



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, FEBRUARY 2, 2021 - 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Carla Blockson

PLEDGE OF ALLEGIANCE: led by Commissioner Herman Robinson

AGENDA - Additions / Deletions / Reordering:

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

A. [Presentation by Nicole Patterson, Principal of North Grade Elementary](#)

COMMISSION LIAISON REPORTS AND COMMENTS:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF MINUTES:

A. [Regular Meeting - January 5, 2021](#)

B. [Regular Meeting - January 19, 2021](#)

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

A. [Work Order #6 with the Paving Lady](#)

UNFINISHED BUSINESS:

A. [Clarification of Direction on 17 South M Street- Leisure Services Offices Relocation study](#)

NEW BUSINESS:

A. [Ordinance No. 2020-20 – First Reading – amending Chapter 23 “Land Development Regulations” regarding changes to temporary uses, home occupations and several minor modifications related to development standards for parking and accessory dwelling units, and maintenance easements on zero lot line properties](#)

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

A. Leadership Academy

B. Capital Projects

ADJOURNMENT:

[Attachment - Draft Agenda - February 16, 2021](#)

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)

City of Lake Worth Beach Commission Meeting

NORTH GRADE SCHOOL OVERVIEW

FEBRUARY 2ND , 2021



"OUR STAFF AND STUDENTS ARE TIGER-RIFIC!"

NICOLE PATTERSON, PRINCIPAL

SARAH LARRALDE, ASSISTANT PRINCIPAL

History of North Grade

- North Grade Elementary is a Title I school that opened in 1926. In 1999, the original building was demolished and replaced by a modern facility. There are 43 classrooms in the main building, 17 concreteables, a remodeled media center, 4 computer labs, a Science lab, Art and Music rooms, a parent center, a resource room, 12 Google certified staff, all classrooms have a smartboard, and every student has Chromebook.
- Dual Language K -8
- Gifted
- General education classrooms (ESE/ELL inclusion)
- ESE IND Intellectually Disabled

Student Demographics

Year	Total Students	Hispanic	Black	White	Other	F/R	ELL	ESE
2020-2021	719	485 (67%)	97 (13%)	103 (14%)	34 (6%)	581 (77%)	376 (53%)	143 (20%)
2019-2020	757	470 (62%)	114 (15%)	136 (18%)	48 (6%)	581 (77%)	371 (49%)	91 (12%)
2018-2019	731	423 (58%)	101 (14%)	156 (21%)	51 (7%)	570 (78%)	348 (48%)	79 (11%)
2017-2018	680	390 (57%)	102 (15%)	157 (23%)	31 (5%)	551 (81%)	285 (42%)	82 (12%)
2016-2017	743	425 (57%)	108 (15%)	167 (23%)	43 (5.6%)	587 (79%)	300 (40%)	83 (11%)

School Grade Calculation

School Year	% Meeting High Standards in Reading	% Meeting High Standards in Math	% Meeting High Standards in Science	% Meeting High Standards in Civics EOC	% Making Learning Gains in Reading	% Making Learning Gains in Math	Lowest 25% Learning Gains in Reading	Lowest 25% Learning Gains in Math	Pts Earn	GR
2020	--	--	--	--	--	--	--	--	--	
2020 Diag.	52 -5	65 +3	55	86	62	66	58	52	496 /800=62	B+
2019	57	62 -6	55 +4		68 +12	63 +11	58 +20	56 +20	419/700 +=60 +61	B
2018	57 +4	68	51		56 -10	52 -16	38 -26	36 -16	358/700 = 51 -60	C *17 pts.
2017	53 +6	68 +12	51 -8		66 +17	68 +26	64 +28	52 +15	418/700 = 60 +96	B
2016	47 -1	56 -2	59		49	42	36	37	326/700 =47	C

School Grade Percentages:

A = 62% or higher

B= 54% to 61%

C=41% to 53%

Keys to our Success

- Staying positive during COVID
 - SWPBS- School Climate and Behavior - Show Respect, Act Responsibly, & Be Kind
 - Participation in motivating Academic programs: Reading Plus, Tutorial, Low 25% groups, I-Ready, Istation, Success Maker
 - Strategic use of support staff to target areas in need of improvement: small group instruction (Push in and virtual support during all Reading Blocks K-5 and all math blocks 3 -5)
 - Virtual Parent training opportunities: Parent University, Curriculum nights
 - Reading Plus tutorial program for 3rd-5th grade, and before school, After School tutorial
 - Extracurricular opportunities/Clubs: Virtual Band (beginning & advanced), Virtual News Team, Virtual Recorder Program, Virtual Chorus, Special Olympics, PBSO- No Place for Hate & Shop with a Cop
- **Clubs offer outside of COVID: Art Club, Chess Club, Green Club- Garden, SECME, Basketball, Soccer, Spanish Club

Partnership and Grants

- Friday/Holidays -Palm Beach County food bank
- Back to Basics - provides uniforms and Christmas gifts
- Jan Peter Weiss - Attorney at Law- donated holiday gifts, gifted cards for families, and cash donations to buy supplies/ incentives
- Believers Church - donates name brand sneakers to our MS and needy classes
- Journey Church - gift cards for families
- Jacob Shoes - new shoes
- District 14 - back packs, supplies, Christmas gifts
- Summer Slide Reading Program - Pew Grant

We hope to continue the below partnerships when safe to do so:

- Rotary Club - Dictionaries for all 3rd graders
- Monthly Character Counts - Jack The Bike Man
- Light house - Vision Van
- Caridad dental/medical pre-screening
- Green School of Excellence
- Free Haircuts during Meet the Teacher/Open House
- El Bodegon - donates for our Thanksgiving Dinner

Challenges / Barriers

- **COVID 19**
- **VIRTUAL learning/ hybrid teaching**
- Dual Language/Gifted/Regular ~ 3 schools in one
- Learning Gains for our Low 25%
- Demographics- Education gaps/poverty/home support -Lack of oral language development due to cultural norm
- High number of students new to the country
- Attendance
- ELA/Math/Writing/Science proficiency
- Parent Participation
- SEL - Understanding and supporting students in trauma
- Teacher Retention and Support/ Teacher capacity in the ability to teach the intent and rigor of the standard
- Lack of Early Development Learning - PreK
- Transient population - Attendance and loss of instruction due to student migration

Opportunities for Growth - Pathway to an "A"

- Google classroom/resources/ google certified teachers
- Students need to be in school
- Computer in every child's hand
- Continue to develop capacity in meeting the needs of ELL and SWD students (targeted students)
- Ensure the right interventions are in place to increase student gains
- Continue oral language development with all students
- Increase explicit planning for whole and small group instruction
- Continue to develop teacher capacity
- Continue parent and community involvement
- Implement a summer program for non-English speaking students new to the program.

Thank you!



**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR MEETING OF THE CITY
TUESDAY, JANUARY 5, 2021 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Carla Blockson and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

INVOCATION OR MOMENT OF SILENCE: on behalf of Commissioner Herman Robinson.

PLEDGE OF ALLEGIANCE: led by Commissioner Scott Maxwell.

AGENDA - Additions/Deletions/Reordering:

Presentation B, Barton Elementary School, was moved to the March 16, 2021 meeting. Consent D was moved to New Business B.

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve the agenda as amended.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

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

- A. Presentation by Erica Whitfield regarding educational issues
Erica Whitfield, School Board Representative, welcomed Commissioner Blockson to the dais. She reported that 76% of high school students, 63% of middle school students and 40% of elementary students were participating virtually. She said that more than 100% of students had access to computers, more than needed, and that the City had been very helpful with hotspots and internet access. She said that handing out computers was a plus, but many students were not logging on. She stated that there was no statewide testing last year, but the schools had done their own testing; the English Language scores had improved slightly while the Math scores declined. She said that there was a big difference between the students learning remotely and those attending classes in person and those who were struggling were encouraged to go back to in person learning. She reported that the schools were feeding many children, but it was a struggle to get the food to them when they were not in school. She stated that three of the four elementary schools sent food home in backpacks for the weekends. She requested that the commissioners sit on school advisory boards for the City schools and that community support would be needed because the effect of COVID was devastating to education and there should be monthly meetings to speak about the issues.

Vice Mayor Amoroso asked Ms. Whitfield about community partners for the backpack program.

Ms. Whitfield replied that there were five or six organizations that packed the backpacks; funding for the food was needed.

Vice Mayor Amoroso stated that the City had food and stored food for later distribution. He requested a wish list from Ms. Whitfield to see if assistance could be provided and said that the schools should have food pantries that he could fill with non-perishable items.

Commissioner Maxwell asked about the backpacks that were being used and how many children were missing.

Ms. Whitfield replied that the backpacks belonged to the students but items to go inside were needed. She said that the teachers knocked on doors to try to find the missing students and she would provide the numbers to the commission.

Commissioner Blockson expressed concern that parents were not sending struggling kids back to the brick and mortar schools and asked if there was data on how low the transmission rates were, indicating that it would be safe for them to attend.

Ms. Whitfield responded that the buildings were taking safety precautions very seriously and no visitors were allowed. She said that school staff were reaching out to the parents, but some did not want to send their children back.

Commissioner Robinson thanked Ms. Whitfield for letting the commission know about the educational difficulties. He asked what her thoughts would be regarding an educational board.

Ms. Whitfield answered that a board with an hourly meeting every month could be very beneficial for the community and should be made up of community members for continued discussion between the community and the educators.

Commissioner Robinson suggested putting the word out to obtain ten volunteers and asked for consensus from the commission.

Mayor Triolo expressed her support for an advisory board and opined on having professionals as well as community members on a board.

City Manager Bornstein said that having an official ordinance for a board would bring complications.

