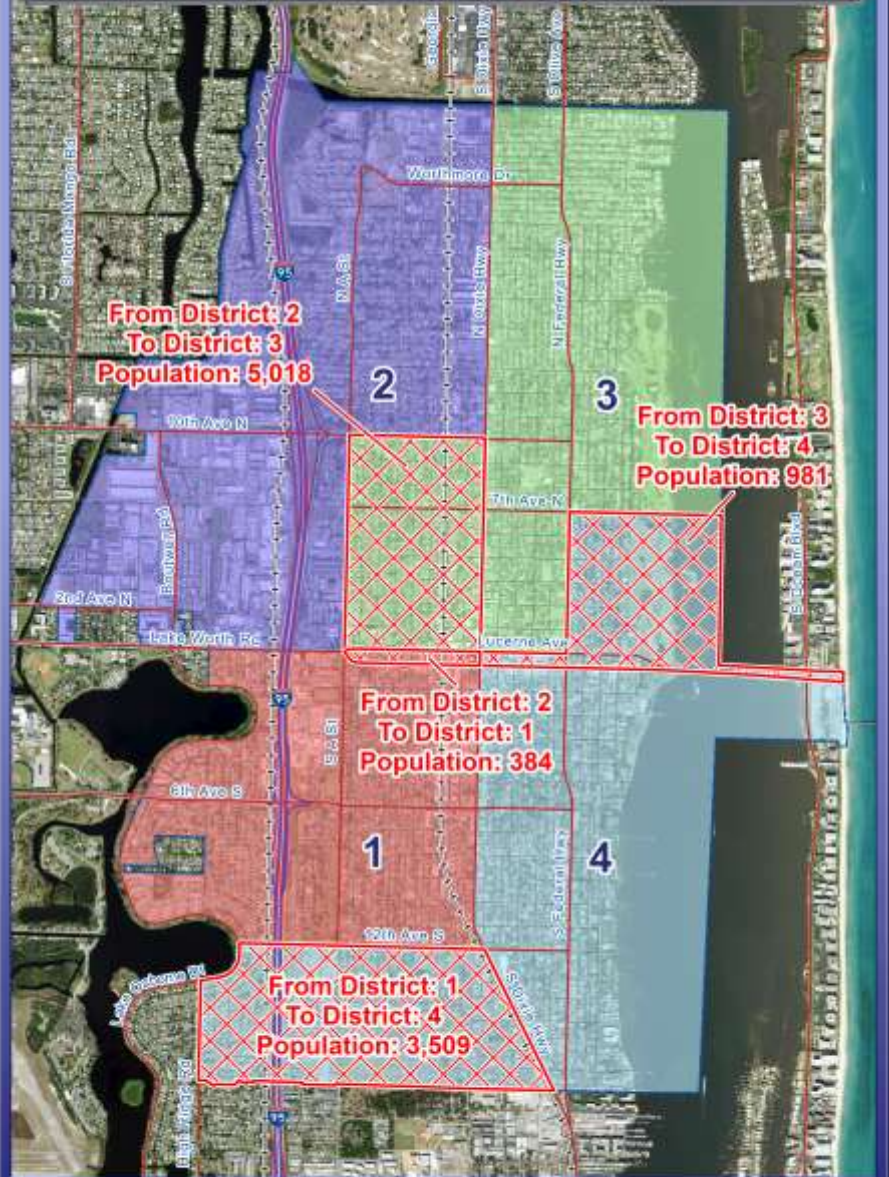
S Dixie Hwy

Lake Osborne Dr

High Ridge Rd

95

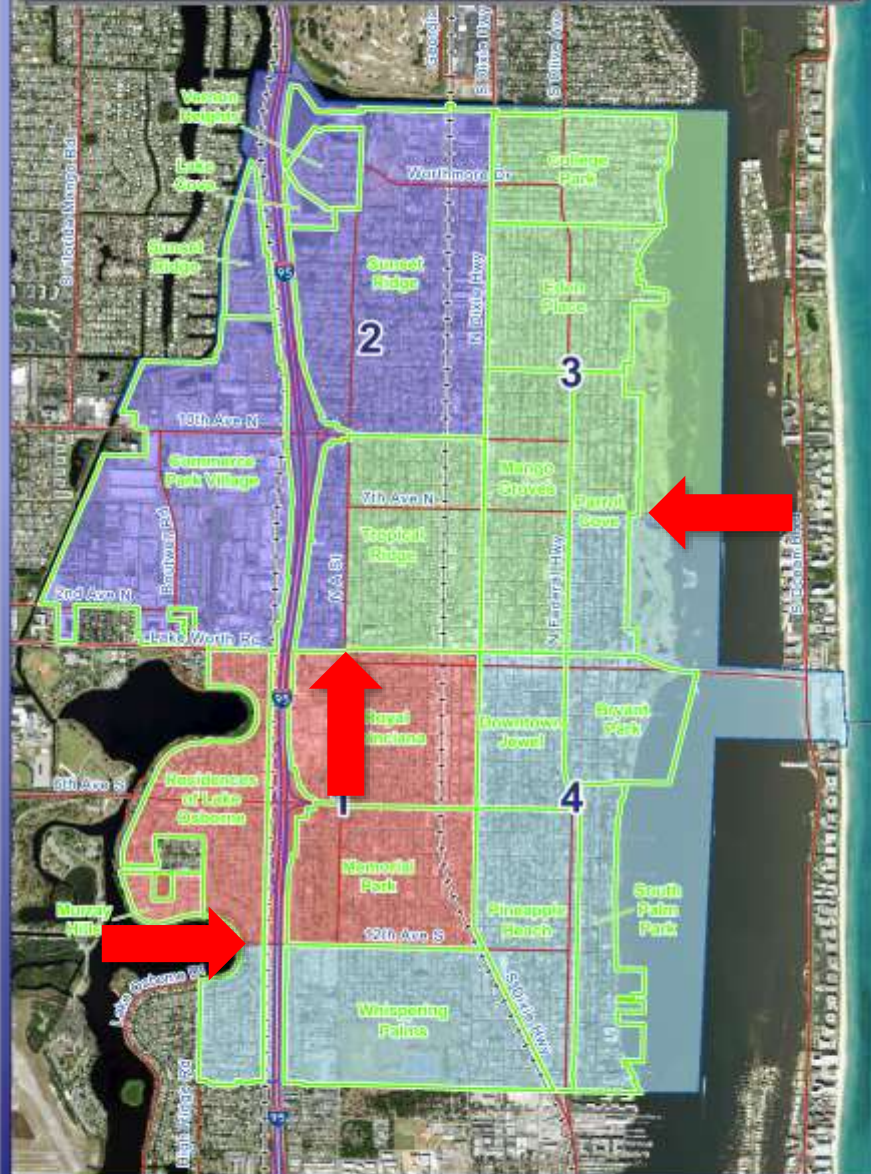
Alternative 1



- District 1 gains:
 - 384 people from District 2
 - That area south of Lucerne Ave and west of Dixie Hwy
- District 3 gains:
 - 5,018 people from District 2
 - That part of the Tropical Ridge community found to the west of Dixie Hwy, east of A St, north of Lucerne Ave, and south of 10th Ave N
- District 4 gains:
 - 981 people from District 3
 - To the south and east Federal Hwy and 7th Ave N, and the area between Lucerne Ave and Lake Worth Rd, east of Dixie
 - 3,509 people from District 1
 - South of 12th Ave S and west of Dixie Hwy

Alternative 1

- Only three neighborhoods are split:
 - Fewest among the four alternatives
 - Tropical Ridge, Parrot Cove, and Residences of Lake Osborne





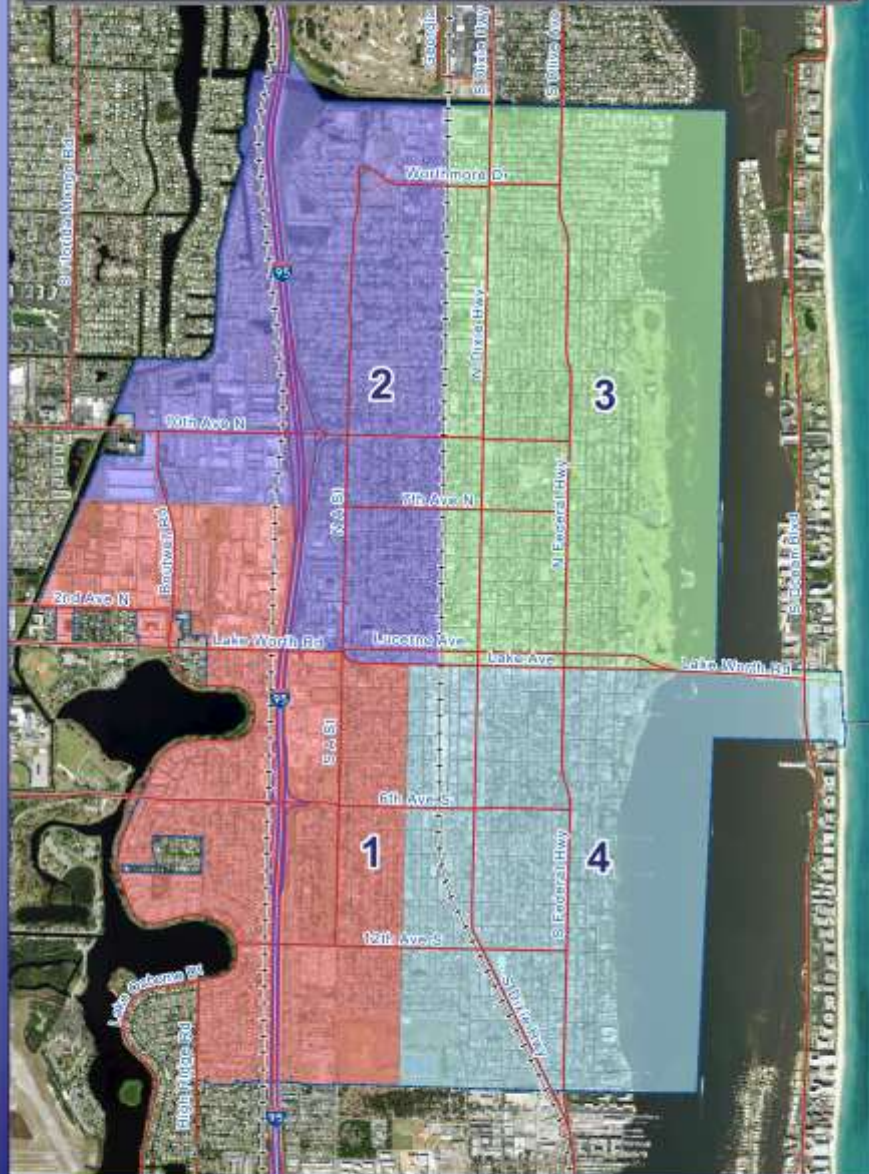
Alternative 1

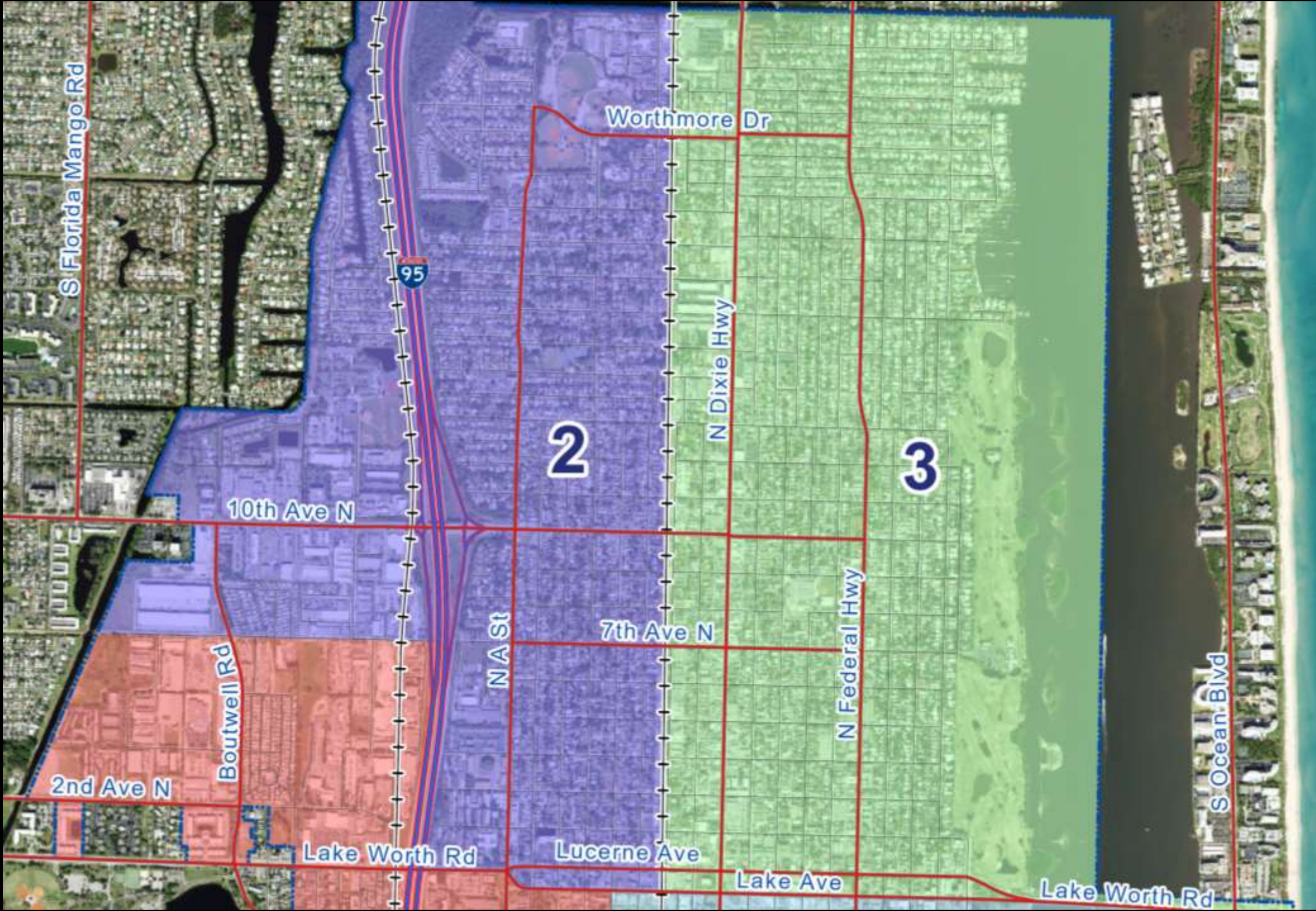
- Overall deviation is much improved under Alternative 1
 - Total deviation falls from 150.21% to 7.44%
 - Mean deviation falls from of 37.55% to 1.86%
 - The spread falls from 90.65% to 4.96%

Alt. 1	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	10,648	25.22	0.88%	11,468	24.83	-0.66%
District 2	9,249	21.91	-12.37%	11,764	25.48	1.90%
District 3	11,293	26.75	6.99%	11,754	25.45	1.82%
District 4	11,029	26.12	4.49%	11,191	24.24	-3.06%
Total	42,219	100	24.74%	46,177	100	7.44%
Average	10,555	25	6.19%	11,544	25	1.86%

Alternative 2

- Maintains, somewhat, the four quadrant arrangement of the existing Districts:
 - Though the four districts no longer meet at a common intersection
 - North-South border remains Lake Worth Rd, except where District 1 expands north to the west of I-95, south of 7th Ave N
 - East-West border between Districts 2 and 3 moves west to the FEC Railway
 - Between Districts 1 & 4, the East-West boundary moves west to South E St