Ms. Whitfield said that different administrators would attend and it was important that a board meet to help the students.

Vice Mayor Amoroso said that the commission could recommend members separate from the commissioners; Sunshine Laws and other restrictions would apply if an official board were created.

Commissioner Robinson challenged the Neighborhood Association (NAPC) to reach out to the community to find members.

Ms. Whitfield stated that she would attend the NAPC meeting.

B. (moved to March 16, 2020) Barton Elementary School Presentation

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Maxwell: wished everyone a Happy New Year and expressed hope that 2021 would be a better year. He asked City Manager Bornstein if anything was being done at the county level to address the new COVID strain and disseminate the correct information to the public. He said that there had been a power outage due to the illegal removal of a tree after Christmas and stated that there should be a discussion regarding permits for landscaping.

Commissioner Blockson: thanked her fellow commissioners for her appointment. She said that she had been volunteering in the City for a long time and her position as commissioner would allow her to work harder on a broader basis. She announced some of the events that would be held during the MLK Celebration, which was very important to her. She spoke about the wall on the south end of the City, once a symbol of segregation, that was changing to a symbol of hope with artists beginning to paint on MLK Day. She said that the City had been extremely supportive of the project and there were volunteers who did not live in the district working on the project.

Vice Mayor Amoroso: wished everyone a Happy New Year and welcomed Commissioner Blockson to the dais. He announced that the food distribution would continue on Tuesdays as long as there was a need and funding and that he was doing home deliveries of food. He stated that he was working with the elders in the community to find the vaccine; calls could be made to the county to obtain an appointment.

Commissioner Robinson: congratulated Dr. Tiffany Cox for the band concert and for obtaining her doctorate and extended condolences to the McKinnon family on Mary Jane's passing. He thanked PBSO for their traffic calming, acknowledged Mary Lindsay for her work with Little Free Libraries and thanked the Public Works Department for addressing bulk pickup on Federal Highway. He welcomed Carla Blockson to the commission and thanked all the board members who volunteered time to the City. He said that he looked forward to the work sessions on various issues facing the City and requested that the CRA do a quarterly report on its activities.

Mayor Triolo: wished everyone a Happy New Year. She welcomed Commission Blockson saying that it was wonderful to have another woman on the dais. She said that there some great holiday events including the house decorating and the showing of "Polar Express" at Bryant Park. She said that the work sessions mentioned by Commission Robinson were being queued up and suggested that there should be a review of the penny sales tax as an agenda item, concerning better investment in the south end of the City; facilities and programs in some neighborhoods should be enhanced to help the children and there were various groups with plans over the years that should be brought to the commission.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

Deborah Andrea, City Clerk, read the comments submitted by the following:

Adela Shiner wrote that the appointment of the new commissioner seemed to be decided before the meeting.

Matthew Portilla wrote to request drastic traffic calming on 12th Avenue South.

Margot Emery wrote to announce that St. Andrew's Episcopal Church would join with the Lake Worth Interfaith Network and the City of Lake Worth Beach's MLK Jr. Committee to present a Zoom entertainment.

Teri Silverman wrote about the value of leaving a public comment.

APPROVAL OF MINUTES:

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Robinson to approve the following minutes:

- A. Work Session - November 19, 2020
- B. Regular Meeting - December 1, 2020
- C. Regular Meeting - December 15, 2020
- D. Special Meeting - December 21, 2020

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

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

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Robinson to approve the Consent Agenda.

- A. Proclamation recognizing January 18, 2021 as Dr. Martin Luther King, Jr. Day
- B. Ratification of a reappointment to the Division 1 of the Firefighters' Retirement Board of Trustees
- C. Payments of Fiscal Year 2020 Invoices
- D. (moved to New Business B) Resolution No. 01-2021 – Budget amendment to the 5-Year CIP Plan
- E. Authorize Amendment 1 to Drinking Water State Revolving Fund Loan Agreement DW501740 for the Lake Osborne Estates watermain improvement project

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

PUBLIC HEARINGS:

There were no Public Hearings on the agenda.

UNFINISHED BUSINESS:

There was no Unfinished Business on the agenda.

NEW BUSINESS:

A. Authorization to execute a quit claim deed to Constru American LLC, for property located at 503 North K Street

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to authorize the Mayor to execute the quit claim deed for property located at 503 North K Street, Lake Worth Beach.

Comments/requests summary:

1. Commissioner Robinson stated that the City was not in the real estate business, but having the property back on the tax rolls would be positive.
2. Vice Mayor Amoroso said that the property had code issues and asked City Attorney Goddeau to explain the circumstances behind the quit claim deed.

City Attorney Goddeau responded that the City did not own the property, but there were code issues; the property was quit claimed to the City which would allow for a clear title on the property.

Vice Mayor Amoroso clarified that the hope was that the derelict property would be improved by the new owner.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

B. (moved from Consent D) Resolution No. 01-2021 – Budget amendment to the 5-Year CIP Plan

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 01-2021, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL BUDGET AMENDMENTS AND CORRESPONDING APPROPRIATIONS 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, 2020 AND ENDING SEPTEMBER 30, 2021; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to authorize the Mayor to execute the quit claim deed for property located at 503 North K Street, Lake Worth Beach.

Comments/requests summary:

1. Commissioner Robinson stated that Howard Park improvements and 17 S M Street were two separate things and questioned if the CDBG money for Howard Park could be used for activity programs for children.

City Manager Bornstein replied that there were some restrictions on CDBG funding, which was generally used for capital projects and improvements.

Commissioner Robinson questioned whether spending \$80,000 on resurfacing a basketball court was a good use of funds. He asked if there were restrictions on commercial uses at Bryant Park.

City Manager Bornstein clarified that the resolution was to amend the five-year Capital Improvement Plan. He said that the resolution included Howard Park expenditures already approved by the commission and the soft costs of moving the historic structure to Bryant Park that were not included in the CIP. He iterated that the property had been purchased initially to use for parking with the intention of moving the historic building to a place worthy of its history; it was currently being used as the Leisure Services office, which would continue when it was moved. He explained that the costs would be brought back to the commission and the resolution was the first step in moving the process forward. He stated that M street parking was separate from the potential project on South L and M streets and no development was in process there.

Commissioner Robinson opined that more time and input from the community was needed regarding South M Street.

Juan Ruiz, Assistant City Manager, made clear that the \$80,000 at Howard Park included many other elements such as renovation of the pavilion and bathrooms, a walking trail and updating the picnic tables and playground. He said that the community would be involved in the decision making.

Vice Mayor Amoroso left the meeting at 7:32 PM and returned at 7:34 PM.

2. Commissioner Blockson reported that she had been one of the stakeholders who met with City officials about the CDBG funds. She said that there was an understanding that the proposal was a work in progress and the City gave assurances that it would listen to the stakeholders' opinions regarding other renovations.

Assistant City Manager Ruiz replied that the breakdown of the revised project included items that Commissioner Blockson mentioned would be provided to the commission.

3. Commissioner Maxwell stated that his impression was that the commission understood that there were placeholders for CDBG funding for Howard Park and the South M

Street property; nothing had been decided and the projects would come before the commission in the future.

4. Mayor Triolo reiterated that a dollar amount had to be requested to receive the CDBG funding and there were often no specific projects before the commission; the details would be discussed by the commission and the public multiple times before a project was finalized.

Commissioner Robinson expressed concern about changing funding once a decision had been made.

Mayor Triolo stated that it was important to vet projects before they were approved.

Commissioner Maxwell explained that the projects in the resolution were the same as all the other projects in the CIP, listed until a final project was presented.

City Clerk Andrea read the comments submitted by the following:

David Savage wrote that the 17 S M Street relocation and renovation of the contributing historic structures to Bryant Park deserved public discussion.

Betty Resch wrote to suggest that the item be removed from the consent agenda to allow for public input.

Cliff Kohlmeyer wrote in opposition to relocating the historic structure on south M Street.

Anne Fairfax wrote to oppose the building of a seven-story apartment block in the historic district.

Tammy Pansa wrote to object to the City practicing closed-door politics and government activity by having the item buried in the consent agenda.

Christopher McVoy wrote to request that the item be pulled from the consent agenda for public discussion by the commission.

The following individuals read their comments via Zoom:

Catherine Kohlmeyer said that moving a contributing structure from the downtown would change the character of downtown.

Thomas Conboy requested that a public meeting charette be conducted by a professional urban planner to share ideas for the downtown.

City Manager Bornstein clarified that the property on South M Street had been purchased with sales tax funding and this recognition in the CIP gives direction to staff to explore the options for the property to present data for a decision by the commission. He said that any project would go before the HRPB twice and there would be multiple occasions for public input, including neighborhood meetings.

Mayor Triolo stated that there was a lot of disinformation concerning L & M streets and that the sales tax money had been used to address the issue. She expressed confusion about seven-story buildings or projects being discussed in the community when there were no projects before the commission in that area.

Commissioner Maxwell asked if City Manager Bornstein could have the steps involved in the process put in writing and posted on the website or given to the commissioners so they could explain to residents who misunderstood what was involved and the opportunities they would have to participate in the discussions. He stated that the City should mitigate the confusion from the residents although there were those who stated that there were no meetings for the bond referendum when 60 meetings had been held.

Mayor Triolo stated that the City had to do a better job of communicating and allowing residents to speak on the issues. She urged residents to email the commissioners with concerns so they could be addressed.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Blockson. NAYS: Commissioner Robinson.

CITY ATTORNEY'S REPORT:

City Attorney Goddeau did not provide a report.

CITY MANAGER'S REPORT:

City Manager Bornstein provided the following report:

- Welcomed Commissioner Blockson to the dais on behalf of the organization and said that discussions and orientations with the various departments were being set up.
- Reminded everyone that complaints and concerns could be submitted by clicking on “Make a Report” on the top right side on the City website. He explained that the issues would be addressed by staff and there would be a paper trail for the submission. He asked that the commissioners recommend the option to their constituents and it will be publicized on social media.
- Stated that he and Mr. Ruiz were up to date and in communications regularly with the county which would be in charge of vaccinations. He said that the county knew that the City was ready to distribute vaccines as soon as they were available and he would inform the commission when there was news.

Mr. Ruiz stated that the Health Department was the lead agency in the vaccination process and details were not ready about a rollout of the vaccine. He encouraged everyone to follow the City’s social media which had the most immediate up to date information. He said that the City would take every opportunity to partner with the county to bring vaccines as soon as possible.

- City Manager Bornstein said that the power line that was knocked down by the tree trimmers was an inconvenient expense and could have killed someone. He said the City was working with PBSO to quantify the impacts and Code Compliance would go after the

property owner for unpermitted work; a license or permit was required to trim or remove trees of a certain size. He said he would bring a report back to the commission.

- Said that evictions piles being put on the street had been a problem for a long time, but the City had been better at cleaning up the main arteries and rights-of-way in the past few years. He reported that when piles were put out on the wrong day, a fee was attached to the property.

Mayor Triolo stated that residents could go on the website to find out garbage and bulk pickup dates. She said that with the new GIS, every project in the City could be seen.

City Manager Bornstein said that people should follow the rules and there was a community standard of behavior.

ADJOURNMENT:

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to adjourn the meeting at 8:27 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: February 2, 2021

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR MEETING OF THE CITY COMMISSION
CITY HALL COMMISSION CHAMBER
TUESDAY, JANUARY 19, 2021 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Carla Blockson and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia and City Clerk Deborah M. Andrea.

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Scott Maxwell.

PLEDGE OF ALLEGIANCE: led by Commissioner Carla Blockson.

AGENDA - Additions/Deletions/Reordering:

There were no changes to the agenda.

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

A. COVID 19 update presented by Dr. Alina Alonso

Dr. Alina Alonso, Palm Beach County (PBC) Director of the Florida Department of Health, thanked the commission for having her and gave data about how the county was fighting the virus. She stated that Florida had 1,589,097 total cases, but the number of deaths, was decreasing and there were 98,000 total cases in PBC, averaging 600 cases per day. She said that the daily and total positivity numbers were being tracked carefully; she said the goal was to be under 5% for daily positivity, but the rate in PBC was 15.02%. She reported that the hospital and ICU percentages were above 25% and the COVID patients needed one-to-one staffing. She thanked the residents for wearing masks and maintaining social distancing to help keep the numbers lower than they would have been without the precautions. She spoke about the vaccine and said that PBC would be working with community partners to give the greatest attention to those over 65 who were first on the list and she announced that the PBC would give actual appointments to the 200,000 who had requested the vaccine; after that, the phone and email request lines would be operational. She said that residents could schedule an appointment at www.publix/covidvaccine to get vaccinated at Publix. She said that there was light at the end of the tunnel but it was six months away and urged everyone, including those vaccinated, to continue using masks, use sanitizer and maintain the six feet of social distancing.

Vice Mayor Amoroso asked if anything would be set up to bring the vaccine to residents who lived in buildings like the Towers.

Dr. Alonso replied that they were intending to set up community outreach when there were sufficient amounts of the vaccine available. She stated that large sites were being set up around the county and she intended to have fire rescue go into minority areas after holding

Town Hall meetings with community leaders to disseminate the information. She said that she was only receiving 4,000 vaccines a week which would be decreased to 2,000.

Vice Mayor Amoroso asked how PBC looked with regards to incoming President Biden's desire to give out 100 million doses out in his first 100 days.

Dr. Alonso responded that the State did not have the vaccines it was supposed to have and it would take some time to increase the amounts of vaccine to distribute.

Mayor Triolo expressed concern that people would show up for a vaccine at Publix who were not on the list to receive one.

Dr. Alonso stated that there was an Executive Order that only those over 65 or were first responders could receive the vaccine. She said that the people who contacted the county would get appointments; multiple submissions by the same individual would be deleted and the appointments would be given by the date requested.

Mayor Triolo said that the City had large locations that could be used for vaccinations.

Dr. Alonso said that the same model that was used for testing would be used for the vaccinations.

Vice Mayor Amoroso asked how visitors would be dealt with.

Dr. Alonso replied that anyone paying property taxes in Florida could be vaccinated in Florida. She said that recipients would have to provide drivers' licenses.

Commissioner Maxwell thanked Dr. Alonso for her presentation and asked how many residents in PBC were over 65. He inquired if people who received the vaccine were being tracked if they went out of the County to get it and what would happen if someone did not get a second dose. He asked how those without computers or not tech savvy could have access to the portals, if people could slack off with precautions and about the other strains.

Dr. Alonso responded that of the 93,000 vaccinated, many were health care workers who were vaccinated in Miami or Broward; perhaps 25% were over 65. She said that there was a dashboard report for the State. She suggested that those needing the second dose should return to wherever they got the first dose and said that the second appointments were being made for the patients with a five day window to get it after the four weeks. She stated that not getting the second dose would not nullify the first dose but it was recommended to get the second dose as that was how it was testing. She said that community groups have been set up to help their neighbors or friends and family will access the portal for those without computers and there was a phone system to set up appointments. She reported that some people were getting sloppy after being vigilant for so long and were getting COVID and/or spreading it. She stated that the second and third strains were in Florida, but people were not getting any sicker from the newer strains and the vaccine would work on all of the mutations.

Commissioner Robinson asked how many vaccines would be distributed by Dr. Alonso and if there were other places to get it.

Dr. Alonso replied that she would be the one distributing the vaccine for the county.

Commissioner Blockson asked about the phases for getting the vaccines, if Governor DeSantis would change the parameters and what could the City do to help her.

Dr. Alonso showed the three phases of vaccine distributions and explained that phase one would last for a few months and be given to some first responders and those over 65. She said that phase two could be for those with co-morbidities and the vaccine distribution would be greater and phase three would be for the rest of the population. She said that the communities should mobilize to be ready before the vaccine was available and suggested that the City speak with Fire Rescue about how to set up and to get the word out to the community.

Mayor Triolo stated that the City was ready whenever the vaccine was available.

B. 2021 Legislative Agenda presented by Richard Pinsky

Richard Pinsky, lobbyist for the City, showed a list of the delegates in Palm Beach County, highlighting those in the City's districts, the upcoming committee and session dates. He spoke about the issues that would be addressed and that most would be related to COVID-19 such as unemployment, vaccinations and schools, the ongoing Home Rule versus State Preemption related to vacation rentals and polystyrene materials, Sober Homes, water issues including septic conversions, sea level rise and storm water run-off and the \$2.75 billion revenue deficit for the fiscal 2021-2022 State budget with a Medicaid \$1.2 billion funding shortfall. He stated that there was a bill introduced to tax online sales which will cover \$700 million of the shortfall. He discussed the two most important projects seeking funding for the City's legislative agenda; sea level rise and stormwater outfall mitigation with a \$550,000.00 funding request at a 50% match for the cost of \$1.1 million and a to-be-determined funding request for ocean current wave energy engineering and design of landfall and offshore connections and cabling specifications. He said that a city would have to sign an affidavit that the city had 50% of the money for a project in order to receive a 50% match from the State. He reported that FAU's administration had decided to make ocean current energy their top funding priority and there was hope that the Biden administration would support energy initiatives.

Commissioner Maxwell asked Mr. Pinsky if there would be funding relief for renters or owners and what the components of vacation rentals and sober home legislation.

Mr. Pinsky replied that there were some ideas being discussed such as extending the eviction moratorium and tax breaks on affordable housing. He stated that there were loopholes that had been found and would be closed and there would be another preemption related to the pandemic to not allow more regulation by communities.

Vice Mayor Amoroso asked if all of the COVID funding would come from the county or if they should ask the State directly. He stated that \$1 million of the penny sales tax should be allocated for Parks and Recreation.

Mr. Pinsky responded that hospitals would be compensated for shortfalls, but there would not be any funding for local relief from the State; it would come from the Federal Government. He said that a year ago there were far more asks from cities, but the 50%

match was reducing the amount. He suggested that the City would be in the running for funding if they presented 50% of the amount requested.

City Manager Bornstein stated that FAU discovered it could compete in the energy field and there would be a meeting the next day to determine what funding would be requested for the ocean current project. He said that it was important to fund good projects, but also to kill the bad ones that would harm the City.

Mayor Triolo asked if the City could ask for funding for projects at the Osborne Center and other places.

City Manager Bornstein replied that projects had to be shovel ready and detail work would need to be done.

Mayor Triolo asked if the committees had been assigned and who was on a committee favorable to the City's asks.

Mr. Pinsky replied affirmatively and said that meetings began last week with all members in attendance. He stated that the County's delegation was well liked, but they were not in leadership positions other than Mike Caruso, who would sponsor the City's funding requests.

Commissioner Robinson asked if the budget shortfall could be attributed to the previous governor and if there would be a conversation about regulating insurance.

Mr. Pinsky answered that Governor DeSantis had upped the budget tremendously when he took office and the shortfall was due to the lack of revenue from tourism and the cost of the pandemic. He said that there would be a discussion to reduce health care and prescriptions costs plus the liability of the COVID protocols for hospitals and small businesses.

The meeting recessed at 7:44 PM and reconvened at 7:53 PM.