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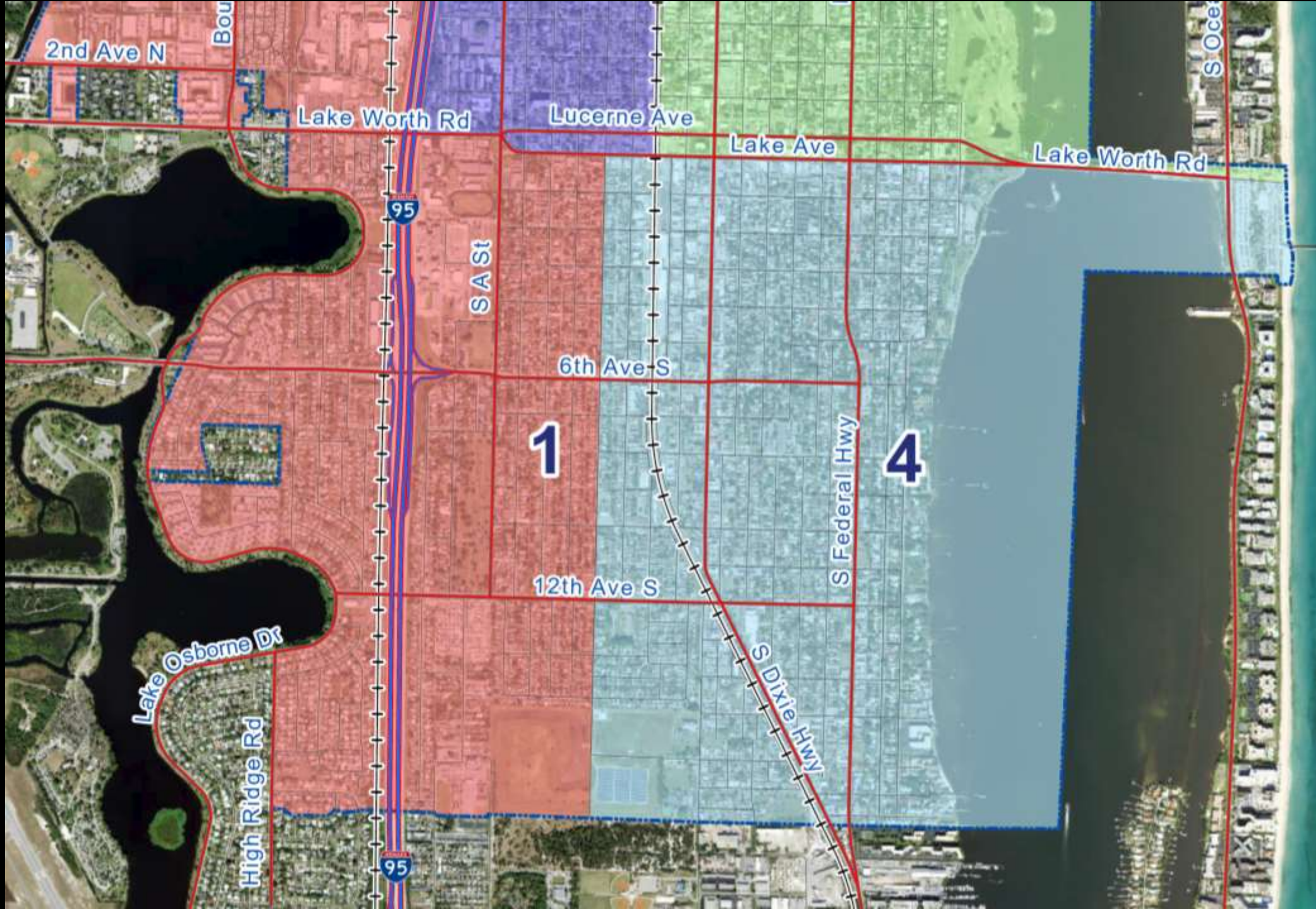
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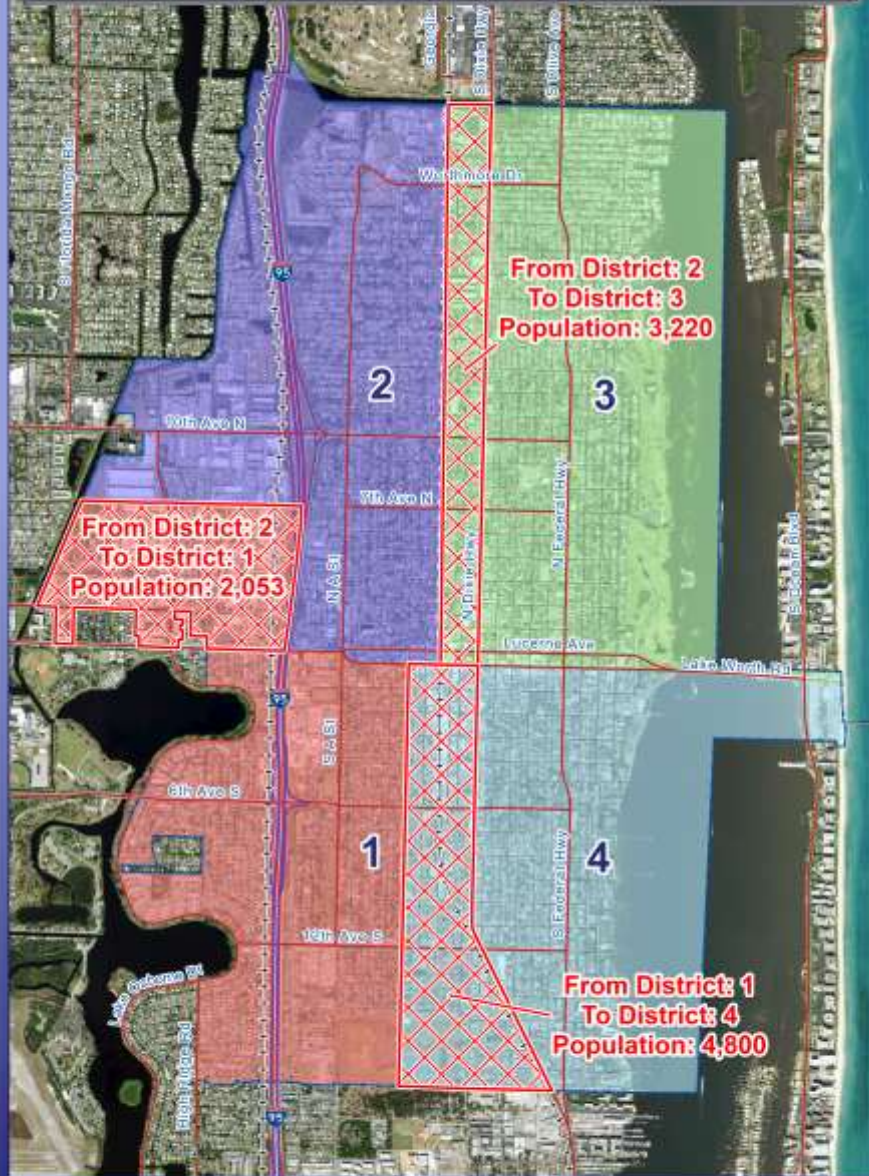
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High Ridge Rd

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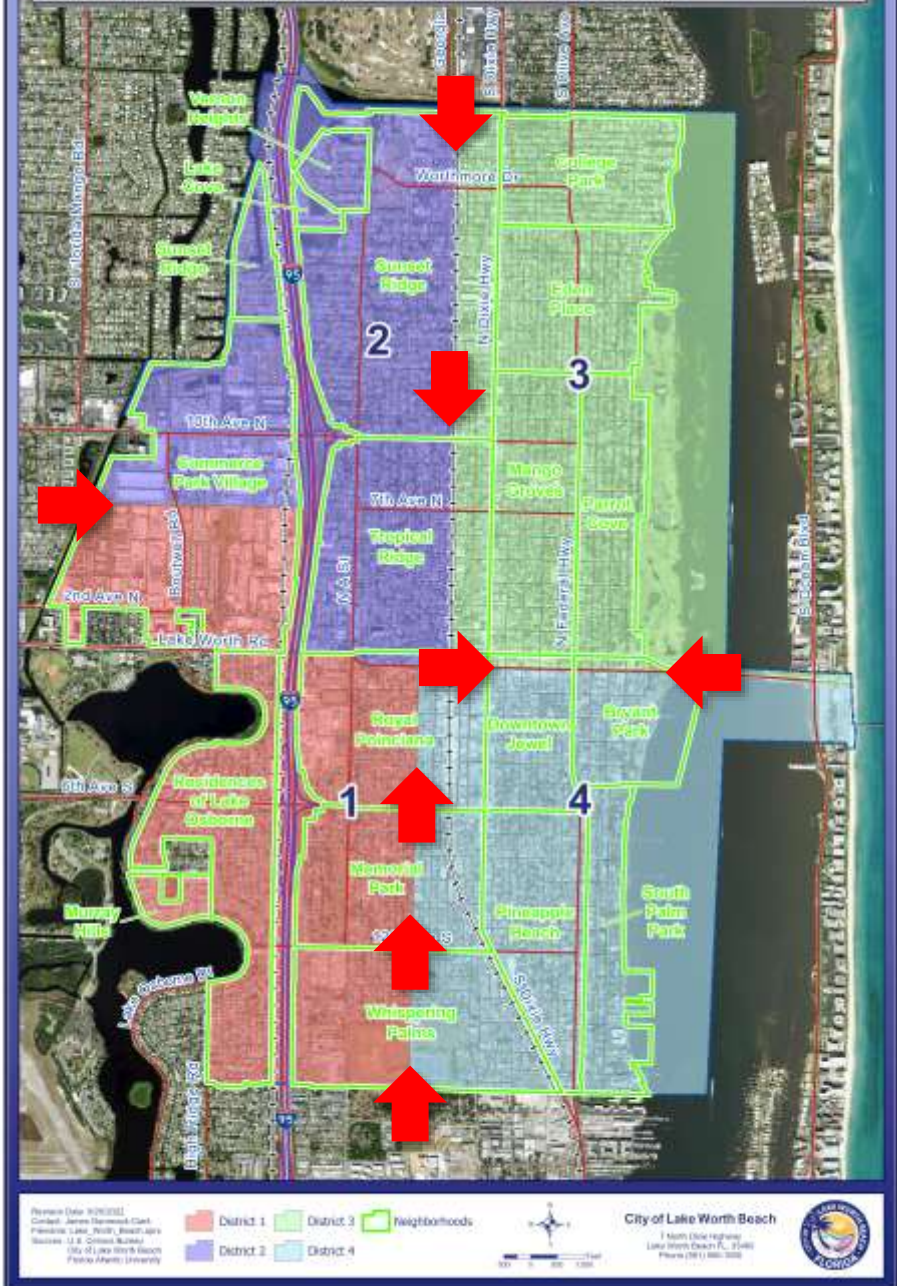
Alternative 2



- District 1 gains:
 - 2,053 people from District 2
 - That portion of the Lake Worth Park of Commerce, south of 7th Ave S
- District 3 gains:
 - 3,220 people from District 2
 - That area between Dixie Hwy and the FEC Railway, north of Lake Worth Rd
- District 4 gains:
 - 4,800 people from District 1
 - That area between Dixie Hwy and South E St, south of Lake Worth Rd

Alternative 2

- Eight neighborhoods are split:
 - Most among the four alternatives
 - Sunset Ridge, Tropical Ridge, Royal Poinciana, Memorial Park, Whispering Palms, Downtown Jewel, Bryant Park, and Commerce Park Village





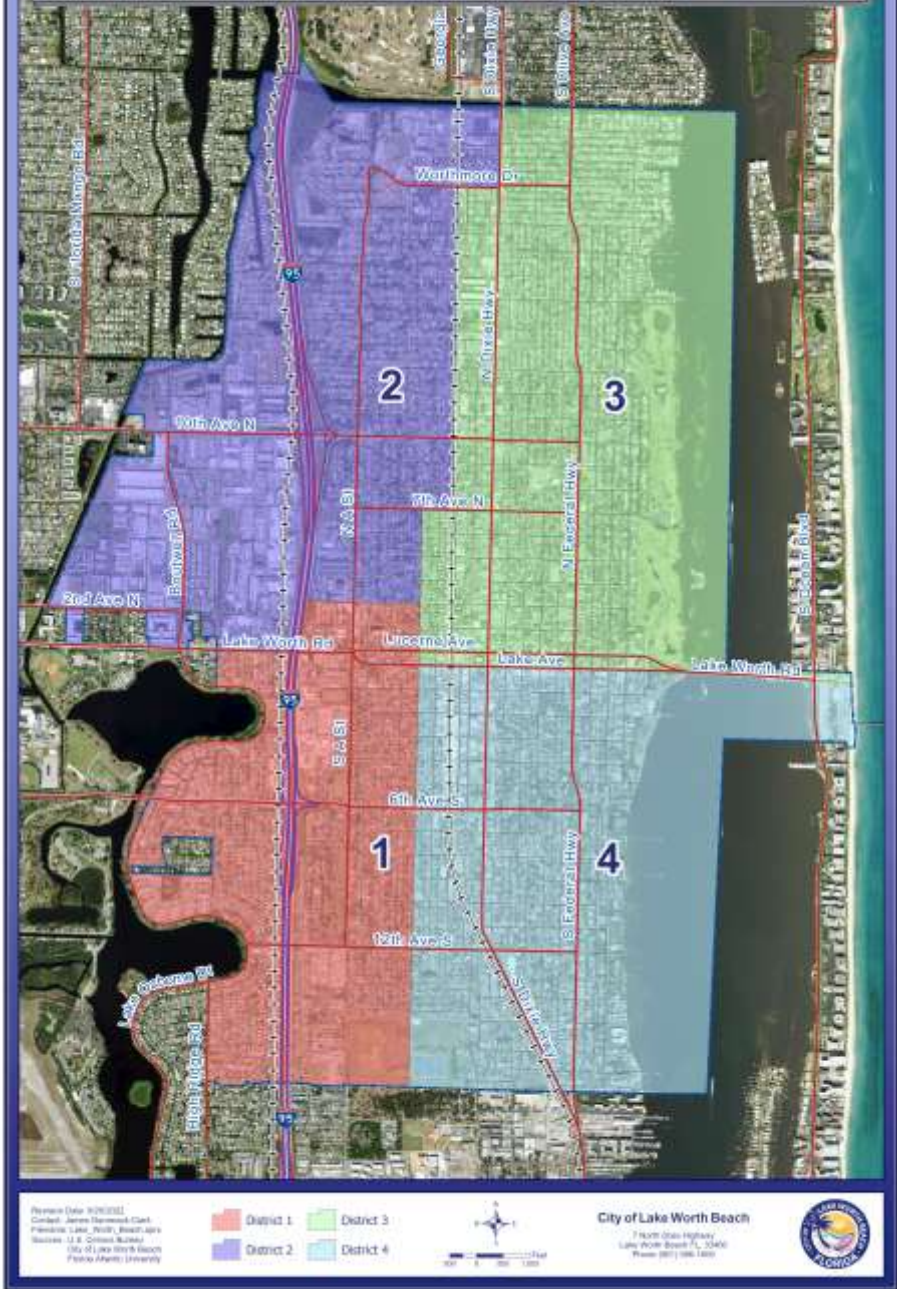
Alternative 2

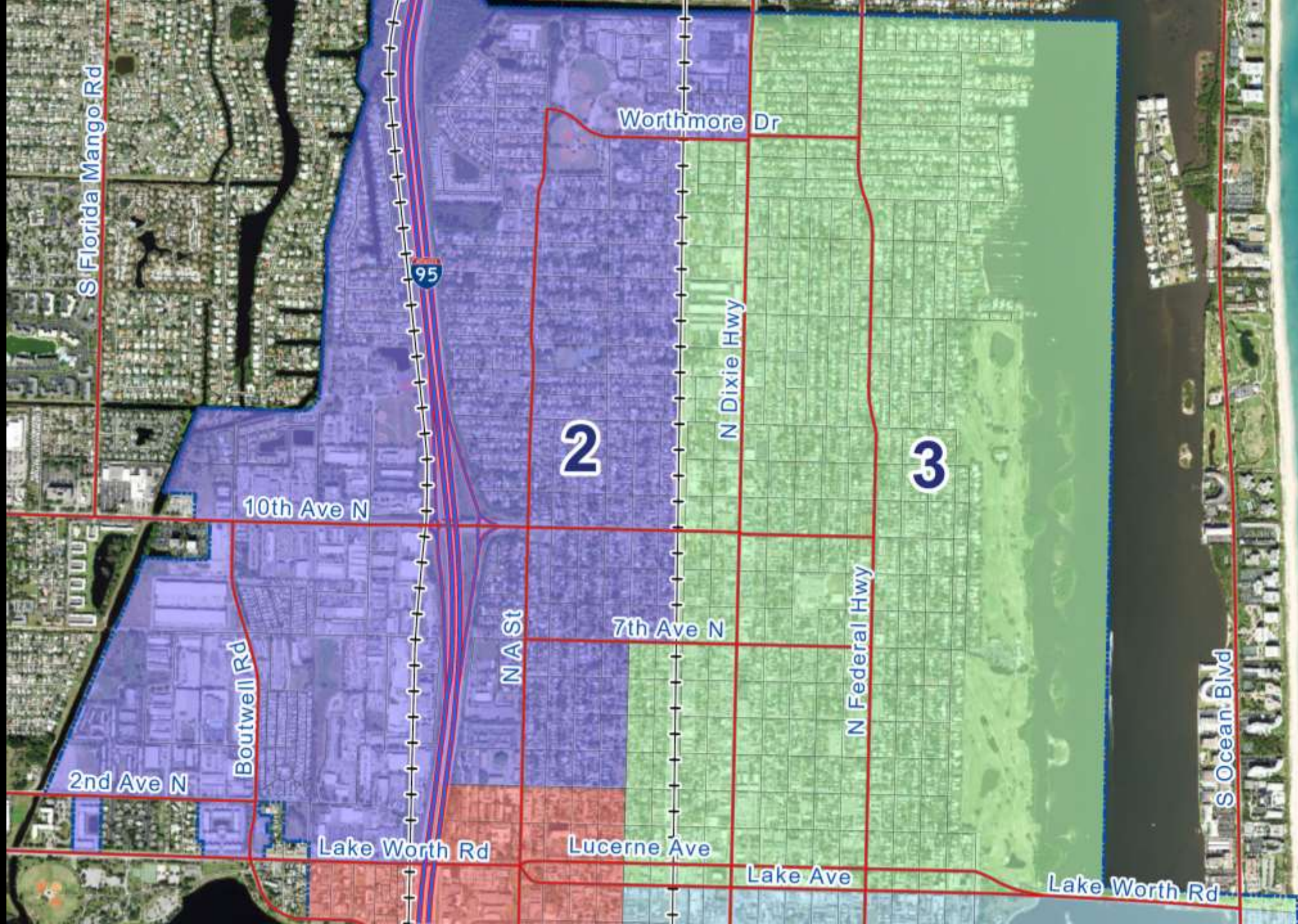
- Overall deviation is much improved under Alternative 2
 - Total deviation falls from 150.21% to 11.27%
 - Mean deviation falls from of 37.55% to 2.82% (highest of the alternatives)
 - The spread falls from 90.65% to 8.28% (highest of the alternatives)