C. FDOT presentation about 10th Ave N. and I-95 interchange

Humberto Arrieta, PE, FDOT Project Manager, introduced and turned the presentation over to Andrew Nunes, PE, Consultant Project Manager American Consulting Professionals, LLC (ACP). Mr. Nunes stated that the environmental review, consultation, and other actions required by applicable federal environmental laws for this project were being, or had been, carried out by the FDOT. He reported that SR-9/I-95 had 10 Lanes divided Interstate with a posted speed limit of 65 mph and 10th Avenue North had four lanes divided west and east of I-95 with a posted speed limit of 40 mph. He explained that a Project Development and Environment (PD&E) Study was a process followed by FDOT to evaluate engineering alternatives, environmental impacts and social, cultural and economic impacts associated with a planned transportation project and spoke about the study process and project limits. He iterated that the project's primary criteria were to reduce congestion and improve interchange operations and avoid any traffic spillback onto I-95, improve safety conditions by reducing conflicts and accommodate future traffic demand through the 2045 design year and the secondary criteria were to improve multimodal (pedestrian and bicycle) connectivity, improve freight access and mobility and

enhance emergency evacuation. He went over the existing crash data and lane configurations and spoke about the two different build alternatives, TUDI (tight urban diamond interchange) versus DDI (diverging diamond interchange) as well as the impacts and cost of each. He stated that the next steps would be to move to the final design in March or April with the project beginning in 2025.

Mayor Triolo asked Jamie Brown, Public Works Director, about the effect of the project on the schools and if there were preferred pedestrian crossing methods for safety.

Mr. Brown said that the presentation was necessary because the City had two interchanges off of I95. He replied that the City recommended having a signal for safety reasons rather than a flashing beacon.

Mr. Nunes stated that pedestrians would be in median protected by barrier walls.

Mr. Arrieta said that the new configuration was much safer than the existing one.

Commissioner Blockson said that it was very difficult to turn onto 10th Avenue from A Street and asked about the alternatives to get to a better level of service.

Mr. Nunes replied that the level of service would be a D which was acceptable.

Mayor Triolo said that her suggestion was to look at better improvements due to more concern at the 10th Avenue interchange because of the young children walking there.

Vice Mayor Amoroso asked what would be done to address A Street issues turning into 10th Avenue North.

Mo Al-Turk, PBC Engineer, responded that the corridor would be retimed to improve coordination between the signals and they were working with FDOT on the highway ramp signals; improvement would happen soon.

Commissioner Maxwell asked if the project would definitely happen and if he missed input from the commission. He asked when the project would be completed and if it was usual for projects to be good for 20 years.

Mr. Al-Turk replied that it was a done deal and the commission had been invited to give input.

Mr. Arrieta stated that the project would be completed in FY 2027.

Mayor Triolo said that this would be the first funding for traffic improvements spent in 30 years in the City.

Commissioner Maxwell inquired how the school children would get across the road.

City Manager Bornstein stated that there would be less traffic and crossings in the new design.

Commissioner Robinson said he had experienced the divergent diamonds in Utah and they did improve the intersections. He asked if the diamonds raised the speeds and if Boca Raton would accept a D level of service.

Mr. Arrieta stated that the speeds would be decreased and he was not familiar with the levels of service at other locations.

Commissioner Robinson stated that the A Street intersection was a frustration and wondered why it would not be addressed.

Mayor Triolo said that the funding would be from the Federal Government and the intersection would be improved; the City could still provide input into the design.

City Manager Bornstein said that space would be freed up in the intersection, but A Street was not included in the project. He stated that the intersection would benefit, but a redesign of the entire intersection was needed, but it was a City intersection.

Mayor Triolo explained that the City could make enhancements to bring the grade up.

Mr. Arrieta explained that every interchange was unique and A Street did not affect the project.

Commissioner Maxwell asked about unintended consequences of the project and if a more efficient overpass would increase traffic in the City.

Linda Hess, PE with ACP, explained that all factors were considered when the levels of service were determined.

- D. (was read after Presentation A) Mayor Triolo read the proclamation in recognition of C.H. "Mac" McKinnon and expressed her condolences to the McKinnon family. Nancy Whitehead, Mr. McKinnon's daughter, thanked the Commission for the honor and said how much her parents loved working on behalf of the City.

COMMISSION LIAISON REPORTS AND COMMENTS:

Mayor Triolo: thanked everyone who attended the Martin Luther King, Jr. (MLK) events and the unity wall.

Vice Mayor Amoroso: did not speak.

Commissioner Robinson: said that the unity wall showed community involvement and the racial equity workshop was eye opening.

Commissioner Maxwell: said that the weather was perfect for the MLK events and thanked the committee for their great work. He reported that a lot of the food distribution was being affected by the pandemic and that Mr. Livingston was interested in putting an awning system on the front of his building to cover the tables and requested that the permitting fees be reduced.

Commissioner Blockson: thanked everyone for their participation in the MLK events and the

unity wall. She stated that there were 15 artists who participated and the vision for the wall would be discussed at a community meeting the following evening. She clarified that the City was not involved with the wall other than making sure it was architecturally sound; the stakeholders would decide what would be put on the wall.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

Deborah Andrea, City Clerk, read the comments submitted by the following:

Melissa Salerno wrote that painting “All Lives Matter” on the unity wall was the opposite of unity.

Renee Hoyt wrote that the painting of “All Lives Matter” on the unity wall needed to be rectified.

Angie Wegner wrote in opposition to having “All Lives Matter” on the unity wall.

Marina Desideria wrote that “All Lives Matter” was meant to undermine the importance of why black lives matter.

Cheryl Raskin wrote that there were locations requested for traffic calming in her neighborhood and she would provide a list to the City.

APPROVAL OF MINUTES:

There were no minutes on the agenda.

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

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve the Consent Agenda.

- A. Agreement with Waste Management, Inc. for the Solid Waste Division’s Roll-Off Collection Services
- B. Change Order 01 - Final to B&B Underground Construction Inc. for the 2-inch Watermain Replacement, Year 4 Program Project
- C. Work Order #3 with Shenandoah General Construction, LLC for 10th Avenue North stormwater lining
- D. Ratification of an appointment to the Historic Resources Preservation Board

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

PUBLIC HEARINGS:

- A. Ordinance No. 2020-21 – Second Reading - Prohibition on Distribution of Plastic Straws at City Facilities

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2020-21 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 15, "OFFENSES – MISCELLANEOUS" OF THE CITY'S CODE OF ORDINANCES, BY CREATING A NEW ARTICLE VIII, TO BE ENTITLED, "PROHIBITION ON DISTRIBUTION OF PLASTIC STRAWS AT CITY FACILITIES"; PROVIDING FOR EXCEPTIONS, EDUCATION, ENFORCEMENT, AND PENALTIES; AND, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

Mayor Triolo stated that this was the second reading of the ordinance.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance No. 2020-21 - Prohibition on Distribution of Plastic Straws at City Facilities.

City Clerk Andrea said that there were no public comments.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

UNFINISHED BUSINESS:

There was no Unfinished Business on the agenda.

NEW BUSINESS:

A. Resolution No. 02-2021 – Establishing the City's Charter Review Committee

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 02-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ESTABLISHING A CHARTER REVIEW COMMITTEE TO REVIEW, RECOMMEND, AND SUBMIT PROPOSED AMENDMENTS TO THE CITY'S CHARTER; PROVIDING FOR COMPOSITION, OBJECTIVE, MEETINGS, AND ASSISTANCE OF THE COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Robinson to approve Resolution No. 02-2021 – Establishing the City's Charter Review Committee.

City Manager Bornstein explained that the committee would serve for 180 days with one appointee per commissioner.

Comments/requests summary:

1. Commissioner Robinson stated that the culmination would be to bring an issue to the ballot in March 2022.
2. Vice Mayor Amoroso asked if the committee would be given direction. He said that there was a group working already.

City Manager Bornstein replied that guidance would be provided and the committee could be given specific direction.

3. Mayor Triolo asked if the members would serve at the pleasure of the commission, if they were subject to Sunshine and who the staff liaison would be.

City Attorney Torcivia replied that the members would serve at the commission's pleasure and had to adhere to the Sunshine Laws. He stated that there was a blank in the resolution for the deadline for submission of names to the committee and suggested the commission pick either of the next two meetings as the deadline.

The commission agreed that March 2, 2021 should be filled in on the resolution.

Commissioner Robinson said that people could submit applications to Silvina Donaldson, Executive Assistant to the Commission.

City Clerk Andrea stated that there were no public comments.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

B. Discussion about Education Advisory Committee

City Manager Bornstein said that the discussion was a result of a request by Erica Whitfield.

Commissioner Robinson stated that he had spoken with several people but no one had volunteered to serve.

Mayor Triolo said that she learned through her Mayor's Education Council, that the major concerns were attendance, both online and in person. She stated that there was a suggestion for an incentive program, but no funding was available, and a recognition program for teachers where the teachers would nominate their colleagues resulting in recognition at a commission meeting and a gift certificate. She stated that she would approach the City's business community for donations and suggested that the commission's travel budget be used.

Vice Mayor Amoroso asked if the School Board would pay for anything and if there was a blueprint from other cities on how they were doing recognitions. He said that the commission should be mindful of the money in the travel budget and suggested expanding the Mayor's Education Council for the Education Committee rather than setting up something new.

City Manager Bornstein said that he had some discretionary funds that could be used.

Mayor Triolo said that the COVID environment made recognition more important.

City Clerk Andrea said that there were no public comments.