Alt. 2	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	11,594	27.46	9.85%	11,846	25.65	2.61%
District 2	10,420	24.68	-1.28%	11,893	25.76	3.02%
District 3	9,446	22.37	-10.50%	10,937	23.68	-5.26%
District 4	10,759	25.48	1.94%	11,501	24.91	-0.37%
Total	42,219	100	23.56%	46,177	100	11.27%
Average	10,555	25	5.89%	11,544	25	2.82%

Alternative 3

- Variant of Alternative 2 that creates a more compact and balanced District 1 while leaving District 4 unchanged:
 - North-South border remains Lake Worth Rd, except where District 1 expands north to 3rd Ave N, east of I-95
 - To improve population equity between Districts 2 and 3, several jogs are introduced to their East-West border: from Dixie Hwy to the FEC railway south of Worthmore Dr, then to E St south of 7th Ave N
 - Between Districts 1 and 4, the East-West boundary moves west to South E St





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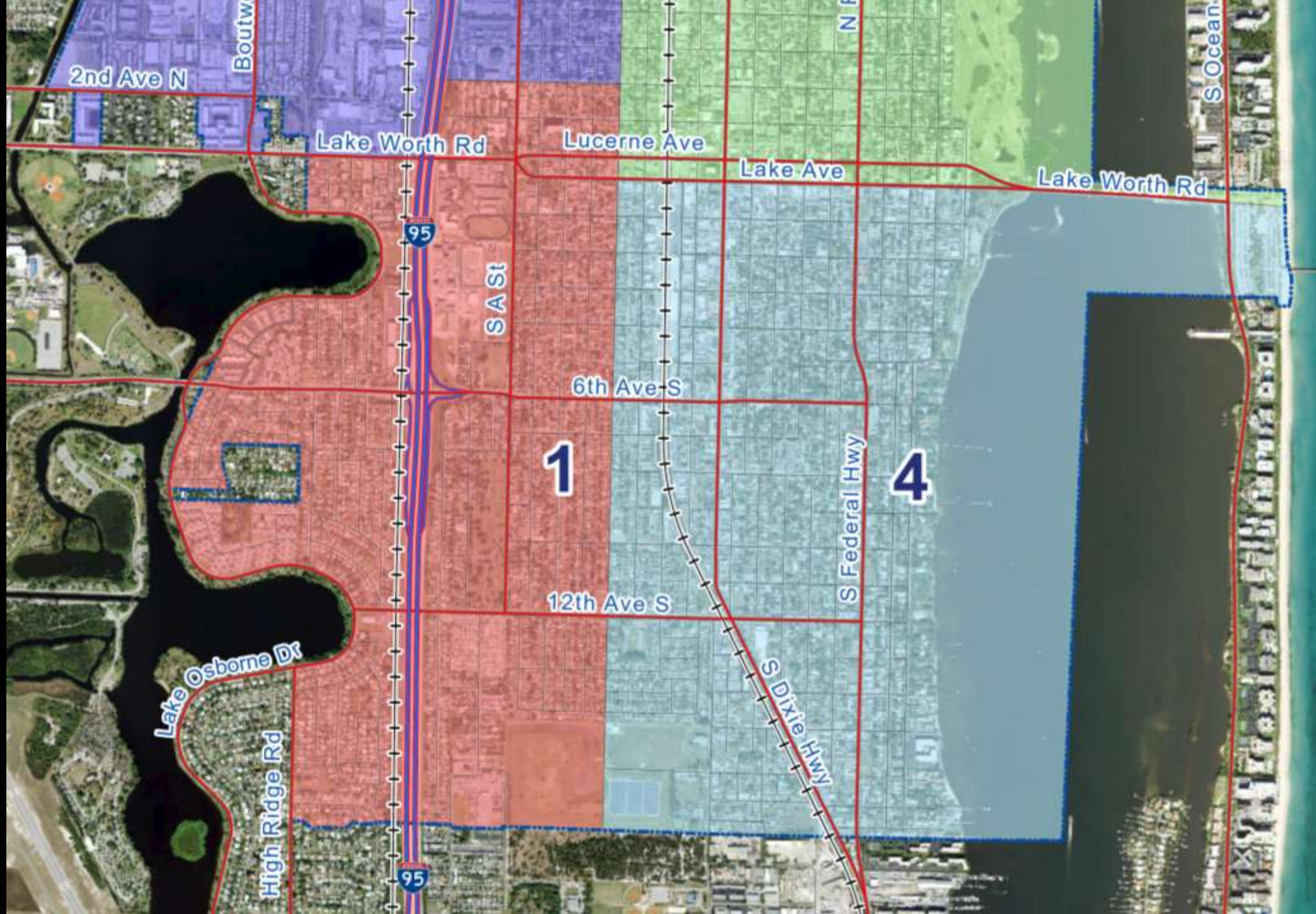
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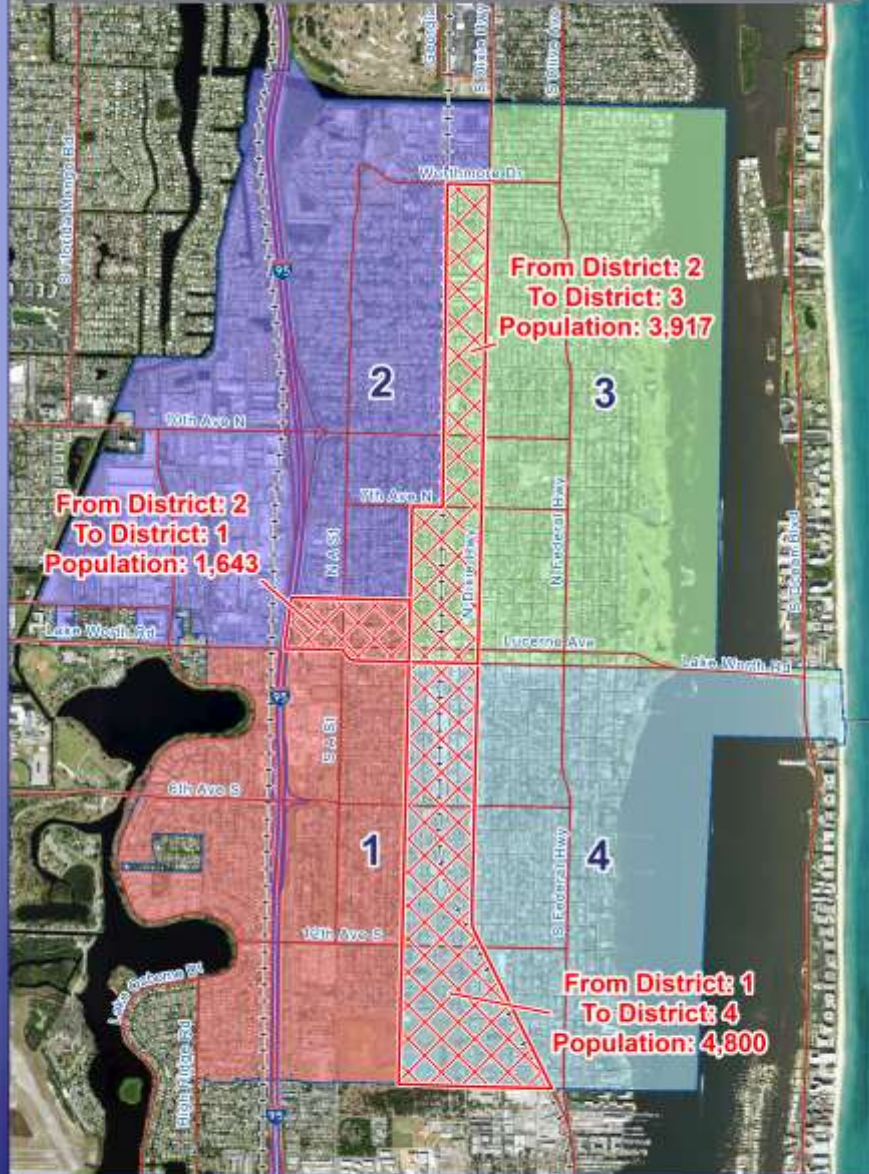
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Lake Osborne Dr

High Ridge Rd

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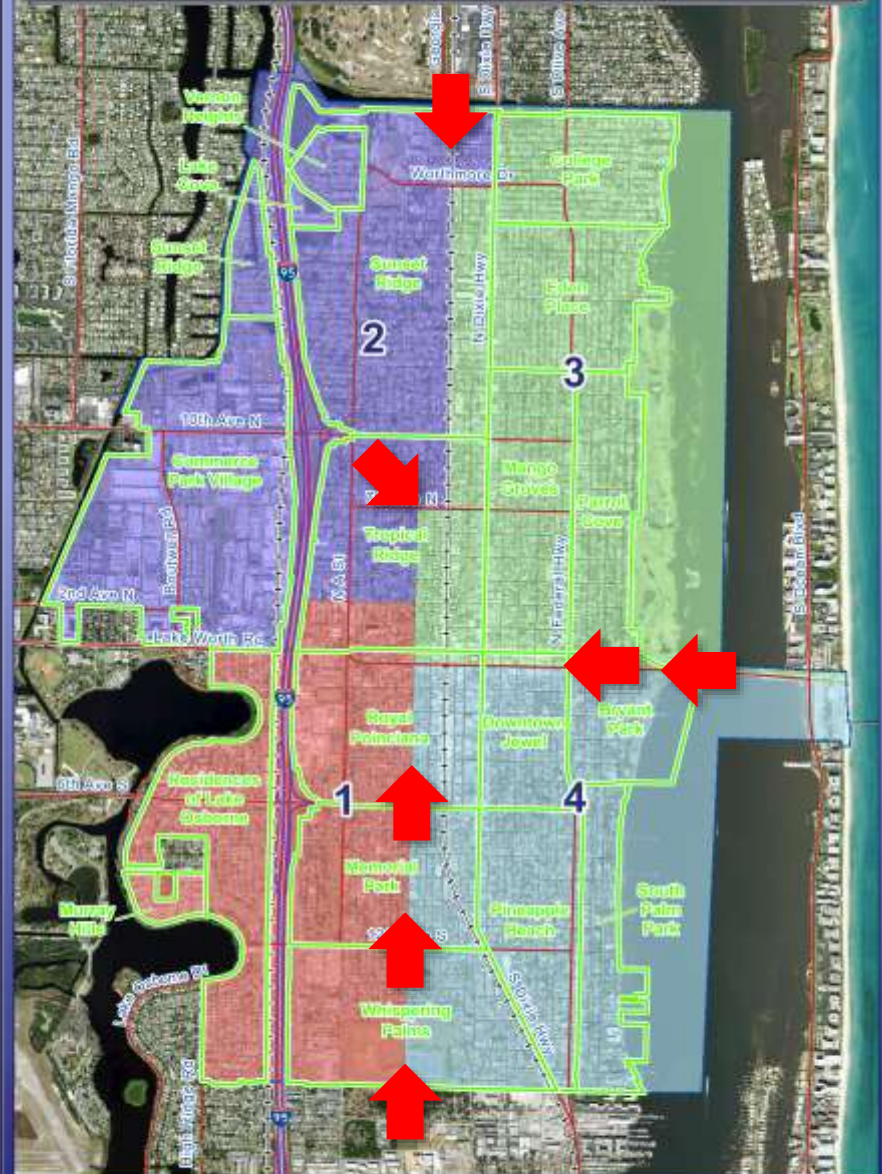
Alternative 3



- District 1 gains:
 - 1,643 people from District 2
 - That portion of Tropical Ridge, south of 3rd Ave N and west of E St
- District 3 gains:
 - 3,917 people from District 2
 - That area between Dixie Hwy and the FEC Railway, north of 7th Ave N and south of Worthmore Dr, together with that area between Dixie Hwy and E St, south of 7th Ave N and north of Lake Worth Rd
- District 4 gains:
 - 4,800 people from District 1
 - That area between Dixie Hwy and the South E St, south of Lake Worth Rd

Alternative 3

- Seven neighborhoods are split:
 - Sunset Ridge, Tropical Ridge, Royal Poinciana, Memorial Park, Whispering Palms, Downtown Jewel, and Bryant Park





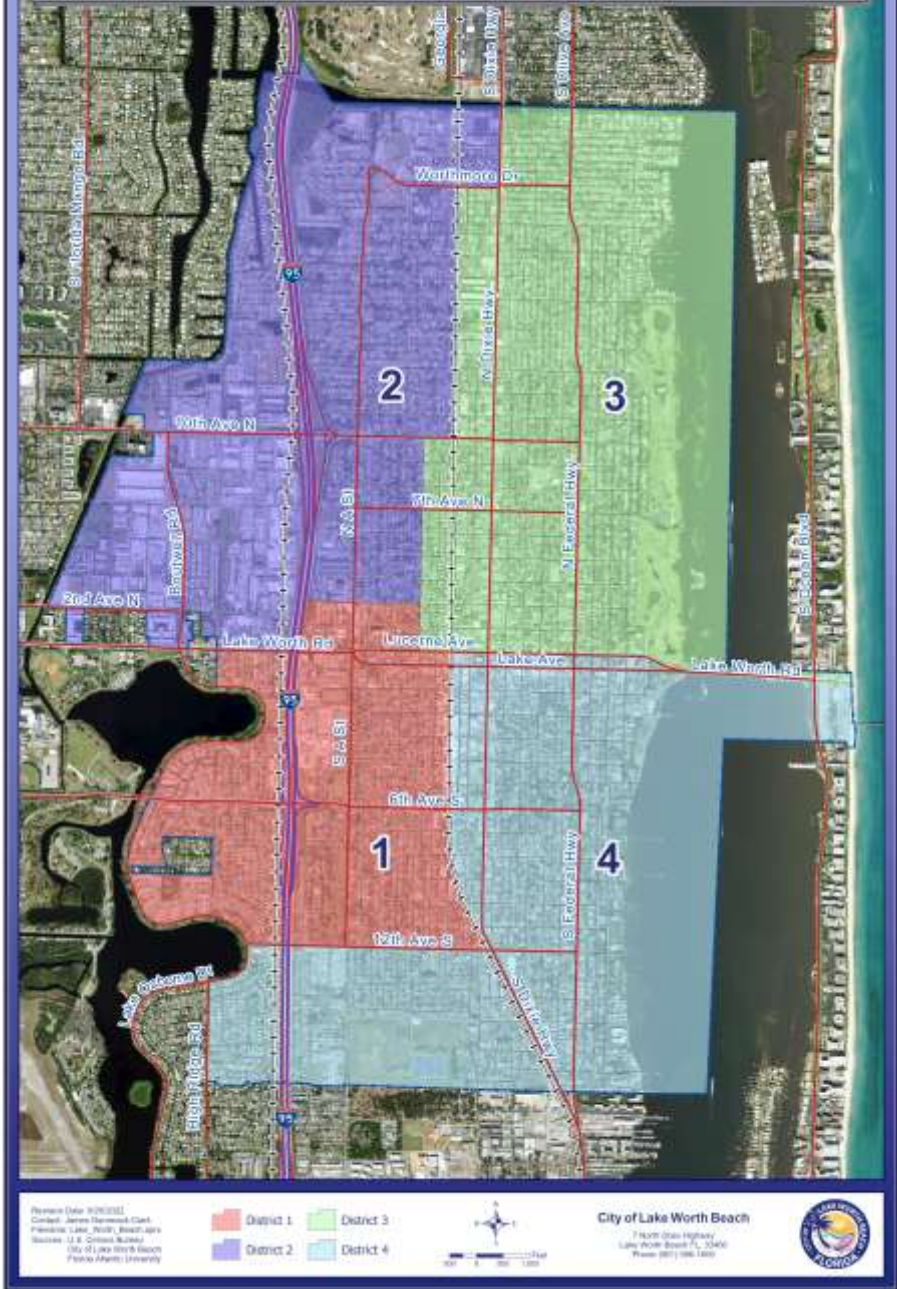
Alternative 3

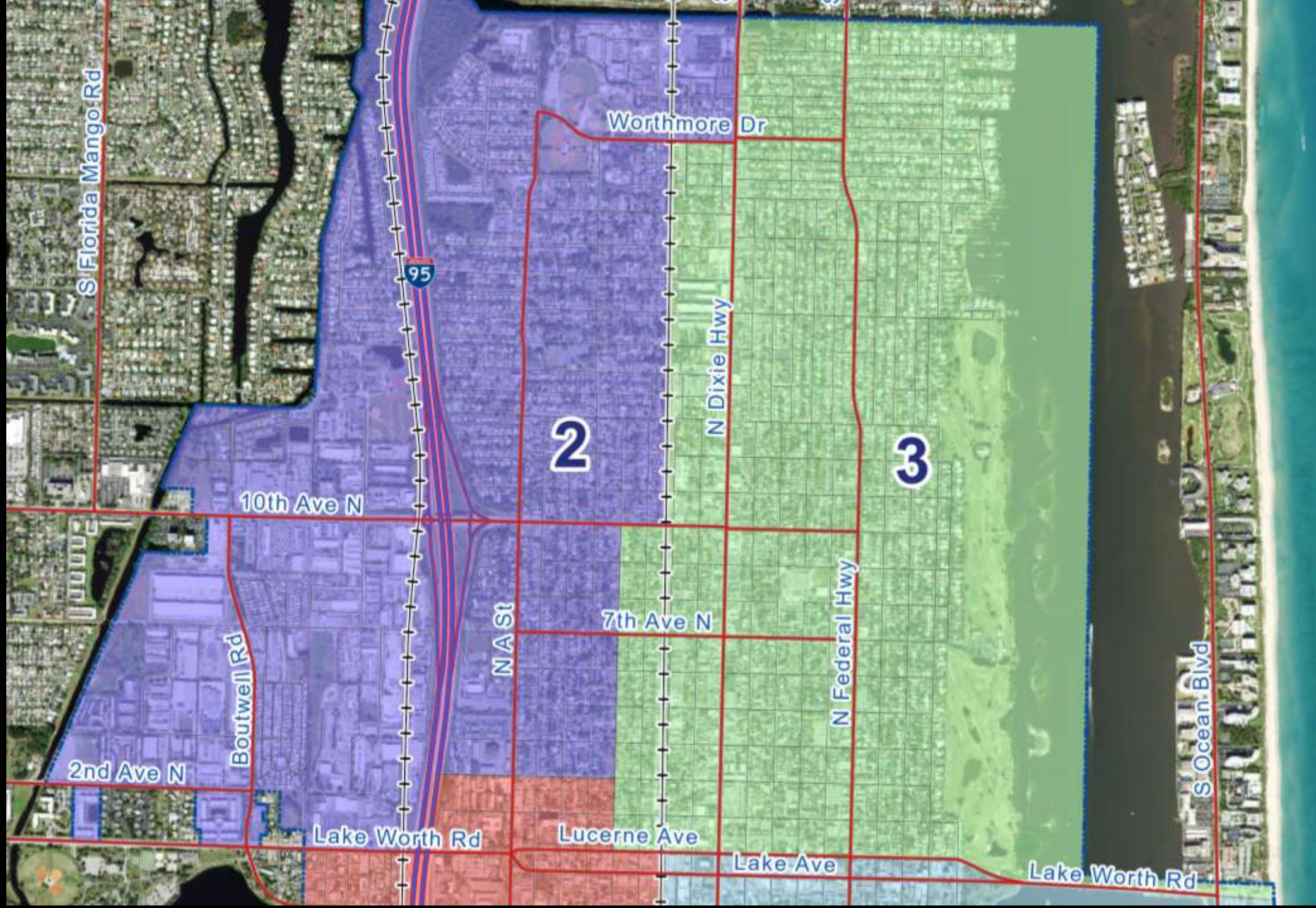
- Overall deviation is much improved under Alternative 3
 - Total deviation falls from 150.21% to 2.62%
 - Mean deviation falls from of 37.55% to 0.66% (lowest of the alternatives)
 - The spread falls from 90.65% to 1.72% (lowest of the alternatives)

Alt. 3	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	11,315	26.80	7.20%	11,436	24.77	-0.94%
District 2	10,121	23.97	-4.11%	11,606	25.13	0.53%
District 3	10,024	23.74	-5.03%	11,634	25.19	0.78%
District 4	10,759	25.48	1.94%	11,501	24.91	-0.37%
Total	42,219	100	18.28%	46,177	100	2.62%
Average	10,555	25	4.57%	11,544	25	0.66%

Alternative 4

- Marries the best of Alt. 1 and 3 together:
 - North-South border remains Lake Worth Rd, except where District 1 expands north to 3rd Ave N, east of I-95
 - To improve population equity between Districts 2 and 3, several jogs are introduced to their East-West border: from Dixie Hwy to the FEC railway south of Worthmore Dr, then to E St south of 10th Ave N
 - Between Districts 1 and 4, the East-West boundary moves west to the FEC Railway, and then District 4 projects west to High Ridge Rd south of 12th Ave S





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Worthmore Dr

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7th Ave N

N Federal Hwy

2nd Ave N

Boutwell Rd

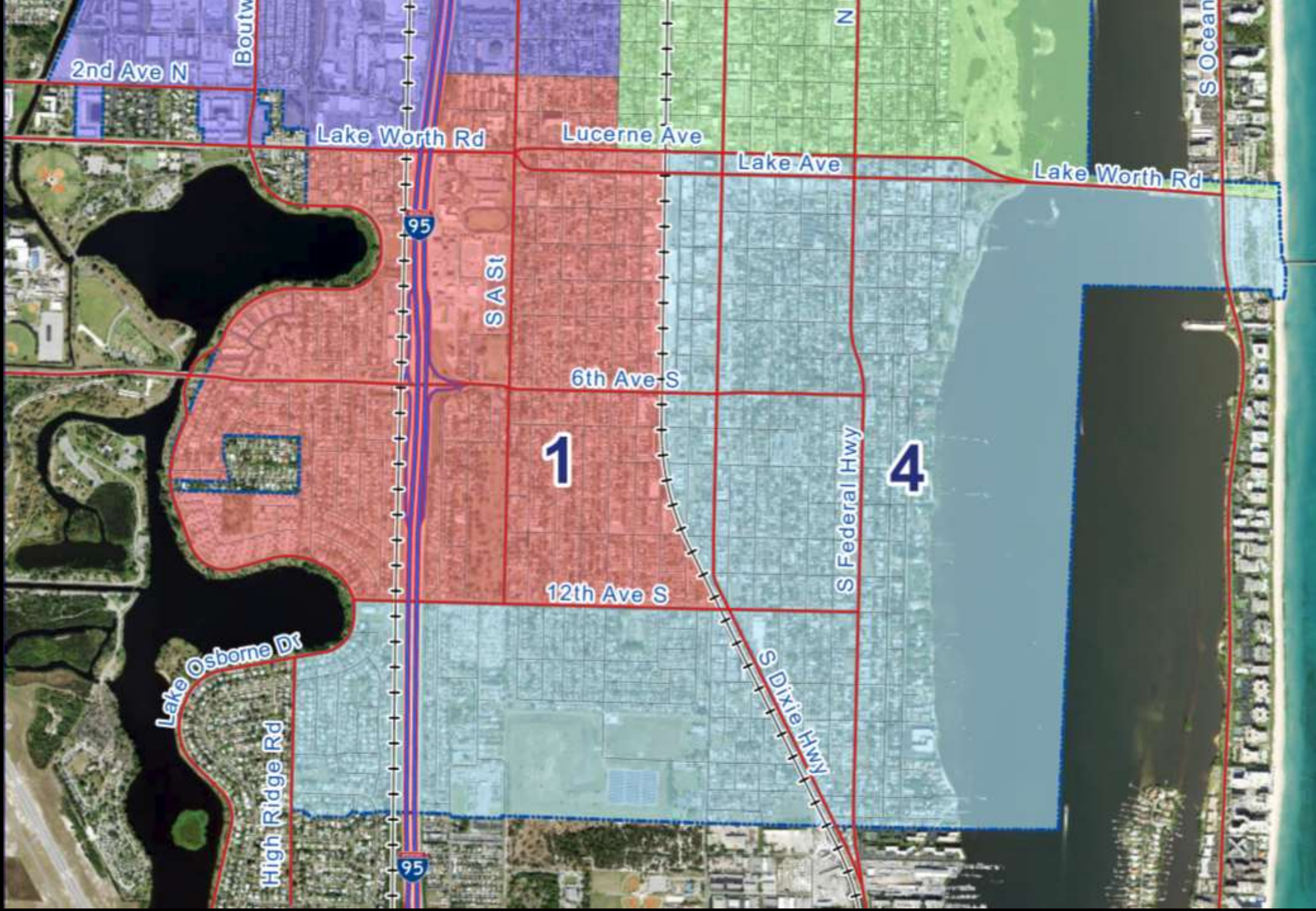
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Lucerne Ave

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12th Ave S

S Federal Hwy

S Dixie Hwy

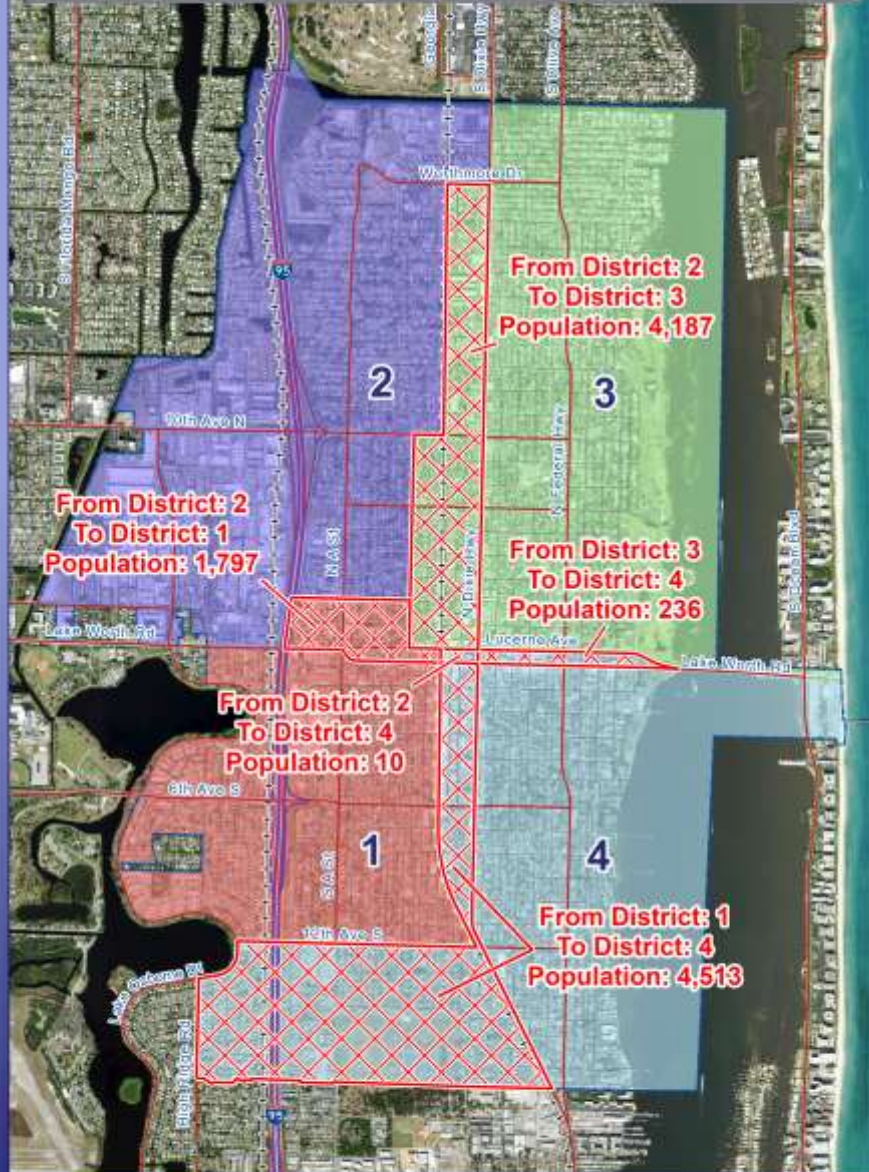
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High Ridge Rd

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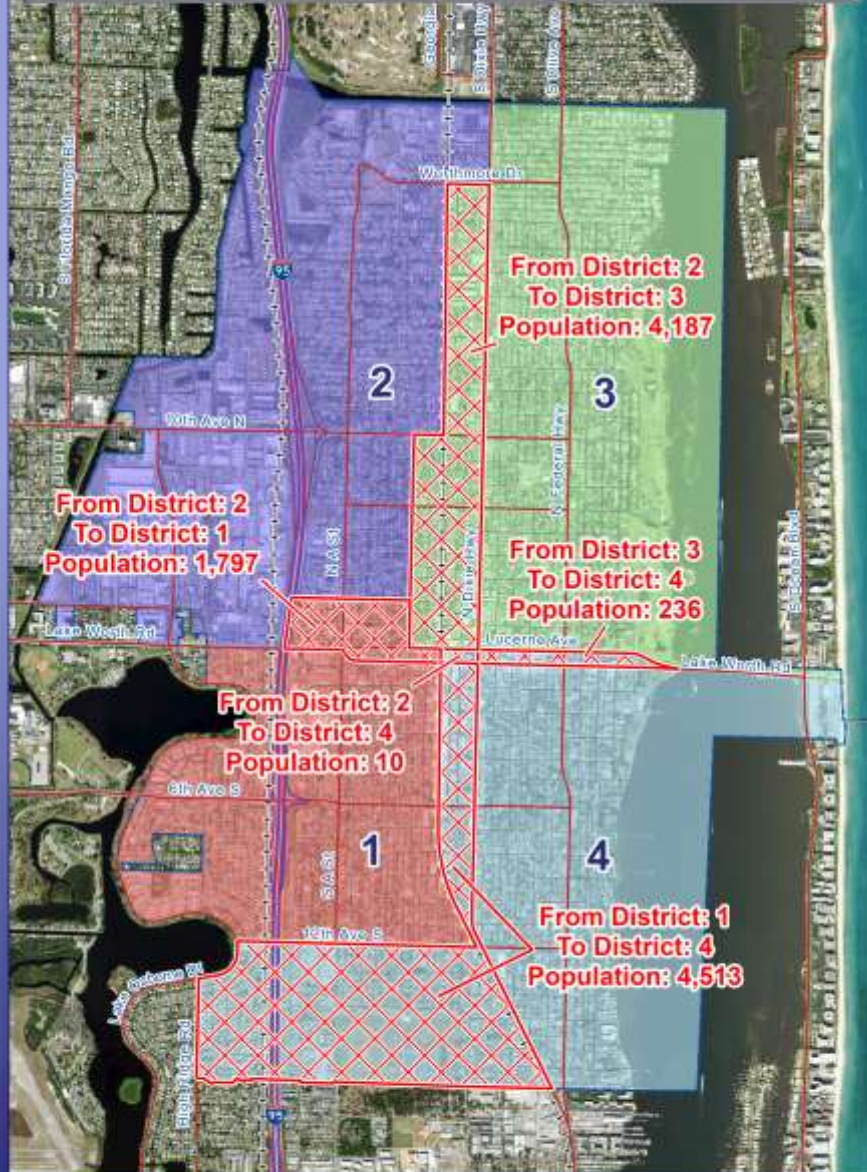
Alternative 4

- District 1 gains:
 - 1,797 people from District 2
 - That area south of 3rd Ave N and west of E St, together with that area found to the west of the FEC Railway between Lucerne Ave and Lake Worth Rd
- District 3 gains:
 - 4,187 people from District 2
 - That area between Dixie Hwy and the FEC Railway, north of 10th Ave N and south of Worthmore Dr, together with that area between Dixie Hwy and E St, south of 10th Ave N and north of Lucerne Ave



Alternative 4

- District 4 gains:
 - 4,513 people from District 1
 - That area between Dixie Hwy and the FEC Railway, and that part of the city found to the east of Dixie Hwy and south of 12th Ave S
 - 10 people from District 2
 - That area found between Lucerne Ave and Lake Worth Rd, and between Dixie Hwy and the FEC Railway
 - 236 people from District 3
 - That area found between Lucerne Ave and Lake Worth Rd, and east of the FEC Railway



Alternative 4

- Four neighborhoods are split:
 - Sunset Ridge, Tropical Ridge, Royal Poinciana, and Memorial Park





Alternative 4

- Overall deviation is much improved under Alternative 4
 - Total deviation falls from 150.21% to 7.91%
 - Mean deviation falls from of 37.55% to 1.98%
 - The spread falls from 90.65% to 6.10%

Alt. 4	2020 Population	% of City	Deviation From Average	2024 Population Projection	% of City	Deviation From Average
District 1	11,637	27.56	10.25%	11,877	25.72	2.88%
District 2	9,687	22.94	-8.22%	11,172	24.19	-3.22%
District 3	10,177	24.11	-3.58%	11,668	25.27	1.07%
District 4	10,718	25.39	1.55%	11,460	24.82	-0.73%
Total	42,219	100	23.60%	46,177	100	7.91%
Average	10,555	25	5.90%	11,544	25	1.98%



Summary

- All of the alternatives dramatically improve population equity
 - Alt 1 splits the fewest number of number of neighborhoods
 - Alt 2 attempts to maintain the existing 4 quadrants configuration
 - Alt 3 is the most balanced of the options presented
 - Alt 4 marries the best of aspects of Alt's 1 and 3 together

Configuration	Impacted Population	Split Neighborhoods	Total Deviation	Mean Deviation	Spread
Existing Districts	N/A	3	150.21	37.55	90.65
Alternative 1	9,892	3	7.44	1.86	4.96
Alternative 2	10,073	8	11.27	2.82	8.28
Alternative 3	10,360	7	2.62	0.66	1.72
Alternative 4	10,743	4	7.91	1.98	6.10