LAKE WORTH BEACH ELECTRIC UTILITY (LWBEU):

PRESENTATION:

- 1) Update by the Electric Utility Director
Ed Liberty, EU Director, announced that a letter of intent had been entered with FPL for a second tie-line into the City, which would be momentous for the City. He thanked FMPA for their help with the matter. He explained that the letter was not an agreement. He stated that there were monthly meetings and the design would be similar to the Hypoluxo Station with the tie-line being operational in December 2022. He reported that a special project team had been assembled that would Jody Finklea, General Counsel FMPA; Christy Goddeau, City Attorney's Office; Carl Turner, Project Manager from FMPA; Power Engineers; David Martyniuk, LWBEU Transmission & Substation Engineering Manager; Paul Nicholas, LWBEU Engineering Services Manager; Mark Mezzancello, Construction Management/Inspection; Tom McKee, LWBEU Services Manager. He said that a new substation would be built at the site with one or two new transformers. He thanked Mayor Triolo for her support of the project.

Mayor Triolo stated that the City had worried for years about having a single tie-line and thanked everyone from FMPA for their assistance and the EU staff for their hard work.

Mr. Liberty stated that there would be a lot of work to do.

Vice Mayor Amoroso thanked EU staff and FPL for partnering with the City.

City Manager Bornstein complimented Mr. Liberty and the FMPA on bringing this important occurrence to the City.

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

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Robinson to approve the Consent Agenda.

- 1) Work Order No. 6 with The L.E. Myers Co., for Electric Distribution System construction services

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

CITY ATTORNEY'S REPORT:

City Attorney Torcivia wished everyone a Happy and healthy New Year.

CITY MANAGER'S REPORT:

- A. Draft Agenda – February 2, 2021
- B. Update of Race, Equity And Leadership ("REAL") meetings
 - Reported that there was a follow up process internally with staff

- A partnership with Healthier Lake Worth would be built for the outward component
- There was interest in REAL 102 which had a tool kit
- The City would continue with the process as directed by the Commission

ADJOURNMENT:

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Blockson to adjourn the meeting at 9:47 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: February 2, 2021

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: February 2, 2021

DEPARTMENT: Public Works

TITLE:

Work Order #6 with the Paving Lady

SUMMARY:

The Work Order #6 to The Paving Lady authorizes the paving work to be completed on North D Street from 7th Ave N to 10th Ave N, and the installation of speed humps on South Ridge Street.

BACKGROUND AND JUSTIFICATION:

The City identified North D Street between 7th Ave N and 10th Ave N as infrastructure in very poor condition requiring rehabilitation. The City currently has a contract with the Paving Lady on an as needed basis. The scope of the work is inclusive of milling and paving North D Street from 7th Ave N to 10th Ave N to re-establish the structural integrity of the roadway. Additionally, traffic calming will be installed on this roadway segment, as well as on South Ridge Street. The Work Order is not to exceed \$186,576.70 and will be paid for from Roadway Improvement Funds.

MOTION:

Move to approve/disapprove Work Order #6 with The Paving Lady at a cost not to exceed \$186,576.70.

ATTACHMENT(S):

Fiscal Impact Analysis
Work Order #6

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	186,576.70	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	186,576.70	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

Account Number	Account Description	Project Number	FY21 Budget	Current Balance	Agenda Expenditure	Balance
170-5020-519-63-15	Improve other than Build	N/A	1,055,562	701,521.83	186,576.70	514,945.13

**ANNUAL CONTRACT FOR PAVING, CONCRETE, STRIPING AND ASSOCIATED
RESTORATION WORK
WORK ORDER NO. 6**

THIS WORK ORDER ("Work Order" hereafter) is made on the day of _____, between the **City of Lake Worth Beach**, a Florida municipal corporation located at 7 North Dixie Highway, Lake Worth, Florida 33460 ("City" hereafter) and **Janice M. Riley, Inc., dba The Paving Lady**, a Florida Corporation ("Contractor" hereafter), whose local business address is 1000 W. Industrial Ave., Boynton Beach FL 33426.

1. Project Description. The City desires the Contractor to provide all goods, services, materials and equipment as identified herein related to the project generally described as:

1. North D Street Mill and Pave – N "D" St from 7th Ave N to 10th Ave N
2. South Ridge Street – Install 3 speed humps

(the "Project"). The Project is more specifically described in the plans prepared by N/A , dated N/A , and which are incorporated herein by reference.

2. Scope. Under this Work Order, the Contractor will provide the City with construction services for the Project as specified in the **Contractor's proposals attached hereto and incorporated herein as Exhibit "1"**.

3. Schedule and Liquidated Damages. Substantial completion of all services and work under this Work Order shall be within **60 calendar days** from the Effective Date of this Work Order. Final completion of all services and work (and all punch-list items (if any)) under this Work Order shall be within **90 calendar days** from the Effective Date of this Work Order. The Effective Date of this Work Order is the date following the parties' execution of this Work Order and the City's delivery of a Notice to Proceed to the Contractor via e-mail, facsimile or other form of delivery as documented by the City. Substantial completion occurs when the services and work has progressed to the point where, in the opinion of the City, the work is sufficiently complete in accordance with the Contract Documents and this Work Order, so that the Project can be utilized for the purposes for which it is intended. Final completion occurs when all services and work (including punch-list items) has been completed and the project becomes fully operational and accepted by the City.

Liquidated Damages. The City and Contractor recognize that time is of the essence under this Work Order and the Contract Documents, and that the City will suffer financial loss if the services and work described in this Work Order and the Contract Documents are not completed within the times specified in this Work Order. The City and Contractor recognize, agree and acknowledge that it would be impractical and extremely difficult to ascertain and fix the actual damages that the City would suffer in the event Contractor neglects, refuses, or otherwise fails to complete the services and work within the time specified. Accordingly, instead of requiring any such proof, the City and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay the City Five Hundred dollars (\$500.00) for each day that expires after the time specified in this Work Order.

4. Compensation and Direct Purchases. This Work Order is issued for a lump sum, not to exceed amount of **One Hundred Eighty-Six Thousand Five Hundred Seventy-Six and 70/100 dollars (\$186,576.70)**. The attached proposal identifies all costs and expenses included in the lump sum, not to exceed amount.

The following Direct Purchases are to be made under this Work Order by the City: N/A.

5. Project Manager. The Project Manager for the Contractor is Mauro Comuzzi, phone: 561-572-2600; email: mauro@pavinglady.com; and, the Project Manager for the City is Michael David, phone: 561-586-1720; email: mdavid@lakeworthbeachfl.gov.

6. Progress Meetings. The Contractor shall schedule periodic progress review meetings with the City Project Manager as necessary but every 30 days as a minimum.

7. Contractor's Representations. In order to induce the City to enter into this Work Order, the Contractor makes the following representations:

7.1 Contractor has familiarized itself with the nature and extent of the Contract Documents including this Work Order, work, site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or furnishing of the work.

7.2 Contractor has obtained at his/her own expense and carefully studied, or assumes responsibility for obtaining and carefully studying, soil investigations, explorations, and test reports which pertain to the subsurface conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the work as Contractor considers necessary for the performance or furnishing of the work at the stated work order price within the Work Order stated time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of the IFB; and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or is deemed necessary by Contractor for such purposes.

7.3 Contractor has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or is deemed necessary by the Contractor in order to perform and furnish the work under this Work Order price, within the Work Order time and in accordance with the other terms and conditions of the Contract Documents.

7.4 Contractor has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

7.5 Contractor has given the City's Contract Administrator written notice of all conflicts, errors or discrepancies that he or she has discovered in the Contract Documents and the written resolution thereof by City or its designee is acceptable to the Contractor.

8. Warranty. The Contractor warrants and guarantees to the City that all services and work provided under this Work Order will be in accordance with this Work Order and the other Contract Documents. The Contractor warrants that (a) all materials and parts supplied under this Work Order shall be free from defects for one (1) year from the final completion of all work (unless a longer manufacturer warranty applies); (b) all services and work performed under this Work Order will be free from defects for one (1) year from the final completion of all work and the project shall be fully operational without unreasonable downtime or failures; and (c) that the services and work will conform to the requirements of the Contract Documents. If, at any time prior to the expiration of the one (1) year warranty period, the City discovers any failure or breach of the Contractor's warranties or the Contractor discovers any failure or breach of the Contractor's

warranties, the Contractor will, upon written notice from City or of its own accord, at the Contractor's sole cost and expense, promptly correct such failure or breach (which corrective action must include, without limitation, any necessary removal, disassembly, reinstallation, repair, replacement, reassembly, retesting, and/or re-inspection of any part or portion of the work and any other property damaged or affected by such failure, breach, or corrective action). The Contractor will remedy any such failure or breach so, to the extent possible, to avoid unnecessary disruptions to the operations of City or its systems. In the event the Contractor fails to initiate and diligently pursue corrective action within five (5) days of the Contractor's receipt of the City's notice or the Contractor's discovery of the same, the City may undertake such corrective action at the Contractor's expense.

9. Authorization. This Work Order is issued pursuant to the Contract for Paving, Concrete Striping and Associated Restoration Work between the City of Lake Worth Beach and the Contractor, dated _____, 2019 ("Contract" hereafter). If there are any conflicts between the terms and conditions of this Work Order and the Contract, the terms and conditions of the Contract shall prevail.

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SIGNATURE PAGE FOLLOWS



IN WITNESS WHEREOF, the parties hereto have made and executed this Work Order as of the day and year set forth above.

CITY OF LAKE WORTH BEACH, FLORIDA

ATTEST:

By: _____
Deborah M. Andrea, City Clerk

By: _____
Pam Triolo, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

APPROVED FOR FINANCIAL
SUFFICIENCY

By: _____
Glen J. Torcivia, City Attorney

By: _____
Bruce T. Miller, Financial Services Director

CONTRACTOR:

**JANICE M. RILEY, INC., DBA THE
PAVING LADY**

By: Mauro Comuzzi

[Corporate Seal]

Print Name: MAURO COMUZZI

Title: President

STATE OF Florida)
COUNTY OF Palm Beach)

THE FOREGOING instrument was acknowledged before me by means of • physical presence or • online notarization on this 22 day of Jan 2021, by Mauro Comuzzi, as the President [title] of Janice M. Riley, Inc., DBA The Paving Lady, a Florida Corporation, 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.