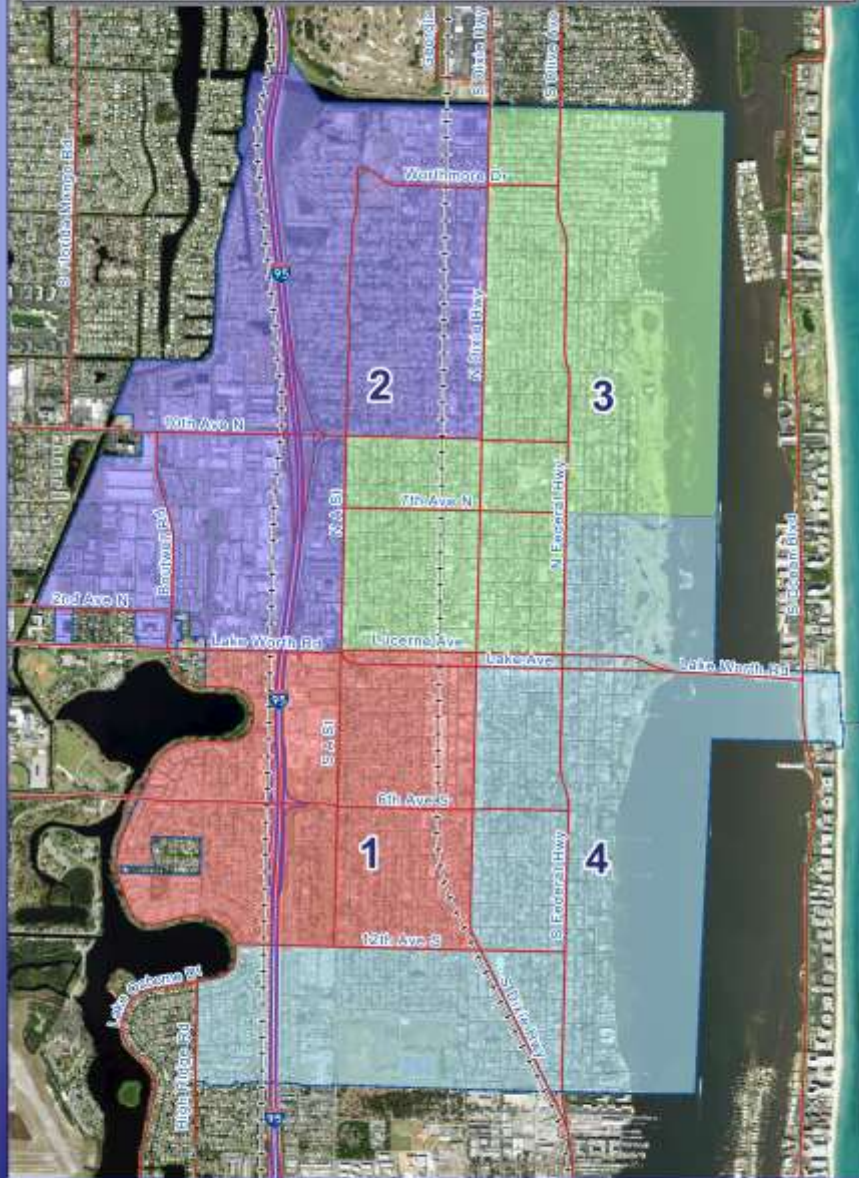
FLORIDA ATLANTIC UNIVERSITY

Questions?

City of Lake Worth Beach Redistricting Alternatives

City of Lake Worth Beach

Alternative Districts: Option 1



Revision Date: 10/2022
Contact: James Hammond, Clerk
Planning: Lake Worth Beach, 3094
Revised: U.S. Census Bureau
100 W. Lake Worth Beach
P.O. Box 1000

- District 1
- District 2
- District 3
- District 4

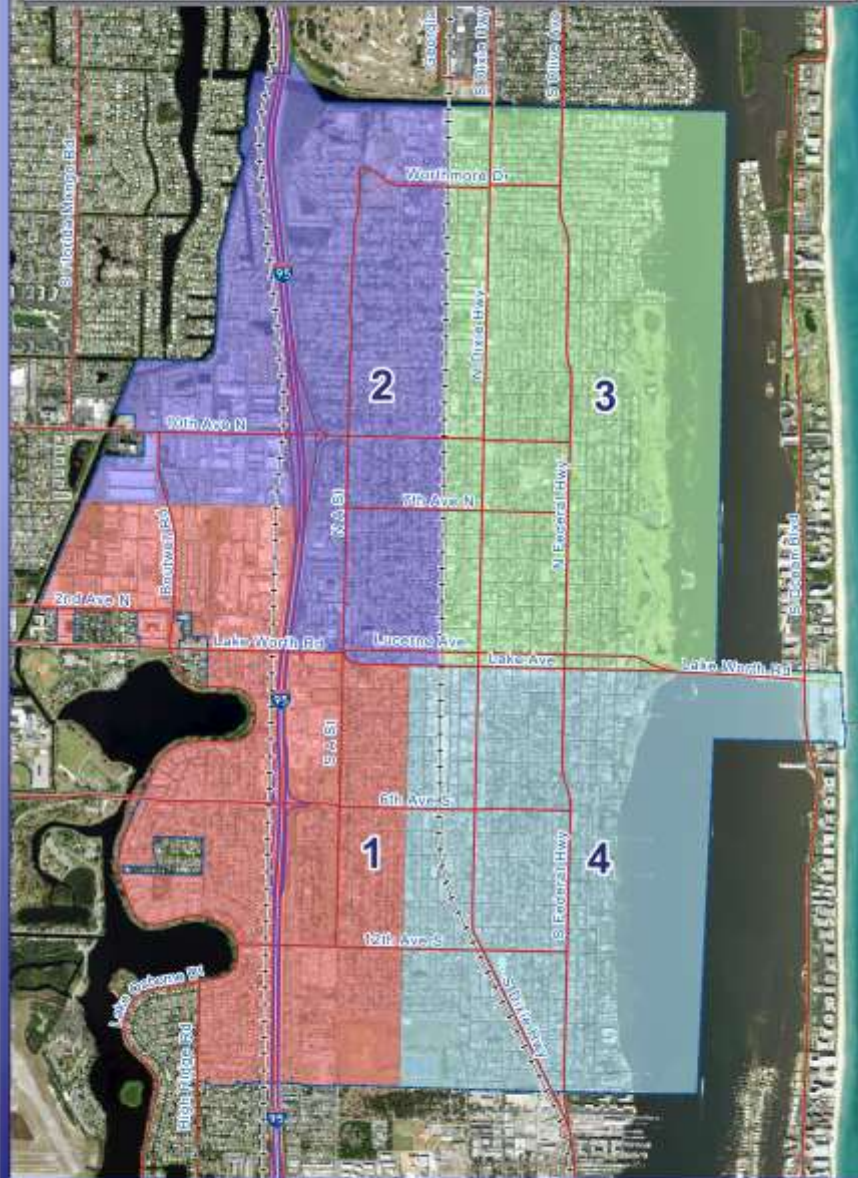


City of Lake Worth Beach
7 North State Highway
Lake Worth Beach, FL 33460
Phone: (561) 986-1800



City of Lake Worth Beach

Alternative Districts: Option 2



Revision Date: 10/2022
Contact: James Hammond, Clerk
Planning: Lake Worth Beach, 3094
Revised: U.S. Census Bureau
100 W. Lake Worth Beach
P.O. Box 1000

- District 1
- District 2
- District 3
- District 4

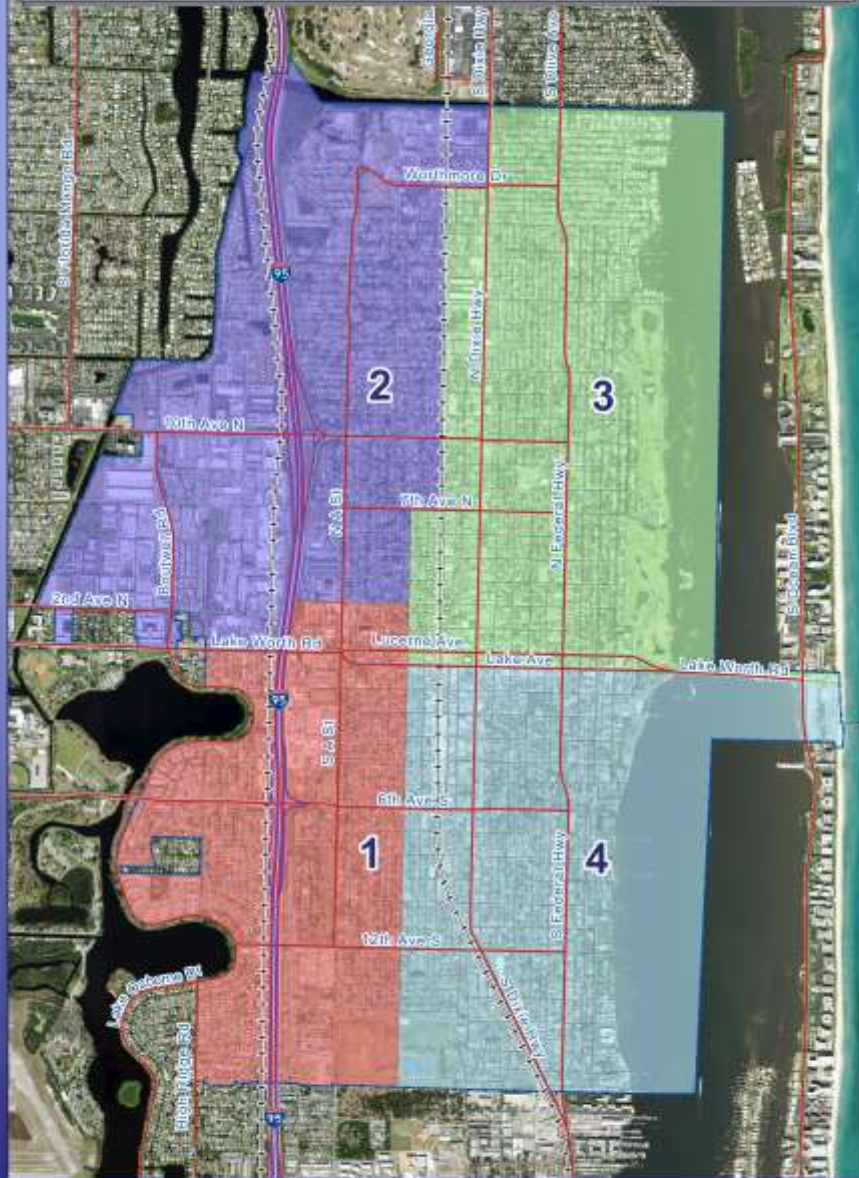


City of Lake Worth Beach
7 North State Highway
Lake Worth Beach, FL 33460
Phone: (561) 986-1800



City of Lake Worth Beach

Alternative Districts: Option 3



Revision Date: 10/2022
Contact: James Hammond, Clerk
Planning: Lake Worth Beach, 3094
Revisor: U.S. Census Bureau
100 W. Lake Worth Beach
P.O. Box 10000

- District 1
- District 2
- District 3
- District 4

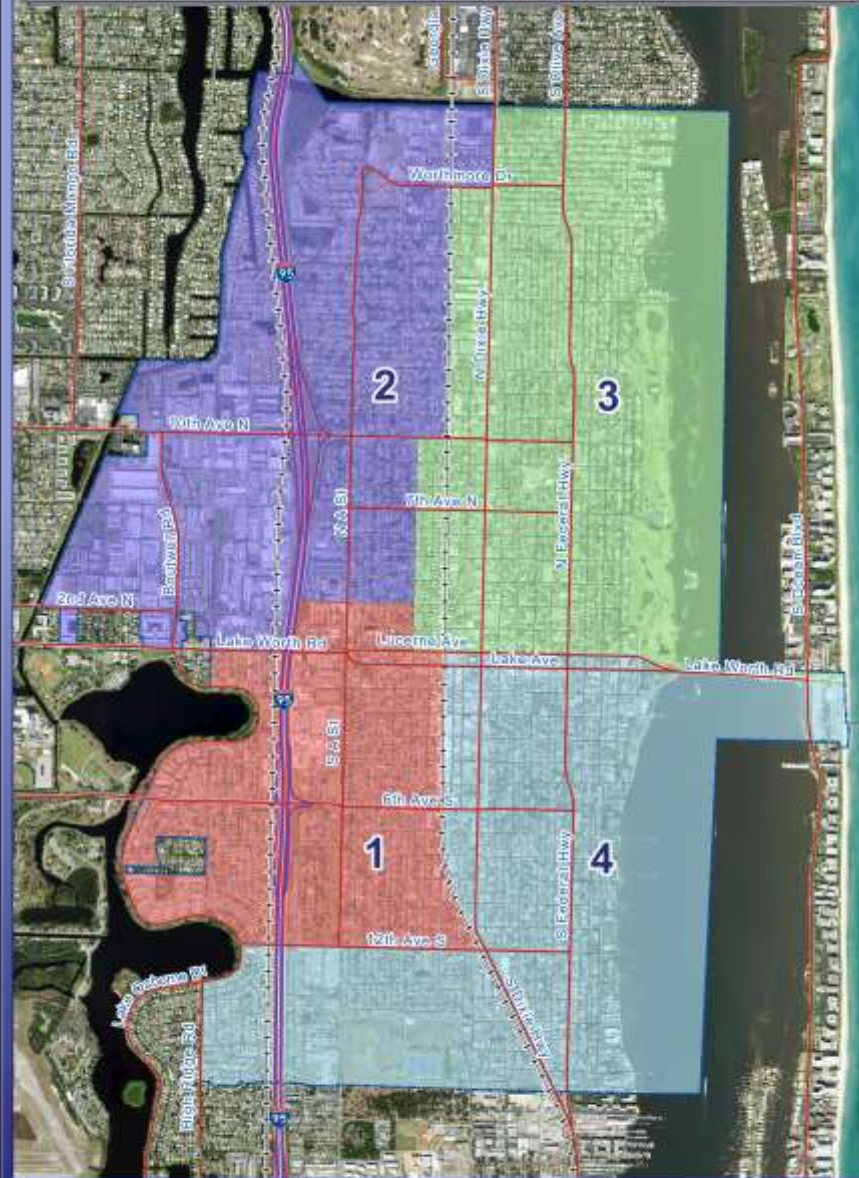


City of Lake Worth Beach
7 North State Highway
Lake Worth Beach, FL 33460
Phone: (561) 986-1800



City of Lake Worth Beach

Alternative Districts: Option 4



Revision Date: 10/2022
Contact: James Hammond, Clerk
Planning: Lake Worth Beach, 3094
Revisor: U.S. Census Bureau
100 W. Lake Worth Beach
P.O. Box 10000

- District 1
- District 2
- District 3
- District 4



City of Lake Worth Beach
7 North State Highway
Lake Worth Beach, FL 33460
Phone: (561) 986-1800





REQUEST FOR PROPOSALS

Housing Emergency Study and Rent Control Ordinance Analysis

RFP NO. 23-200



Financial Services
7 North Dixie Highway
Lake Worth Beach, FL 33460
561.586.1654

RFP #23-200

Housing Emergency Study and Rent Control Ordinance Analysis

The City of Lake Worth Beach, Florida, is requesting proposals from qualified consultants for the preparation of a housing emergency study and rent control ordinance analysis. A complete scope of work is attached as **Exhibit "A"** and incorporated into this Request for Proposals ("RFP").

Time is of the essence and any proposal received after **4:00 P.M., October 27, 2022**, whether by mail or otherwise may be rejected by the City. Proposals shall be placed in a sealed envelope, marked with the RFP number, title, and date and hour proposals are scheduled to be received. All persons or entities responding to the RFP (hereafter "Respondents") are responsible for insuring that their proposal is delivered to the City's Financial Services office address by the deadline indicated. The City reserves the right in its sole discretion to reject any or all proposals and/or to waive all nonmaterial irregularities on any and all proposals. All costs and expenses, including reasonable attorney's fees, incurred by any Respondent in preparing and/or responding to the RFP are the sole responsibility of the Respondent including without limitation any and all costs and fees related to a protest.

Interested persons or entities may obtain a copy of the RFP by contacting the Financial Services office at **purchasing1@lakeworthbeachfl.gov** or from **lakeworthbeachfl.bidsandtenders.net**. All Respondents shall have a Bidding System Vendor account and be registered as a Plan Taker for this RFP opportunity, which will enable the Respondents to download the Bid Call Document, to receive Addenda email notifications and download all documents without the watermark "preview" on them. To ensure receipt of the latest information and updates via email regarding this RFP, or if a Respondent has obtained this RFP Document from a third party, the onus is on the Respondent to create a Bidding System Vendor account and be register as a Plan Taker for the RFP opportunity.

All proposals must be mailed to:

**City of Lake Worth Beach
Financial Services/Procurement Division
7 North Dixie Highway, 2nd Floor
Lake Worth Beach, FL 33460**

ENVELOPE MUST BE IDENTIFIED AS RFP #23-200.

PUBLISHED: _____ *Palm Beach Post* and City's website

GENERAL INFORMATION

1. PROJECT OBJECTIVE

The City of Lake Worth Beach, Florida, is requesting proposals from qualified consultants to provide a housing emergency study and rent control ordinance analysis. A complete scope of work is attached as **Exhibit "A"** and incorporated into this Request for Proposals ("RFP").

2. SUBMITTAL OF PROPOSALS

Interested Respondents are invited to submit a complete proposal for consideration. The proposal must address the items requested, clearly and concisely.

Time is of the essence and any proposal received after **4:00 P.M., October 27, 2022**, whether by mail or otherwise may be rejected by the City. The City will in no way be responsible for delays caused by any occurrence. **Proposals shall not be submitted and will not be accepted by telephone, telegram, facsimile or e-mail.** The time of receipt shall be determined by the time clock located in Financial Services. Proposals shall be placed in a sealed envelope, marked with the RFP number, title, and date and hour proposals are scheduled to be received. Respondents are responsible for ensuring that their proposals are delivered to Financial Services address by the deadline indicated.

The City reserves the right in its sole discretion to reject any or all proposals and/or to waive all nonmaterial irregularities on any and all proposals. All costs and expenses, including reasonable attorney's fees, incurred by any Respondent in preparing and responding to this RFP are the sole responsibility of the Respondent firm including without limitation any and all costs and fees related to a protest. The documents included or incorporated in this RFP constitute the complete set of instructions, scope, specification requirements and forms (unless supplemented by City issued addendum). It is the responsibility of the Respondent to ensure that all pages are included. Therefore, all Respondents are advised to closely examine this RFP. All proposals must be typed or written in ink, and must be signed in ink by an officer having authority to bind the Respondent. Signatures are required where indicated; failure to do so may be cause for rejection of a proposal.

3. CHANGES AND INTERPRETATIONS

Changes to this RFP will be made by written addendum. A written addendum is the only official method whereby interpretation, clarification or additional information can be given.

*All questions regarding this RFP should be submitted in the bidding system at **lakeworthbeachfl.bidsandtenders.net** or in writing via e-mail to **purchasing1@lakeworthbeachfl.gov** and must be received by the date set forth below for questions from potential Respondents.* Most questions will be answered via addenda; however, if a question is not answered, the Respondent should assume all relevant information is contained within this RFP or previous issued addendum (if any). The City will attempt to not issue an addendum within three (3) business days of the due date of proposals; however, the City reserves the right to extend the due date of proposals and issue any addenda at any time prior to the revised due date for proposals.

4. PROPERTY OF THE CITY

All materials submitted in response to this RFP become the property of the City. The City has the right to use any or all ideas presented in any response to this RFP, whether amended or not, and selection or rejection of a proposal does not affect this right. No variances to this provision shall be accepted.

5. RFP TIMETABLE

The anticipated schedule for this RFP and contract approval is as follows:

- **Questions from Potential Respondents Due** **October 12, 2022 - 4:00 PM**
- **Proposal Due Date and Time** **October 27, 2022 - 3:00 PM**
- **Proposal Evaluation** **October 31, 2022**
- **Contract Negotiations/Approval** **November 1, 2022**

The City reserves the right to amend the anticipated schedule as it deems necessary.

6. VETERAN BUSINESS ENTERPRISE, SMALL BUSINESS AND LOCAL BUSINESS PREFERENCE

Section 2-117 of the City's Code of Ordinance shall govern the application of a Veteran Business Enterprise, Small Business and/or Local Business preference for this RFP. Documentation to support a Respondent as a Veteran Business Enterprise, Small Business and/or Local Business must be submitted with a bid in response to the RFP. Documentation submitted after the proposal deadline will be rejected.

The order and application of preferences is as follows: For all preferences set forth in this RFP, only one preference may be identified in a response to this solicitation. In an event of a tie, for the purpose of determining the best value in the award of an RFP where more than one Respondent identifies a preference, the Veteran Business Enterprise preference shall take precedence over the Local Business preference, and the Local Business preference shall take precedence over the Small Business preference.

7. CONE OF SILENCE

In accordance with the Palm Beach County Lobbyist Registration Ordinance and the City's procurement code, the City's procurement cone of silence will be in effect as of the deadline to submit a proposal in response to this RFP. A complete copy of the City's procurement code is available on-line at municode.com under the City's code of ordinances (sections 2-111 – 2-117). All Respondents are highly encouraged to review the same. In summary, the cone of silence prohibits communication between certain City officials, employees and agents and any entity or person seeking to be awarded a contract (including their lobbyists and potential subcontractors). The cone of silence terminates at the time of award, rejection of all proposals or some other action by the City to end the selection process.

8. ETHICS REQUIREMENT

This RFP is subject to the State of Florida Code of Ethics for Public Officers and Employees and the Palm Beach County Code of Ethics. Accordingly, there are prohibitions and limitations on the employment of City officials and employees and contractual relationships providing a benefit to the same. Respondents are highly encouraged to review both the Florida Code of Ethics and the Palm Beach County Code of Ethics in order to ensure compliance with the same.

Further, any Respondent coming before the City Commission for an award of a contract and who has made an election campaign contribution in an amount that is more than one hundred dollars (\$100.00) to any elected official of the City Commission, who is a current sitting member of the Commission, must disclose such election campaign contribution,

verbally and in writing, in their responsive proposal to this RFP. Therefore, all Respondents shall complete the City's Campaign Contribution Statement attached to this RFP as Exhibit "B". Failure to complete will result in rejection of the Respondent's proposal.

9. DISCLOSURE AND DISCLAIMER

The information contained herein is provided solely for the convenience of the Respondents. It is the responsibility of each Respondent to assure itself that information contained herein is accurate and complete. Neither the City nor its agents provide any assurances as to the accuracy of any information in this RFP. Any reliance on the contents of this RFP, or on any communications with City representatives or agents, shall be at each Respondent's own risk. Respondents should rely exclusively on their own investigations, interpretations and analyses in connection with this matter. This RFP is being provided by the City without any warranty or representation, express or implied, as to its content, accuracy or completeness and no Respondent or other party shall have recourse to the City if any information herein contained shall be inaccurate or incomplete. No warranty or representation is made by the City that any proposal conforming to these requirements will be selected for consideration, negotiation or approval.

In its sole discretion, the City may withdraw this RFP either before or after receiving proposals, may accept or reject proposals, and may accept proposals which deviate from the non-material provisions of this RFP. Through its own investigation and in its sole discretion, the City may determine the qualifications, experience and acceptability of any Respondent submitting a proposal in response to this RFP. Following submission of a proposal, each Respondent agrees to promptly deliver such further details, information and assurances, including, but not limited to, financial and disclosure data, relating to the proposal and/or the Respondent, including the Respondent's affiliates, officers, directors, shareholders, partners and employees, as requested by the City. Any action taken by the City in response to proposals submitted in response to this RFP or in making any award or failure or refusal to make any award, or in any withdrawal or cancellation of this RFP, either before or after issuance of the notice of intent to make an award, shall be without any expense, liability or obligation on the part of the City, or their advisors.

Any recipient of this RFP who responds hereto fully acknowledges all the provisions of this Discloser and Disclaimer and agrees to be bound by the terms hereof. Any proposal submitted pursuant to this RFP is at the sole risk and responsibility of the party submitting such proposal.

10. CONTRACT AGREEMENT / COMPENSATION

The terms and conditions of the resulting contract will be negotiated with successful Respondent. If the City and the successful Respondent cannot agree on the terms and conditions of the resulting contract, the City reserves the right to terminate negotiations with the successful Respondent and move to the next ranked Respondent to commence negotiations. Negotiations may continue in this process until the City is able to enter into a contract with a Respondent that best meets the needs of the City.

While the City anticipates awarding one contract, the City reserves the right to award to more than one Respondent if it is in the best interests of the City.

Awarded contracts which will cross fiscal-years are subject to the City's annual budget and appropriation process. If an awarded contract is not funded in whole or in part in a fiscal year, the City will have the right to terminate the contract without cause. The City need not include a lack of appropriations provision in the resulting contract to avail itself of such right.

11. INSURANCE REQUIREMENTS

Prior to execution of the resulting contract derived from this RFP, the selected Respondent shall obtain and maintain in force at all times during the term of the resulting contract insurance coverage as required herein. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida. The Certificates shall clearly indicate that the selected Respondent has obtained insurance of the type, amount, and classification as required for strict compliance with this provision and that no material change or cancellation of the insurance shall be effective without thirty (30) days prior written notice to the City. Compliance with the foregoing requirements shall not relieve the selected Respondent of its liability and obligations under the resulting contract.

- A. The selected Respondent shall maintain, during the term of the contract, standard Professional Liability Insurance in the minimum amount of \$1,000,000.00 per occurrence.
- B. The selected Respondent shall maintain, during the life of the contract, commercial general liability, including public and contractual liability insurance in the amount of \$1,000,000.00 per occurrence (\$2,000,000.00 aggregate) to protect the Respondent from claims for damages for bodily and personal injury, including wrongful death, as well as from claims of property damages which may arise from any operations and completed operations under the resulting contract, whether such operations be by the Respondent or by anyone directly or indirectly employed by or contracting with the Respondent.
- C. The selected Respondent shall carry Workers' Compensation Insurance and Employer's Liability Insurance for all employees as required by Florida Statutes.
- D. The selected Respondent shall maintain comprehensive automobile liability insurance in the minimum amount of \$1,000,000 combined single limit for bodily injury and property damages liability to protect from claims for damages for bodily and personal injury, including death, as well as from claims for property damage, which may arise from the ownership, use, or maintenance of owned and non-owned automobiles, including rented automobiles whether such operations be by the Respondent or by anyone directly or indirectly employed by the Respondent.

All insurance, other than Professional Liability and Workers' Compensation, to be maintained by the selected Respondent shall specifically include the CITY as an "Additional Insured" on a primary, non-contributing basis.

12. EVALUATION AND AWARD

The City may assemble an Evaluation Committee to evaluate the proposals or may have the proposals evaluated by a designated City official, employee or agent. If an Evaluation Committee is utilized, it will convene for a meeting to evaluate and rank the most advantageous proposals and make a recommendation for contract award to the City Commission with or without discussions. The Purchasing Division will advertise the Evaluation Committee meeting in the appropriate media as directed by law. The City Commission is not bound by the recommendation of the Evaluation Committee and the City Commission may deviate from the recommendation in determining the best overall responsive proposal which is most advantageous and in the best interest of the City consistent with the evaluation criteria in this RFP. The selected Respondent

will be notified in writing with an intent to award letter. Recommended awards will be made available for review by interested parties by Financial Services.

Each proposal will be evaluated individually and in the context of all other proposals. There is no obligation on the part of the City to award the proposal to the lowest priced Respondent, and the City reserves the right to award the contract to the Respondent submitting the best overall responsive proposal to a responsible Respondent which is most advantageous and in the best interest of the City consistent with the evaluation criteria. The City shall be the sole judge of the proposals that is in its best interests.

To be considered responsive, Respondent's response to this RFP shall substantially conform in all material respects to the requirements and criteria set forth in the RFP. This includes such aspects as following RFP instructions for proper submittal, completing all necessary forms included with the solicitation, providing information required by the solicitation, and complying with all terms, conditions, qualifications and specification requirements as enumerated in the solicitation. Except where specifically authorized in this solicitation, a proposal that deprives the City of the assurance that the contract will be entered into in accordance with its terms will be considered non-responsive.

To be considered responsible, Respondent shall have the capability in all respects to fully perform the requirements identified in this RFP documents. Respondent shall have the experience, capacity, facilities, equipment, credit, sufficient qualified personnel, and record of timely and acceptable past performance that will assure good faith performance for a city project or purchase. The term responsibility is not limited in its meaning to financial resources and ability. The City reserves the right to make the determination if Respondent is responsible by taking into consideration the Respondent's past performance on any contract involving similar work and/or services; the Respondent's skill and business judgment; the Respondent's experience and facilities for carrying out its responsibilities, timely completion and responding to complaints; and, any other relevant information which the City may obtain relating to the Respondent's, its proposed personnel's and subcontractor's ability to perform the solicited work and/or services.

At its sole option, for larger or more complex studies or projects, the City may select the top three to five Respondents and require presentations from each Respondent before making the final selection. This requirement is at the sole discretion of the City.

While the City allows Respondents to specify any desired variances to the RFP terms, conditions, and specifications, the number and extent of variances specified will be considered in determining the Respondent who is most advantageous to the City.

Evaluation Criteria and Scoring:

The evaluation of the proposals will be conducted in accordance with the following provisions. Scoring is based on a 100-point scale. The following guidelines will be used for the evaluations (with associated weighting). **To be considered "Qualified", a Respondent must receive a minimum aggregate average of 70 points.**

EVALUATION CRITERIA	Points Awarded
Responsiveness to RFP 1. Comprehensiveness of proposal 2. Completeness of proposal	0 – 10 points

Cost Effectiveness 1. Hourly rate of personnel for services 2. Not to exceed prices for services	0 - 25 points
Successful Experience and Qualification of Firm and Staff 1. Experience with similar sized cities/public entities 2. Staff qualifications and subject knowledge 3. Evidence of experience and skill 4. Evidence of availability to deliver in the timeline 5. Successful past projects with the City	0 - 30 points
Similar Projects and References 1. Prior experience with two (2) similar projects 2. References from at least (3) entities for similar projects or work	0 – 25 points
Veteran Business Enterprise, Small Business and Local Business Preference 1. Respondent has provided supporting documentation claiming veteran business enterprise, small business or local business preference.	0 - 5 points
Default, Termination, Litigation, Debarment, etc. 1. Instances of a default under a similar project or contract; 2. Instances of litigation related to a similar project or contract; 3. Instances of on any debarment by a local, state or federal governmental entity	0 – 5 points
TOTAL	100 Points

In the event of a tie in the scoring, the City will provide a preference to the Respondent with a drug-free workplace policy.

13. PROPOSAL FORMAT

Each Respondent shall submit **one (1) original, one (1) copy, and one (1) electronic copy of their proposal**, in a clear, concise format, on 8 1/2" x 11" paper, in English. Electronic copy shall be provided on USB drive.

Each proposal (and all copies) shall contain all the information required herein to be considered for award. Omission of required data may be cause for disqualification. Any other information thought to be relevant, but not applicable to the enumerated sections, should be provided as an appendix to the proposal. If publications are supplied by a Respondent to respond to a requirement, the response should include reference to the document number and page number. Proposals not providing this reference will be considered to have no reference materials included in the additional documents.

Proposals must be properly signed by the owner/principal having the authority to bind the Respondent in a resulting contract. **Signatures are required where indicated; failure to do so may be cause for rejection of proposal.**

Only one proposal may be submitted by each Respondent.

Proposals which do not contain or address key points or sufficiently document the requested information may be deemed non-responsive and rejected.

All proposals shall be submitted in the format identified below. Failure to submit the required documentation in the format identified may cause the proposal to be rejected.

Table of Contents

Outline in sequential order the sections of the proposal. The sections should match with the evaluation criteria.

Respondent Information Page

Exhibit “C” hereto.

Letter of Transmittal (not to exceed two pages)

This letter will summarize in a brief and concise manner the following:

- General summary of Respondent’s business operation; how long in business; general approach to tasks and projects; and, why the Respondent should be selected.
- Respondent’s understanding of the scope of services.
- The letter must name all persons or entities interested in the proposal as principals. Identify all of the persons authorized to make representations for the Respondent, including the titles, addresses, and telephone numbers of such persons.
- An authorized agent of the Respondent must sign the Letter of Transmittal and must indicate the agent’s title or authority.
- The individual or firm identified on the Letter of Transmittal will be considered the primary firm.
- If more than one firm is named on the Letter of Transmittal, a legal document showing the partnership, joint venture, corporation, etc. shall be submitted showing the legality of such. Submittal for Joint Venture to include executed Joint Venture agreement and if state law requires that the Joint Venture be registered, filed, funded, or licensed prior to submission of the proposal, then same shall be completed prior to submittal. Respondents shall make their own independent evaluation of the requirements of the state law. The City will not consider submittals that identify a joint partnership to be formed.

Proof of Licenses (unlimited)

Respondents shall provide proof of required licenses for the firm and scope of services to be performed. This shall include:

- Proof of all applicable licenses for goods and/or services to be rendered (including registration with State of Florida Division of Corporations if applicable);
- Statement or proof of required insurance; and,
- Proof of Respondent’s Business Tax Receipt (as applicable)
- Other Proof of Specific Qualifications as outlined in Scope of Services

Cost Effectiveness (unlimited)

Respondents shall provide the completed Pricing Form, **Exhibit “A1”**. The prices provided shall include all of the services described in the solicitation documents (except as otherwise noted). Respondent shall provide any additional relevant pricing information to meet all the requirements

as defined in the solicitation document. Additional services will not be taken into consideration for evaluation purposes but City reserves the right to negotiate and include those services as an amendment to the Agreement with the successful respondent.

Successful Experience and Qualification of Firm and Staff (limited to two pages plus resumes)

Respondents shall provide a two-page summary regarding their ability to deliver the requested services in the required timeframes and the technical approach to the study (including an outline of tasks). Information regarding dedicated staff and current workload should be provided.

Resumes of key personnel should also be included. Resumes should not exceed two-pages per person. Resumes should include a description of:

- Training, education and degrees.
- Related experience and for whom.
- Professional certifications, licenses and affiliations.

Similar Projects and References (unlimited)

Respondents shall provide a minimum of two (2) similar projects on the form provided and include whether the project was completed on time.