Janeilla Marcelin
Notary Public Signature

Notary Seal:



ml

EXHIBIT 1

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: February 2, 2021

DEPARTMENT: Leisure Services

TITLE:

Clarification of Direction on 17 South M Street- Leisure Services Offices Relocation study

SUMMARY:

The Clarification will provide direction to staff regarding the scope and intent of the relocation study services related to the potential relocation of the 17 S. M Street structure specifically removing Bryant Park as a study location. The information is necessary to develop architectural, engineering and cost impacts.

BACKGROUND AND JUSTIFICATION:

The relocation and renovation of a contributing historic two-story single-family structure and a one and half story garage structure for public use and office locations for Leisure Services staff. The proposed relocation of the building would be within a 5 block radius of the current location.

None of the current available properties within a 5-block radius are owned by the City nor are they currently for sale. All are located within a City local historic district. Land acquisition costs are not currently calculated in the fiscal impact analysis. Rezoning may be required to allow for use as public offices. All locations would allow for the structure to be utilized as a residence. In addition, any move would require review by the Historic Resources Preservation Board (HRPB).

MOTION:

N/A

ATTACHMENT(S):

Fiscal Impact Analysis
Project request forms

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	59,000	25,000	150,000	150,000	
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	(59,000)	(25,000)	(150,000)	(150,000)	0

Total project expense: FY21-FY24 \$384,000

No. of Addn'l Full-Time Employee Positions	0	0	0	0	0
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B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Account Description	Project Number	FY21 Budget	Current Balance	Agenda Expenditure	Balance
301-8060-572.31-00	Parks and Recreation Professional Services		\$0.00	\$0.00	(\$59,000)- FY 21	\$0.00



Capital Improvement Program (CIP) Project Request Form (For Projects / Items Costing Over \$25,000)

Department	Project Duration	Life Expectancy	Priority
Administration	FY21-24	30+	

Project Title

17 S M Street -Relocation and renovation of the contributing historic structures

Project Location

TBD

Project Description / Justification

The relocation and renovation of a contributing historic two-story single-family structure and a one and half story garage structure for public use and offices for the Leisure Services Department.

Strategic Goals Relevance/Categorical Criteria

Preserve, Restore, Repurpose, and Activate Historic City owned Assets and Provide superior public amenities and services to retain existing and entice new residents and businesses.

Project's Return on Investment

ROI for this project will be based on reduced costs associated with the reolocation of an existing structure over the construction of a new city facilities.

Relevant Graphic Details



FISCAL DETAILS

		2021
Schematic/Conceptual Design Preliminary Engineering	\$	39,000
Design Development / Construction Drawings	\$	20,000
Total Expenditures	\$	59,000

Operating Cost Impact

This project is not expected to have any major impacts to operating costs.

Project's Impact on Other Departments

No major impacts on other departments.

Expenditures	Prior Years	FY20	FY21	FY22	FY23	FY24	TOTAL
Capital Costs							
Project Development	\$ -	\$ -	\$ 39,000	\$ -	\$ -	\$ -	\$ 39,000
Design Development/ Construction Drawings			\$ 20,000	25,000			45,000
Permitting	-	-	-	-	-	-	-
Land/ROW Acquisition	-	-	-	-	-	-	-
Construction					150,000	150,000	300,000
Equipment	-	-	-	-	-	-	-
Testing	-	-	-	-	-	-	-
Operating Costs							
On-Going Operations	-	-	-	-	-	-	-
Maintenance	-	-	-	-	-	-	-
Personnel Costs	-	-	-	-	-	-	-
Other (SPECIFY)	-	-	-	-	-	-	-
Total Expenditures	\$ -	\$ -	\$ 59,000	\$ 25,000	\$ 150,000	\$ 150,000	\$ 384,000
Off-Set Categories							
New Revenues	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Line Loss Avoidance	-	-	-	-	-	-	-
Total Off-Sets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
NET COST	\$ -	\$ -	\$ 59,000	\$ 25,000	\$ 150,000	\$ 150,000	\$ 384,000
Funding Sources							
							\$ -
Other Financing/City Funds	-	-	-	-	-	-	-
Total Funding Sources	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

This section must be completed for all applicable projects. Please list future revenues and expenses once project is completed and fully operational.

Net Operational Impact:			
A. Revenues Generated:		B. Expenses Incurred:	
A.1- Revenue #1	-	B.1- Personnel:	-
A.2- Revenue #2	-	B.2- Debt Service Costs:	-
A.3- Revenue #3	-	B.3- Contract Services:	-
A.4- Revenue #4	-	B.4- Fixed Costs:	-
Revenue Totals (A.1 -to- A.4)	-	Expense Totals (B.1 -to- B.8)	\$ -

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: February 2, 2021

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2020-20 – First Reading – amending Chapter 23 “Land Development Regulations” regarding changes to temporary uses, home occupations and several minor modifications related to development standards for parking and accessory dwelling units, and maintenance easements on zero lot line properties

SUMMARY:

Consideration of Ordinance 2020-20 amending Chapter 23 “Land Development Regulations” of the City's Code of Ordinances as follows:

- Article 2, [NEW SECTION] Section 23.2-37. – Temporary Use Permit
- Article 3, Section 23-3.6 – Use Tables
- Article 4, Section 23.4-1. - Secondary (accessory) dwelling unit.
- Article 4, Section 23.4-6. – Home Occupations
- Article 4, Section 23.4-10. – Off-street parking
- Article 4, [NEW SECTION] Section 23.4-22 – Temporary uses
- Article 5, Section 23.5-7. - Concurrency management and public facility capacity

There also are a few changes to Chapter 18, Sec. 18-103 related to easements on zero lot line properties, which are also located in Chapter 23, Section 23.5-7.

BACKGROUND AND JUSTIFICATION:

Ordinance 2020-20 provides for a series of updates, clarifications, corrections and additions to the City's Land Development Regulations (LDRs). Back at its workshop on March 3, 2019, Staff presented a series of priorities for the LDRs to the Commission. The subject LDR amendments address a third series of prioritized items identified at the March meeting as well as proposed updates to the City's home occupation section. The draft text amendments are summarized below.

- **Zero Lot Line Maintenance Easements:** The proposed amendments will provide clarity related to access easement requirements on zero lot line properties.
- **Temporary Uses:** The proposed amendments create a temporary use permit process, development standards for temporary uses and add temporary uses to the permitted use table. These temporary uses include temporary parking, construction related facilities and seasonal product sales.
- **Accessory Dwelling Units:** The proposed amendments will clarify size and construction standards for accessory dwelling units.

- **Home Occupations:** The proposed amendments will to allow for additional flexibility for professional home occupations office uses in mixed use districts.
- **Parking:** The proposed amendments will clarify the parking requirement for accessory dwelling units and that the parking in-lieu fee is available only in the City's core area.

At the November 18, 2020 advisory board meeting, the Historic Resources Preservation Board discussed the amendments and recommended unanimously for the City Commission to approve the proposed amendments. At the January 6, 2021 advisory board meeting, the Planning & Zoning Board discussed the amendments and also recommended unanimously for the City Commission to approve the proposed amendments.

MOTION:

Move to **approve/disapprove** Ordinance No. 2020-20 on first reading and schedule the second reading and public hearing for February 16, 2021.

ATTACHMENT(S):

PZB/HRPB Staff Report
Ordinance 2020-20



DATE: November 10, 2020

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

FROM: William Waters, Director Community Sustainability

MEETING: November 18, 2020 & January 6, 2021

SUBJECT: **PZHP 20-03100008 (Ordinance 2020-20)**: Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to temporary uses, home occupations and several minor modifications related to development standards for parking and accessory dwelling units, and maintenance easements on zero lot line properties.

BACKGROUND/ PROPOSAL:

On March 5, 2020, the City Commission held a workshop on the prioritization of amendments to the City’s Land Development Regulations (LDR) that were previously identified by staff and the Commission. The subject LDR amendments address the third tier of prioritized items identified at the March meeting. These include changes related to temporary uses and home occupations. In addition, several minor modifications related to parking, accessory dwelling units, and maintenance easements on zero lot line properties are included. The proposed amendments to the Land Development Regulations have been reviewed by staff for consistency with the City’s Comprehensive Plan. A summary of each component in the draft ordinance is also provided.

The proposed amendments for and the following sections of the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 2, [NEW SECTION] Section 23.2-37. – Temporary Use Permit
- Article 3, Section 23-3.6 – Use Tables
- Article 4, Section 23.4-1. - Secondary (accessory) dwelling unit.
- Article 4, Section 23.4-6. – Home Occupations
- Article 4, Section 23.4-10. – Off-street parking
- Article 4, [NEW SECTION] Section 23.4-22 – Temporary uses
- Article 5, Section 23.5-7. - Concurrency management and public facility capacity

There also are a few changes to Chapter 18, Sec. 18-103 related to easements on zero lot line properties, which are also located in Chapter 23, Section 23.5-7.

Zero Lot Line Maintenance Easements: The proposed amendments will provide clarity related to access easement requirements on zero lot line properties.

Temporary Uses: The proposed amendments create a temporary use permit process, development standards for temporary uses and add temporary uses to the permitted use table. These temporary uses include temporary parking, construction related facilities and seasonal product sales.

Accessory Dwelling Units: The proposed amendments will clarify size and construction standards for accessory dwelling units.