Respondents shall provide a minimum of three (3) references on the forms provided demonstrating their experience and/or skill with similar projects. Prior experience and skill with other Florida municipalities is desirable. Respondents are responsible for verifying correct phone numbers and contact information provided. Failure to provide accurate information may result in the reference not being obtained or considered.

Default, Termination, Litigation, Debarment, etc. (unlimited)

Respondents should provide a summary of any default, termination, litigation, debarment against or which named the Respondent in the past five (5) years which is related to the goods and/or services sought in this RFP or that Respondent otherwise provides in the regular course of business. The summary shall state the nature of the default, termination, litigation, debarment or a brief description of the outcome or projected outcome, and the monetary amount involved. **If none, state as such.**

Appendix

Other Relevant and Supporting Documentation (optional).

14. REPRESENTATIONS BY SUBMITTAL OF PROPOSALS

By submitting a proposal, the Respondent warrants, represents and declares that:

A. Person(s) designated as principal(s) of the Respondent is named and that no other person(s) other than the person(s) mentioned has (have) any interest in the proposal or in the resulting contract.

B. The proposal is made without connection, coordination or cooperation with any other persons, company, firm or party submitting another proposal, and that the proposal submitted is, in all respects, fair and in good faith without collusion or fraud.

C. The Respondent understands and agrees to all elements of the proposal unless otherwise indicated or negotiated, and that the proposal may become part of any contract entered into between the City and the Respondent.

D. By signing and submitting a proposal, Respondent certifies that Respondent and any parent corporations, affiliates, subsidiaries, members, shareholders, partners, officers, directors or executives thereof are not presently debarred, proposed for debarment or declared ineligible to bid or participate in any federal, state or local government agency projects.

E. Pursuant to 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted firm list maintained by the State of Florida may not submit a proposal to the City of Lake Worth Beach for 36 months following the date of being placed on the convicted firm list. Respondent certifies that submittal of its proposal does not violate this statute.

F. Respondent recognizes and agrees that the City will not be responsible or liable in any way for any losses that the Respondent may suffer from the disclosure or submittal of proposal information to third parties.

G. Respondent has carefully and to his/her full satisfaction examined the RFP, the attached Scope of Services and all required forms, and Respondent has received and read all addenda issued and has included their provisions in their proposal.

15. PROTESTS

Any actual Respondent who is aggrieved in connection with this RFP may protest such procurement. The protest must be filed with the City in accordance with the City's procurement code. A complete copy of the City's procurement code is available on-line at municode.com under the City's code of ordinances (sections 2-111 – 2-117). The protest procedures are set forth at section 2-115. There are strict deadlines for filing a protest. Failure to abide by the deadlines will result in a waiver of the protest.

16. EXHIBITS

This RFP consists of the following exhibits (which are incorporated herein by reference):

- A. Exhibit "A" Scope of Services
- Exhibit "A1" Pricing Form **(MUST BE SUBMITTED WITH PROPOSAL TO BE CONSIDERED RESPONSIVE)**
- B. Exhibit "B" City's Campaign Contribution Statement (submit with proposal)
- C. Exhibit "C" Respondent Information Form (submit with proposal)
- D. Exhibit "D" Similar Projects (submit with proposal)
- E. Exhibit "E" References (submit with proposal)
- F. Exhibit "F" Drug Free Workplace Form (submit with proposal)
- G. Exhibit "G" Scrutinized Companies Certification
- H. Exhibit "H" Veteran Business Enterprise, Small Business and/or Local Business Preference Form

17. COMPLIANCE

All proposals received in accordance with this RFP shall be subject to applicable Florida Statutes governing public records including without limitation Chapter 119, Florida Statutes. If any Respondent believes its proposal contains exempt or confidential information, the Respondent must identify the same at the time of submission of its proposal. Failure to do so may result in the waiver of such exemption or confidentiality.

18. PUBLIC ENTITY CRIMES.

Pursuant to section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list maintained by the State of Florida may not submit a bid to the City for 36 months following the date of being placed on the convicted vendor list.

19. SCRUTINIZED COMPANIES

- A. Contractor certifies that it and its subcontractors are not on the Scrutinized Companies that Boycott Israel List and are not engaged in the boycott of Israel. Pursuant to section 287.135, Florida Statutes, the City may immediately terminate the resulting Agreement at its sole option if the Contractor or any of its subcontractors are found to have submitted a false certification; or if the Contractor or any of its subcontractors, are placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of this Agreement.
- B. The Contractor agrees to observe the above requirements for applicable subcontracts entered into for the performance of work under the Agreement.
- C. The Contractor agrees that the certifications in this section shall be effective and relied upon by the City for the term of the Agreement, including any and all renewals.
- D. The Contractor agrees that if it or any of its subcontractors' status changes in regards to any certification herein, the Contractor shall immediately notify the City of the same.
- E. As provided in Subsection 287.135(8), Florida Statutes, if federal law ceases to authorize the above-stated contracting prohibitions then they shall become inoperative.

20. E-VERIFY

Pursuant to Section 448.095(2), Florida Statutes, the awarded Respondent shall:

- A. Register with and use the E-Verify system to verify the work authorization status of all newly hired employees and require all contractors (providing services or receiving funding under this Agreement) to register with and use the E-Verify system to verify the work authorization status of all the contractors' newly hired employees;
- B. Secure an affidavit from all contractors (providing services or receiving funding under the resulting Agreement) stating that the contractor does not employ, contract with, or subcontract with an "unauthorized alien" as defined in Section 448.095(1)(k), Florida Statutes;
- C. Maintain copies of all contractor affidavits for the duration of the Agreement and provide the same to the City upon request;
- D. Comply fully, and ensure all contractor s comply fully, with Section 448.095, Florida Statutes;
- E. Be aware that a violation of Section 448.09, Florida Statutes (Unauthorized aliens; employment prohibited) shall be grounds for termination of the Agreement; and,
- F. Be aware that if the City terminates the Agreement under Section 448.095(2)(c), Florida Statutes, the Respondent may not be awarded a contract for at least 1 year after the date on which the Agreement is terminated and will be liable for any additional costs incurred by the City as a result of the termination of the Agreement.

END OF RFP
RFP EXHIBITS FOLLOW

EXHIBIT "A"

RFP# 23-200 / Housing Emergency Study and Rent Control Ordinance Analysis

SCOPE OF WORK/SERVICES

The City Commission is requesting proposals for the preparation of a housing emergency study and a rent control ordinance analysis (collectively, the "Study") as set forth below.

Part I of the Study. Section 166.043, Florida Statutes (attached), authorizes the adoption of a rent control ordinance only when the local government "makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency." See §166.043(5), Fla. Stat. The statute exempts the following categories of residential accommodations from a rent control ordinance: (1) seasonal or tourist unit; (2) second housing unit; and (3) luxury apartment buildings." §166.043(4), Fla. Stat.

Therefore, the City Commission seeks to secure the necessary data specific to the City of Lake Worth Beach (e.g., vacancy rates, rising rents, shortage of housing, increase in cost of living, inflation, etc.) and the opinion of a qualified professional to firmly establish, at a minimum, the following: (1) whether there exists within the City of Lake Worth Beach a "housing emergency so grave as to constitute a serious menace to the general public" (including an explanation of how the statistics and other data gathered establishes a "grave housing emergency"); (2) what impacts/effects the housing emergency is having on the general public's health, safety and welfare (i.e., "serious menace to the general public") (e.g., distress, extortion, increase of rents without legal process, evictions, homelessness, overcrowding, etc.); and (3) whether and how a rent control ordinance is "necessary and proper to eliminate such grave housing emergency" and the details/requirements of such an ordinance.

Presently, the median household income for the City of Lake Worth Beach at roughly \$40,000 for a household of four (4) is less than half of that for Palm Beach County, which stands at nearly \$90,000. Rental rates have increased and vacancies decreased across the County with no appreciation for current housing issue. In addition, the cost to construct new residential units has risen consistently and rather dramatically over the past few years. With the household incomes in Lake Worth Beach at the very low end for the County, the rental rate increases due to lack of supply and the rents necessary to cover the cost of new construction, housing costs far exceed the ability of most residents to afford a home. Data regarding how this disparity has worsened over the past several years would need to be provided.

It is uncertain what factual findings and data would be considered adequate today to establish "a housing emergency so grave as to constitute a serious menace to the general public" because the statute has not yet been interpreted by the courts in Florida since its adoption. However, the United States Supreme Court has upheld the finding that a New York rent control ordinance was warranted to address a housing emergency "so grave that it constituted a serious menace to the health, morality, comfort, and even to the peace of a large part of the people of the state." This housing emergency was based upon findings of fact "That there was a very great shortage in dwelling house accommodations in the cities of the state to which the acts apply; that this

condition was causing widespread distress; that extortion in most oppressive forms was flagrant in rent profiteering; that, for the purpose of increasing rents, legal process was being abused and eviction was being resorted to as never before; and that unreasonable and extortionate increases of rent had frequently resulted in two or more families being obliged to occupy an apartment adequate only for one family, with a consequent overcrowding, which was resulting in insanitary conditions, disease, immorality, discomfort, and widespread social discontent.” See *Edgar A. Levy Leasing Co. V. Siegel*, 258 U.S. 242, 246 (1922).

Part I of the Study must be completed and presented to the City on or before **November 28, 2022**. The successful Respondent shall present the written Study to the Commission at its Commission meeting on **December 6, 2022**. This date is subject to change at the discretion of the City.

Part I of the Study may also include, as needed, advice and expert testimony of the successful Respondent in preparation for or as otherwise needed for the City’s defense of potential litigation based upon challenges to a rent control ordinance. Such testimony may include, but not be limited to, the factual basis to support the professional opinion that a rent control ordinance was warranted.

For additional information, the following document is attached: Orange County Attorney’s Memorandum regarding the legal history of rent control ordinances and the legal analysis of the same under the current statute. Further, the following additional documents are available from the City Clerk upon request: (1) Orange County Rent Control Ordinance; and (2) Complaint challenging the Orange County Ordinance (without attachments).

Part II of the Study. The Study will also include an assessment of existing housing conditions, demographic and market demands, and identify critical housing gaps and issues. It should identify any current and anticipated unmet housing needs and provide an outlook towards anticipated housing demands over the next 10 years. This should be a data driven study that identifies citywide and neighborhood focused housing priorities and provides policy alternatives and strategies to guide the City in decision making for addressing current and future housing needs.

Part II of the Study must be completed and presented to the City on or before **February 6, 2023**. The successful Respondent shall present the written Part II of the Study to the Commission at its Commission meeting on **February 21, 2023**. This date is subject to change in the discretion of the City.

Potential Additional Services. After Part I and Part II of the Study are completed, the City Commission may request additional consulting services from the Respondent to address a broader sociological study and analysis of the effects of housing issues on the community. A detailed scope of services will be provided to the Respondent if the Commission chooses to move forward with these additional services and the price for such services shall be based upon the hourly rates established in the Agreement.

EXHIBIT "A1"

RFP# 23-200 Housing Emergency Study and Rent Control Ordinance Analysis

PRICING FORM

Failure to fully complete and sign this Pricing Form may result in rejection of the Proposal.

HOURLY RATES

Position	Hourly Rates
	\$
	\$
	\$
	\$
	\$

HOURLY RATE SPECIFIC TO EXPERT WITNESS SERVICES

Position	Hourly Rates
	\$
	\$

NOT TO EXCEED AMOUNTS

Study Parts	Not to Exceed Amount
Part I of the Study (not including expert witness testimony)	\$
Part II of the Study	\$

ABILITY TO MEET ESTABLISHED DEADLINES

Study Parts	Deadlines	Ability to Meet Deadline (Yes or No)
Part I of the Study	November 28, 2022	
Part II of the Study	February 6, 2023	

Name of Respondent: _____

Address: _____ ST _____ Zip _____

Phone: (____) _____ Email: _____

Print Name: _____ Title: _____

SIGNATURE: _____ Date: _____

DRAFT

EXHIBIT "B"

RFP# 23-200 Housing Emergency Study and Rent Control Ordinance Analysis

CITY CAMPAIGN CONTRIBUTION STATEMENT

This RFP is subject to Section 2-101 of the City of Lake Worth Beach Code of Ordinances regarding campaign contributions which provides:

Sec. 2-101. - Additional and supplemental disclosures requirements.

- (a) Any elected official of the City of Lake Worth Beach, who is a current sitting member of the city commission and has accepted an election campaign contribution in an amount that is more than one hundred dollars (\$100.00) from an individual or business entity having an interest in a matter before the city commission in which the city commission will take action, must publically disclose, both verbally and in writing, such contribution prior to any discussion or vote on the matter. The written disclosure must be submitted to the city clerk.
- (b) Any applicant coming before the city commission for an award of a contract with the city and who has made an election campaign contribution in an amount that is more than one hundred dollars (\$100.00) to any elected official of the city commission, who is a current sitting member of the commission, **must disclose such election campaign contribution, verbally and in writing, during the application or bidding process and before the award of the contract.**

Respondent to complete: Check which statement applies, fill in the requested information, if applicable, and sign below.

[] Neither the undersigned business nor any of its owners or officers contributed more than \$100.00 to the campaign of a sitting City Commission member. [If you checked this statement, you are done and may sign below.]

[] The undersigned business or one or more of its owners or officers contributed more than \$100.00 to the campaign of a sitting City Commission member. All such contributions are listed below and on the attached sheet of paper (if more room is needed). [If you checked this statement, please fill in the information requested below and sign below.]

1. _____ contributed a total of \$_____ to the campaign of City Commission member _____.
2. _____ contributed a total of \$_____ to the campaign of City Commission member _____.
3. _____ contributed a total of \$_____ to the campaign of City Commission member _____.
4. _____ contributed a total of \$_____ to the campaign of City Commission member _____.

Signature:

I hereby certify that the above statements are true and correct to the best of my knowledge and I understand that a false or inaccurate statement may result in the rejection of this bid/proposal/submittal or the immediate termination of any resulting agreement with the City of Lake Worth Beach.

By: _____

Print Name: _____

Print Title: _____

Print Name of Business: _____

Commissioner/Mayor to complete: Check which statement applies, fill in the requested information, if applicable, and sign below.

[] Neither the above referenced business nor any of its owners or officers contributed more than \$100.00 to my campaign. [If you checked this statement, you are done and may sign below.]

[] The above referenced business or one or more of its owners or officers contributed more than \$100.00 to my campaign. All such contributions are listed below and on the attached sheet of paper (if more room is needed). [If you checked this statement, please fill in the information requested below and sign below.]

_____ contributed a total of \$ _____ to my campaign.
 _____ contributed a total of \$ _____ to my campaign.
 _____ contributed a total of \$ _____ to my campaign.
 _____ contributed a total of \$ _____ to my campaign.

Signature:

I hereby certify that the above statements are true and correct to the best of my knowledge and I understand that a false or inaccurate statement may result in the rejection of this bid/proposal/submittal or the immediate termination of any resulting agreement with the City of Lake Worth Beach.

By: _____

Print Name: _____

For City Clerk's Use Only.

THIS SECTION SHALL BE COMPLETED ONLY IF THERE IS A CAMPAIGN CONTRIBUTION LISTED ABOVE BY THE VENDOR OR COMMISSION MEMBER.

Applicable campaign contributions were disclosed in writing above, and prior to the award of the contract, the following statements were verbally made at the City Commission Meeting on the ____ day of _____, 202__.

Check all that apply.

_____ Commissioner/Mayor _____ verbally disclosed the campaign contribution(s) set forth above.
 _____ Vendor, _____, verbally disclosed the campaign contribution(s) set forth above.

EXHIBIT "C"

RFP# 23-200 Housing Emergency Study and Rent Control Ordinance Analysis

RESPONDENT INFORMATION PAGE

Company Name: _____

Authorized
Signature: _____
Signature

Print Name

Title: _____

Physical
Address: _____
Street

City

State

Zip Code

Telephone: _____ Fax: _____

Email Address: _____

Website (if applicable): _____

Federal Identification Number: _____

This is a requirement of every Respondent.

State of Incorporation: _____

EXHIBIT "D"

RFP# 23-200 Housing Emergency Study and Rent Control Ordinance Analysis

SIMILAR PROJECTS

List two (2) similar projects successfully completed in the past five (5) years by the individual, firm, or project manager assigned to the project.

Completed Project #1:

Agency/company: _____

Current contact person at agency/company: _____

Telephone: _____ Fax: _____ E-mail: _____

Address of agency/company: _____

Name of project: _____

Description: _____

Project value: _____ Start date: _____ Completion date: _____
(month/year) (month/year)

Name(s) of assigned personnel:

Project manager: _____

Others: _____

Completed Project #2:

Agency/company: _____

Current contact person at agency/company: _____

Telephone: _____ Fax: _____ E-mail: _____

Address of agency/company: _____

Name of project: _____

Description: _____

Project value: _____ Start date: _____ Completion date: _____
(month/year) (month/year)

Name(s) of assigned personnel:

Project manager: _____

Others: _____

EXHIBIT "E"

RFP# 23-200 Housing Emergency Study and Rent Control Ordinance Analysis

REFERENCES

List below, or on an attached sheet, list references per RFP requirements for providing towing services. Provide the name, addresses and telephone numbers of organizations, governmental or private, for whom you now are, or have **within the past five (5) years** provided services. This form may be copied.

REFERENCE #1

Name of Client: _____

Address: _____

Phone: (_____) _____ Fax: (_____) _____

Contact Person: _____ Title: _____

Description of services: _____

REFERENCE #2

Name of Client: _____

Address: _____

Phone: (_____) _____ Fax: (_____) _____

Contact Person: _____ Title: _____

Description of services: _____

REFERENCE #3

Name of Client: _____

Address: _____

Phone: (_____) _____ Fax: (_____) _____

Contact Person: _____ Title: _____

Description of services: _____

DRAFT

EXHIBIT "F"

RFP# 23-200 Housing Emergency Study and Rent Control Ordinance Analysis

CONFIRMATION OF DRUG-FREE WORKPLACE

In accordance with Section 287.087, Florida Statutes, whenever two or more proposals are equal with respect to price, quality, and service which are received by any political subdivision for the procurement of commodities or contractual services, a proposal received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

- (1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- (2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- (3) Give each employee engaged in providing the commodities or contractual services that are under proposal a copy of the statement specified in subsection (1).
- (4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than 5 days after such conviction.
- (5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.
- (6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign this statement on behalf of _____, I certify that _____ complies fully with the above requirements.

Authorized Representative's Signature

Date

Print Name

Position

EXHIBIT "G"

RFP# 23-200 Housing Emergency Study and Rent Control Ordinance Analysis

SCRUTINIZED COMPANIES CERTIFICATION FORM

By execution below, I, _____, on behalf of _____ (hereinafter, the "Contractor"), hereby swear or affirm to the following certifications:

The following certifications apply to all procurements:

1. The Contractor has reviewed section 215.4725, Florida Statutes, section 215.473, Florida Statutes and section 287.135, Florida Statutes, and understands the same.
2. The Contractor is not on the Scrutinized Companies that Boycott Israel List nor is the Contractor engaged in a boycott of Israel.
3. If awarded a contract, the Contractor agrees to require these certifications for applicable subcontracts entered into for the performance of work/services under this procurement.
4. If awarded a contract, the Contractor agrees that the certifications in this section shall be effective and relied upon by the City for the entire term of the contract, including any and all renewals.

If the contract awarded hereunder is for one million dollars or more, the following additional certifications apply:

1. The Contractor is not on the Scrutinized Companies with Activities in Sudan List.
2. The Contractor is not on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.
3. The Contractor is not engaged in business operations in Cuba or Syria.
4. If awarded a contract, the Contractor agrees to require these certifications for applicable subcontracts entered into for the performance of work/services under this procurement.
5. If awarded a contract, the Contractor agrees that the certifications in this section shall be effective and relied upon by the City for the entire term of the contract, including any and all renewals.

CONTRACTOR:

By: _____

Name: _____

Title: _____ Date: _____

STATE OF _____)

COUNTY OF _____)

THE FOREGOING instrument was acknowledged before me by means of • physical presence or • online notarization on this ____ day of _____ 2022, by _____, as the _____ [title] of _____ [vendor's name], a _____ [corporate description], who is personally known to me or who has produced _____ as identification, and who did take an oath that he or she is duly authorized to execute the foregoing instrument and bind the CONTRACTOR to the same.

Notary Seal:

Notary Public Signature

EXHIBIT "H"

RFP# 23-200 Housing Emergency Study and Rent Control Ordinance Analysis

**VETERAN BUSINESS ENTERPRISE, SMALL BUSINESS AND
LOCAL BUSINESS PREFERENCE FORM**

Section 2-117 of the City's Code of Ordinances shall govern the application of a Veteran Business Enterprise, Small Business and/or Local Business preference for this RFP.

The undersigned Respondent, hereby claims the following preference:

- Veteran Business Enterprise
- Small Business
- Local Business

Documentation to support a Respondent as a Veteran Business Enterprise, Small Business and/or Local Business must be submitted with a bid in response to the RFP and attached to this form. Documentation submitted after the bid deadline will be rejected.

Signature:

I hereby certify that the above statements are true and correct to the best of my knowledge and I understand that a false or inaccurate statement may result in the rejection of this bid/proposal/submittal or the immediate termination of any resulting agreement with the City of Lake Worth Beach.

By: _____

Print Name: _____

Print Title: _____

Print Name of Business: _____

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

2022-CA-007552-O

FLORIDA ASSOCIATION OF
REALTORS

Plaintiff(s),

vs.

ORANGE COUNTY FLORIDA

Defendant(s).

ORDER MOTION FOR TEMPORARY INJUNCTION

In a case of first impression, this Court is asked to determine the scope and applicability of Florida Statute (F.S.) 125.0103(2) to the attempt by the Orange County to impose restrictions on the ability of Landlords and Tenants to contract for terms for continuation of leases for certain multi-family residential units. All parties agree that the power to regulate residential leases stems from the F.S. 166.021, relating to municipal home rule. They further agree that such power is limited by the application of F.S. 125.0103(2) and the United State Constitution.

HISTORICAL PRESPECTIVE ON RENT CONTROL

All parties cite to Levy Leasing v. Siegel 258 U.S. 242(1922) for its expression of the constitutional limits of the State's police powers in regulating private contracts between individuals related to residential leasing. The opinion in Levy relies heavily on its prior opinions involving the regulation of early Twentieth Century "Tenement Acts" and Tenant Rights laws. The opinion fails to set forth a specific guideline for what constitutes a constitutional exercise of such power. The Court does seem to adopt New York Legislature rationale.

The warrant for this legislative resort to the police power was the conviction on the part of the state legislators that there existed in the larger cities of the state a social emergency, caused by an insufficient supply of dwelling houses and apartments, so grave that it constituted a serious menace to the health, morality, comfort, and even to the peace of a large part of the people of the state. That such an emergency, if it really existed, would sustain a resort, otherwise valid, to the police power for the purpose of dealing with it cannot be doubted, for, unless relieved, the public welfare would suffer in respects which constitute the primary and undisputed, as well as the most usual basis and justification, for exercise of that power. At 245.

Of greater significance to the issue before this Court are the factual findings of the legislative body which the Court found sufficient to justify the exercise of that power.

The membership of these committees comprised many men and women representative of the best intelligence, character, and public service in the state and nation, their investigations were elaborate and thorough, and in their reports, placed before the Legislature, all agree: That there was a very great shortage in dwelling house accommodations in the cities of the state to which the acts apply; that this condition was causing widespread distress; that extortion in most oppressive forms was flagrant in rent profiteering; that, for the purpose of increasing rents, legal process was being abused and eviction was being resorted to as never before; and that unreasonable and extortionate increases of rent had frequently resulted in two or more families being obliged to occupy an apartment adequate only for one family, with a consequent overcrowding, which was resulting in insanitary conditions, disease, immorality, discomfort, and widespread social discontent. At 246.

Fifty years later the Courts in Florida would be faced with the issue of the power to pass rent control, but this time at the local level. In City of Miami v. Fleetwood 261 S0. 2d 801 (Fla. 1972) the City of Miami attempted to enforce a rent control ordinance under the authority of the general provisions of Section 2, Article VIII, Constitution of Florida. The Court rejected that attempt finding that “[a]bsent a legislative enactment authorizing the exercise of such a power by a municipality, a municipality has no power to enact a rent control ordinance.” At 804. The enactment of F.S. 166.021, relating to municipal home rule changed that calculus. In City of Miami Beach v. Forte 305 So. 2d 764 (Fla. 1974) found that the passage of F.S. 166.021 did provide authority, through its Home Rule provisions, to municipalities to implement rent control. The particular rent control provision in that case was rejected on other grounds. The opinion in

Miami Beach v. Forte was a three paragraph per curiam opinion which failed to set forth the circumstances that gave rise to the ordinance. In the lengthy concurring opinions little is said about the factual findings by the City Council that prompted, and purportedly justified, the passage of the ordinance.¹ The decision in Miami Beach v. Forte does little to educate this Court on what the proper limits of the exercise of that police power may be.

Perhaps in response to this absence of clear guidance on the issue, the Florida Legislature in 1977 enacted F.S. 125.0103 which places restrictions on the ability of local governments to enact price controls generally. Paragraphs two through five specifically address limitations related to rent control.

(2) No law, ordinance, rule, or other measure which would have the effect of imposing controls on rents shall be adopted or maintained in effect except as provided herein and unless it is found and determined, as hereinafter provided, that such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public.

(3) Any law, ordinance, rule, or other measure which has the effect of imposing controls on rents shall terminate and expire within 1 year and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this section.

(4) Notwithstanding any other provisions of this section, no controls shall be imposed on rents for any accommodation used or offered for residential purposes as a seasonal or tourist unit, as a second housing unit, or on rents for dwelling units located in luxury apartment buildings. For the purposes of this section, a luxury apartment building is one wherein on January 1, 1977, the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds \$250.

(5) No municipality, county, or other entity of local government shall adopt or maintain in effect any law, ordinance, rule, or other measure which would have the effect of imposing controls on rents unless:

(a) Such measure is duly adopted by the governing body of such entity of local government, after notice and public hearing, in accordance with all applicable provisions of the Florida and United States Constitutions, the charter or

charters governing such entity of local government, this section, and any other applicable laws.

(b) Such governing body makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency.

(c) Such measure is approved by the voters in such municipality, county, or other entity of local government.

Much of the debate between the parties in this matter concerns the proper interpretation and application of the phrase “housing emergency so grave as to constitute a serious menace to the general public”. Since the legislature choose to mirror the language used by the New York legislature in justifying its legislation 100 years ago, this Court finds that the facts underlying that decision are a guide to the proper application of this section.

GROUND FOR INJUNCTIVE RELIEF

The parties are in agreement as to the legal standard the Court must apply upon an application for temporary injunctive relief. In order to prevail the Movant must demonstrate 1) a substantial likelihood of success on the merits; 2) lack of an adequate remedy at law; 3) irreparable harm absent entry of an injunction; and 4) that injunctive relief will serve the public interest. Each of these factors must be establish independently and all must be demonstrated by the Movantⁱⁱ.

A. A SUBSTANTIAL LIKELIHOOD OF SUCCESS ON THE MERITS

1) THE ORDINANCE VIOLATES F.S. 125.01(2) & (5).

The legislative findings set forth to justify this exercise of police powers are contained in the Whereas clauses preceding the ordinance. The factual findings relate to the a) the decline in

the national production of housing and a projected short fall in housing units; b) the documented increase in the County population since 2010; c) the relative number of residential rental units compared to the total number of residential units; d) the low vacancy rate; e) the high rate of increase in home value and rental rates as compared inflation; f) that up to 80% of Orange County residents are “cost burdened” meaning that more than thirty percent of their income is spent on housing; g) The high number of residents being awarded rental assistance payments. h) housing issues which existed before the pandemic were exacerbated by it; i) eviction rates have increased.

What these finding lack, as admitted by their own expert at hearing, is any current menace to the general public on a par with that which was discussed in Levy Leasing v. Siegel. There is no finding “that extortion in most oppressive forms was flagrant in rent profiteering”. While counsel did argue that there was a fear of profiteering there were no findings that it was occurring. There were no findings that “for the purpose of increasing rents, legal process was being abused and eviction was being resorted to as never before”. While the findings note that evictions are up over 2021 it fails to account of various eviction moratoria that have been in place during the pandemic era. Further, there is no finding that evictions have risen to historic levels or that the process is being abused.

Most importantly there were no findings that rent increase have led to “two or more families being obliged to occupy an apartment adequate only for one family, with a consequent overcrowding, which was resulting in insanitary conditions, disease, immorality, discomfort, and widespread social discontent.” While the conditions described in Levy are not an exclusive list they describe a circumstance of actual menace which would justify such an exercise of police powers.ⁱⁱⁱ It is laudable, indeed, that those who put forth this proposal do so to avoid the very

kind of social upheaval that comes from the circumstance found in the tenements of New York a hundred years ago. The difficulty for the Defendant is that F.S. 125.01 (2) and likely the Constitution of the United States requires us to wait until the menace has arrived before resorting to the extreme measure of rent control.

The Court finds that there is a high likelihood that Plaintiff will succeed on the merits as to Count One for Declaratory Judgement. As to Count Two for the reasons stated below there is little likelihood that Plaintiff will succeed on the merits as to Permanent Injunctive Relief.

2) THE BALLOT STATEMENT IS INVALID

F.S. 101.161(1) requires that a ballot title and summary of the “ chief purpose of the measure”. In Florida Dept. of State v. NAACP 43 So.3d 662 (Fla. 2010) the Court directs the attention of any court reviewing a measure for compliance with the statute to two issues “(1) whether the ballot title and summary, in clear and unambiguous language, fairly inform the voter of the chief purpose of the amendment; and (2) whether the language of the title and summary, as written, misleads the public... Reduced to colloquial terms, a ballot title and summary cannot ‘fly under false colors’ or ‘hide the ball’ with regard to the true effect of an amendment” At 667.

While the Plaintiffs complain that the ballot summary fails to contain a reference to many of the details of how the rent control ordinance would work the Court believes that the title and summary adequately informs the public of the true purpose of the measure and does not hide the ball as to any of those matters.

The difficulty for the Court is the failure to inform the public that the ordinance would criminalize previously lawful conduct. A violation of the ordinance can be prosecuted as a misdemeanor and result in a jail sentence of up to 60 days.^{iv} This provision converts this issue

from a regulatory scheme into a punitive measure. This summary fails to inform the public that one of the true effects of this ordinance may be the incarceration of landlords who violate it.

The Court finds that there is a high likelihood that Plaintiff will succeed on the merits as to Count Three for Declaratory Judgement. As to Count Four for the reasons stated below there is little likelihood that Plaintiff will succeed on the merits as to Permanent Injunctive Relief

B. LACK OF AN ADEQUATE REMEDY AT LAW

The Florida Supreme Court, in Egan v. City of Miami 130 Fla. 465 (Fla. 1938), addressed the issuance of injunctive relief from the burdens imposed by a regulatory ordinance.

“ It is settled law that injunction should never be granted where the remedy at law is adequate. This court has approved the doctrine that even a void municipal ordinance should not be restrained if its enforcement amounts to a mere trespass for which adequate remedy at law is available. If irreparable injury is relied on, that is to say, injury of such a nature that it cannot be redressed in a court of law, the facts constituting such injury must be set up so clearly that the court may determine the extent of the possible injury and grant relief by injunction if justified. At 468.

To the extent that the Ordinance is viewed from the perspective of potential criminal prosecution an adequate remedy at law exists and any injunction would be contrary to settled law. Stocks v. Lee 198 So. 211 (Fla. 1940). Similarly, should the matter be addressed through civil enforcement, the aggrieved party would have a plenary right to appeal. Such a right to appeal provides an adequate remedy at law. Brevard County v. Obloy 301 So.3d 1114 (5th DCA 2020).

C. IRREPARABLE HARM ABSENT ENTRY OF AN INJUNCTION

Should the Ordinance be rejected by the voters can the Plaintiff's suffer any legally cognizable harm ? The clear answer to that is no. All of the harm argued by the Plaintiffs relate to the reaction of its members, and possibly others, to the possibility of the enactment of the ordinance, not to burdens imposed upon them by the ordinance itself. These are not the type of harms that may justify the Courts interference in the normal political and adjudicative process. Should the Ordinance be approved by the voters the Court's reasoning on this issue may change.

D. INJUNCTIVE RELIEF WILL SERVE THE PUBLIC INTEREST

According to the testimony offered at hearing, the process for preparing ballots for the referendum on this issue have reached a stage where any order by the Court seeking to prevent the issue from appearing at all would be prohibitively expensive^v. The expenditure of such funds would not be in the public interest.


The elected representative of the citizens of Orange County Florida have determined that it is in the best interest of those citizens to place a matter before them that is, in this Court's opinion, contrary to established law. That fact, it would appear, has been fully explained to them. Never the less they have chosen to proceed. This is not the first such example of this seemingly odd choice by a legislative body.^{vi} The Court should not substitute its judgement of public interest for the peoples elected representatives.

As Amici pointed out, there is a public good in the democratic process and in allowing the public to exercise their right to express their opinion on this issue, even if that is all it will

ever be, an opinion^{vii}. The public interest is rarely served by removing contentious issue from public debate.

Motion for Temporary Injunction is Denied.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, on 15th day of September, 2022.



eSigned by Jeffrey Ashton 09/15/2022 10:40:36 -DvLpu-1

Jeffrey L. Ashton
Circuit Judge

The foregoing was filed with the Clerk of the Court this 15th day of September, 2022 by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.

ⁱ Only Justice Overton’s opinion references the matter at all “The finding of the trial judge that the city council properly determined that an emergency does exist, because of ‘the extraordinary, unusual and unique factual situation existing in the south beach area’ of Miami Beach, is proper.”

ⁱⁱ The Court recognizes and has applied the burden shifting requirements contained in F.S. 125 as to the justification for the ordinance.

ⁱⁱⁱ The Court can imagine a variety of other circumstances in the modern era that could menace the general public, some of which were discussed with witnesses during the hearing and none of which are yet present.

^{iv} Section 25-390(b)(1)

^v Counsel for the Supervisor estimated the cost at between 2.5 and 7 million dollars.

^{vi} <https://health.wusf.usf.edu/health-news-florida/2017-06-13/docs-vs-glocks-battle-ends-in-doctors-favor>

^{vii} Brief of Amici Curiae Central Florida Rising and Central Florida Jobs with Justice. Sec. III