Home Occupations: The proposed amendments will to allow for additional flexibility for professional home occupations office uses in mixed use districts.

Parking: The proposed amendments will clarify the parking requirement for accessory dwelling units and that the parking in-lieu fee is available only in the City's core area.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt PZB/HRPB Project Number 20-03100008 (Ordinance 2020-20).

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB/HRPB Project Number 20-03100008 (Ordinance 2020-20).

Attachments

- A. Draft Ordinance 2020-20

1
2
3 **ORDINANCE 2020-20 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 18 “UTILITIES,”**
5 **ARTICLE 7 “STORMWATER UTILITY”, SECTION 18-103. – “ON SITE**
6 **DRAINAGE” BY REQUIRING MAINTENANCE EASEMENTS FOR ZERO**
7 **LOT LINE LOTS; AMENDING CHAPTER 23 “LAND DEVELOPMENT**
8 **REGULATIONS, BY ADDING A NEW SECTION 23.2-37. –**
9 **“TEMPORARY USE PERMIT” TO CREATE AN APPROVAL PROCESS**
10 **FOR TEMPORARY USES; AMENDING ARTICLE 3 “ZONING**
11 **DISTRICTS,” DIVISION 1 “GENERALLY,” SECTION 23.3-6 “USE**
12 **TABLES” TO ESTABLISH TEMPORARY USES PERMITTED BY**
13 **ZONING DISTRICT; AMENDING ARTICLE 4, “DEVELOPMENT**
14 **STANDARDS,” SECTION. 23.4-1. – “SECONDARY (ACCESSORY)**
15 **DWELLING UNITS,” SECTION 23.4-6. – “HOME OCCUPATIONS,”**
16 **SECTION 23.4-10. – “OFF-STREET PARKING” TO CLARIFY**
17 **DEVELOPMENT STANDARDS RELATED TO ACCESSORY DWELLING**
18 **UNITS AND PARKING AS WELL AS PROVIDE ADDITIONAL**
19 **FLEXIBILITY FOR HOME OCCUPATION USES IN MIXED USE**
20 **DISTRICTS, AND ADDING A NEW SECTION 23.4-22 – “TEMPORARY**
21 **USES” TO ESTABLISH DEVELOPMENT REVIEW STANDARDS FOR**
22 **TEMPORARY USES; BY AMENDING ARTICLE 5 “SUPPLEMENTARY**
23 **REGULATIONS” SECTION 23.5-7. – “CONCURRENCY MANAGEMENT**
24 **AND PUBLIC FACILITY CAPACITY” TO REQUIRE MAINTENANCE**
25 **EASEMENTS ON ZERO LOT LINE LOTS; AND PROVIDING FOR**
26 **SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE**
27 **DATE**

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

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

41
42 **WHEREAS**, the City wishes to amend Chapter 18 “Utilities,” Article 7 “Stormwater
43 Utility”, Section 18-103. – On site drainage, to provide clarity related to access easement
44 requirements; and

45
46 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration
47 Division” 3, “Permits,” by adding a NEW Section 23.2-37. – Temporary Use Permit; to
48 create a new temporary use review permit process and review standards; and
49

50 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,”
51 Division 1 “Generally,” Section 23.3-6 Use Tables to establish permitted temporary uses
52 by zoning district; and

53
54 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
55 Standards,” Section 23.4-1. – Secondary (Accessory) Dwelling Unit, to clarify size and
56 construction standards for accessory dwelling units; and

57
58 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
59 Standards,” Section 23.4-6. – Home Occupations to allow for additional flexibility for home
60 occupations office uses in mixed use districts; and

61
62 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
63 Standards,” Section 23.4-10. – Off-street parking to clarify the parking for accessory
64 dwelling units and that the parking in-lieu fee is available only in the City’s core area; and

65
66 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
67 Standards,” to establish a new section, Section 23.4-22 – Temporary uses to establish
68 supplementary development standards for temporary uses; and

69
70 **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplementary
71 Regulations” Sec. 23.5-7. - Concurrency management and public facility capacity to
72 provide clarity related to access easement requirements; and

73
74 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
75 agency, considered the proposed amendments at a duly advertised public hearing; and

76
77 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
78 planning agency, considered the proposed amendments at a duly advertised public
79 hearing; and

80
81 **WHEREAS**, the City Commission has reviewed the proposed amendments and
82 has determined that it is in the best interest of the public health, safety, and general
83 welfare of the City to adopt this ordinance.

84
85 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
86 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

87
88 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
89 being true and correct and are made a specific part of this Ordinance as if set forth herein.

90
91 **Section 2:** Chapter 18 “Utilities,” Article 7 “Stormwater Utility”, Section 18-103.
92 – On site drainage of the City’s Code of Ordinances, is hereby amended by adding the
93 words shown in underlined type and deleting the words ~~struck through~~ as indicated in
94 **Exhibit A.**

95
96 **Section 3:** Chapter 23 Land Development Regulations,” Article 2
97 “Administration Division” 3, “Permits,” NEW Section 23.2-37. – Temporary Use Permit

98 related to temporary use permits is hereby amended by adding the words shown in
99 underlined type and deleting the words ~~struck through~~ as indicated in **Exhibit B**.

100
101 **Section 4:** Chapter 23 Land Development Regulations,” Article 3 “Zoning
102 Districts,” Division 1 “Generally,” Section 23.3-6 Use Tables related to permitted
103 temporary uses by zoning district; is hereby amended by adding the words shown in
104 underlined type and deleting the words ~~struck through~~ as indicated in **Exhibit C**.

105
106 **Section 5:** Chapter 23 Land Development Regulations,” Article 4 “Development
107 Standards,” Section 23.4-1. – Secondary (Accessory) Dwelling Unit related to accessory
108 dwelling units is hereby amended by adding the words shown in underlined type and
109 deleting the words ~~struck through~~ as indicated in **Exhibit D**.

110
111 **Section 6:** Chapter 23 “Land Development Regulations,” Article 4
112 “Development Standards,” Section 23.4-6. – Home Occupations related to home
113 occupations are hereby amended by adding the words shown in underlined type and
114 deleting the words ~~struck through~~ as indicated in **Exhibit E**.

115
116 **Section 7:** Chapter 23 “Land Development Regulations,” Article 4
117 “Development Standards,” Section 23.4-10. – Off-street parking related to parking
118 requirements for accessory dwelling units and the parking in-lieu fee is hereby amended
119 by adding the words shown in underlined type and deleting the words ~~struck through~~ as
120 indicated in **Exhibit F**.

121
122 **Section 8:** Chapter 23 “Land Development Regulations,” Article 4
123 “Development Standards,” related to the establishment of a new section, Section 23.4-22
124 – Temporary uses, is hereby amended by adding the words shown in underlined type and
125 deleting the words ~~struck through~~ as indicated in **Exhibit G**.

126
127 **Section 9:** Chapter 23 “Land Development Regulations,” Chapter 23, Article 5
128 “Supplementary Regulations” Sec. 23.5-7. - Concurrency management and public facility
129 capacity related to access easement requirements is hereby amended by adding the
130 words shown in underlined type and deleting the words ~~struck through~~ as indicated in
131 **Exhibit H**.

132
133 **Section 10:** Severability. If any section, subsection, sentence, clause, phrase or
134 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
135 competent jurisdiction, such portion shall be deemed a separate, distinct, and
136 independent provision, and such holding shall not affect the validity of the remaining
137 portions thereof.

138
139 **Section 11:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
140 conflict herewith are hereby repealed to the extent of such conflict.

141
142 **Section 12:** Codification. The sections of the ordinance may be made a part of
143 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
144 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
145 any other appropriate word.

147 **Section 13: Effective Date.** This ordinance shall become effective 10 days after
148 passage.

149
150
151 The passage of this ordinance on first reading was moved by
152 _____, seconded by _____, and upon
153 being put to a vote, the vote was as follows:

- 154 Mayor Pam Triolo
- 155 Vice Mayor Andy Amoroso
- 156 Commissioner Scott Maxwell
- 157 Commissioner Carla Blockson
- 158 Commissioner Herman Robinson

160
161
162 The Mayor thereupon declared this ordinance duly passed on first reading on the
163 _____ day of _____, 2021.

164
165
166 The passage of this ordinance on second reading was moved by
167 _____, seconded by _____, and upon being put to a vote,
168 the vote was as follows:

- 169 Mayor Pam Triolo
- 170 Vice Mayor Andy Amoroso
- 171 Commissioner Scott Maxwell
- 172 Commissioner Carla Blockson
- 173 Commissioner Herman Robinson

174
175
176 The Mayor thereupon declared this ordinance duly passed on the _____ day of
177 _____, 2021.

178 LAKE WORTH BEACH CITY COMMISSION

179
180
181
182 By: _____
183 Pam Triolo, Mayor

184
185 ATTEST:

186
187
188 _____
189 Deborah Andrea, CMC, City Clerk
190

EXHIBIT A

Chapter 18

CODE OF ORDINANCES ARTICLE 7 “STORMWATER UTILITY”

Sec. 18-103. - On site drainage.

Prior to the issuance of a building permit for construction on property, a site drainage plan and drainage computations shall be submitted for approval by the director or designee. The drainage plan must indicate facilities which will totally contain on-site a three-year one-hour storm event and such facilities must be constructed prior to final inspection by the city. For zero lot line lots, a three (3) foot maintenance easement shall be provided on the non-zero side of each zero-lot-line lot to allow for maintenance of the adjoining property and whenever feasible on existing non-conforming lots as determined by the city engineer and the development review official.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Division 3 Permits

[NEW SECTION] Section 23.2-37. – Temporary Use Permit

- a. Applicability. The following temporary uses may not be commenced until the applicant obtains a Temporary Use Permit from the development review official. The permit specifies the specific use, the period of time for which it is approved, and any special conditions attached to the site-specific approval. The following uses may be permitted, subject to the issuance of a Temporary Use Permit:
1. Temporary uses identified and consistent with the supplementary standards in Section 23.4-22, including but not limited to: sales offices, construction field offices, off-site construction staging, temporary parking lots, and private farmer's markets.
 2. Pumpkins, Christmas trees, and other seasonal product sales or temporary farmer's market. No permit shall be required for seasonal product sales operated as part of a school or place of worship.
 3. Temporary storage or other uses related to emergency management. Such uses shall be operated by a governmental entity or organization engaged in recovery or emergency management efforts.
 4. Similar temporary uses which, in the opinion of the development review official, are compatible with the district and surrounding land uses.
- b. Approval authority. The development review official, in accordance with the procedures, standards and limitations of this section, shall approve or deny an application for a temporary use permit after review and comment by the site plan review team (if applicable). The development review official's decision on a temporary use permit is final, but may be appealed to the appropriate regulatory board by the applicant or affected party, pursuant to section 23.2-17. Special events shall require a special event permit and shall not require a temporary use permit unless otherwise specified herein.
- c. Review Process. A Temporary Use Permit application shall be reviewed administratively for consistency with the supplementary standards in Section 23.4-22 and the approval criteria in this section. The development review official may determine that the proposed temporary use has substantial impacts on adjacent properties in the vicinity of the temporary use, which would warrant review by the appropriate review board at a public meeting.
- d. General procedures. An application for a temporary use permit shall be made in writing upon an application form approved by the Department for Community Sustainability, and shall be accompanied by applicable fees. The Department for Community Sustainability shall review the application in accordance with these LDRs and prepare a result letter that summarizes the application and the effect of the proposed use, compliance with the review criteria and supplementary standards, conditions of approve if applicable, and approve or deny the application as submitted.
- e. Additional requirements. Prior to approving any administrative use permit, the development review official shall ensure that the following requirements have been met:
1. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.
 2. Any previously imposed conditions of approval at the site have been met, if applicable.
 3. All buildings and structures used for a temporary use shall have an active applicable rental business license with the appropriate use and occupancy approval for the propose temporary use.
 4. A business license and registration of individual vendors with the City shall be required, if applicable and as determined by the development review official.

- 261 f. Approval Criteria. The development review official shall review temporary uses for consistency with
262 the following standards:
- 263 1. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of the
264 City's land development regulations and the zoning district in which it will be located except when
265 the use is related to temporary construction activity or emergency management. The temporary
266 use shall not impair the normal, safe, and effective operation of a permanent use on the same site.
267 The temporary use shall not endanger or be materially detrimental to the public health, safety, or
268 welfare or injurious to property or improvements in the vicinity of the temporary use, given the
269 nature of the activity, its location on the site, and its relationship to parking and access points.
 - 270 2. Compliance with Other Regulations. A building permit or temporary certificate of occupancy may
271 be required, as determined by the building official before any structure used in conjunction with the
272 temporary use is constructed or modified. All structures and the site as a whole shall meet
273 applicable building and fire code standards as well as any provisions of this code for such temporary
274 use. Upon cessation of the temporary use, any structures associated with the temporary use shall
275 be promptly removed and the site shall be returned to its previous condition (including the removal
276 of all trash, debris, signage or other evidence of the temporary use).
 - 277 3. Duration. The duration of the temporary use shall be established at the time of approval of the
278 Temporary Use Permit. In the event no time limit is established, the duration shall be for a period
279 not to exceed ninety (90) days.
 - 280 4. Traffic Circulation. The temporary use shall not cause undue traffic congestion or accident
281 potential, as determined by the city engineer, given anticipated attendance and the design of
282 adjacent streets, intersections, and traffic controls.
 - 283 5. Off-Street Parking. Off-street parking shall be provided in accordance with the City's land
284 development requirements, and it shall not create a parking shortage for any of the other existing
285 uses on the site.
 - 286 6. Public Conveniences and Litter Control. Adequate on-site rest room facilities may be required.
287 Adequate on-site solid waste containers may also be required. The applicant shall provide a written
288 guarantee that all litter generated by the event or use shall be removed at no expense to the City.
 - 289 7. Appearance and Nuisances. The temporary use shall be compatible in intensity, appearance, and
290 operation with surrounding land uses in the area, and it shall not unduly impair the usefulness,
291 enjoyment, or value of adjacent properties due to the generation of excessive noise, dust, smoke,
292 glare, spillover lighting or other forms of environmental or visual pollution. A mitigation plan for
293 temporary uses, related to construction, emergency management, or for other temporary uses as
294 determined by the development review official, shall be required prior to the issuance of a
295 Temporary Use Permit when the use is in and/or adjacent to residential districts, in an effort to
296 minimize compatibility issues.
 - 297 8. Signs. The development review official shall review all signage in conjunction with the issuance of
298 the Temporary Use Permit. Such signage shall be in accordance with the requirements of this code.
 - 299 9. Other Conditions. The development review official may establish any additional conditions deemed
300 necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby
301 uses, including, but not limited to, restrictions on hours of operation, temporary arrangements for
302 parking and traffic circulation, requirements for screening/buffering, and guarantees for site
303 restoration and cleanup following the temporary use.
- 304
- 305 g. Revocation. The development review official or building official may revoke a Temporary Use
306 Permit due to nuisance concerns, land use compatibility or life-safety issues, or for the following
307 reasons:
- 308 1. The applicant has misrepresented any material fact on its application or supporting materials.
 - 309 2. The temporary use fails or ceases to comply with applicable standards or criteria for issuance
310 of a permit.
 - 311 3. The operation of the temporary use violates any statute, law ordinance, or regulation.
 - 312 4. The operation of the temporary use constitutes a nuisance or poses a real or potential threat
313 to the health, safety, or welfare of the public.
- 314

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Division 1 "Generally"

Sec. 23-3.6 – Use Tables.

Under separate cover

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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-1. - Secondary (accessory) dwelling unit.

b) Design standards. All secondary dwelling units shall conform to the following standards:

- 1. Existing development on lot. A single-family dwelling must currently exist on the lot or will be constructed in conjunction with the secondary unit.
- 2. Number of secondary units per parcel. Only one (1) secondary dwelling unit shall be allowed for each parcel.
- 3. Unit size. The habitable floor area for secondary units shall not exceed sixty (60) percent of the habitable floor area of the primary residence and shall be a minimum of 400 square feet.

5. *Design.* The design of the secondary unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch, and shall be compatible in architectural style.

6. *Minimum Housing Code.* All secondary dwelling units shall meet the City's established minimum housing code requirements.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-6. - Home occupations.

- a) *Purpose.* It is the purpose of this section to provide for the orderly use of residential premises for certain customary home occupations and professional offices allowed as home occupations. This provision allows for a portion of a residential unit to support a home office space or professional office space that generates income for the owner/tenant. It is further the purpose to assure that none of the residential ambiance of a neighborhood or of a building is modified or in any way diminished by the presence of said home occupation.
- b) Class I - Design and performance standards- customary home occupations.
1. *Limited use.* The home occupation shall be conducted within the residential premises and only by the person who is licensed to do so and is a resident(s) of the premises. The individual(s) so licensed shall not engage any employees to assist in the home occupation.
 2. *Pedestrian and automobile traffic.* The home occupation shall not generate pedestrian or automobile traffic beyond what would normally be expected in a residential district.
 3. *Maximum area of use.* No individual home occupation shall occupy more space than twenty (20) percent of the total floor area of a residence exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided however, in no event shall such all home occupations occupy more than forty (40) percent of the total floor area of the residence or one thousand (1,000) square feet, whichever is less.
 4. *No signs or advertisements.* No signs, banners or flyers shall be permitted to advertise the accessory use of the premises for an occupational purpose.
 5. *Limited equipment.* No chemical, electrical or mechanical equipment shall be used except that which is normally used for domestic, household or home office purposes. No electrical or mechanical equipment which causes outside interference may be installed or used. No equipment or process shall be used in a home occupation which creates fumes, glare, noise, odors, vibration, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence.
 6. *Stock in trade.* No goods shall be sold on or from the building site. Stock or inventory is permitted insofar as will fit within the allowable area of the residence being utilized as a home occupation and does not create a health or safety hazard. No outdoor storage of materials or equipment related to the home occupation shall be permitted on the premises. Deliveries may not exceed that which would be utilized by a private residence and shall not be disruptive to the immediate neighborhood
 7. *Parking.* The vehicle used for the home occupation is limited to a passenger car, van, or pickup truck. The vehicle may not be more than twenty (20) feet in overall length and not more than seven (7) feet in overall height. Any vehicles used solely in connection with such home occupation must have separate off-street parking facilities in addition to those provided for the residence, except as otherwise regulated by city ordinances.
 8. *Residential character.* There shall be no alteration in the residential character or appearance of the premises in connection with such home occupation.
 9. *Neighborhood impact.* A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates

- 407 any interference in audio or video reception, or causes any perceivable vibration on adjacent
408 properties is not permitted.
- 409 10. *Three (3) home occupations per residence.* No more than three (3) home occupations shall be
410 permitted at any given residence at one (1) time. Each home occupation must maintain the
411 required applicable business tax receipts and use and occupancy certificates.
- 412 c) Class II - Design and performance standards – professional office home occupations.
- 413 1. Limited use. The professional home office occupation shall be conducted within the residential
414 premises and only by the person, who is licensed to do so and is a resident(s) of the premises.
415 The individual(s) so licensed may engage employees to assist in the professional home
416 occupation based on specific parameters. Professional home office occupations may only be
417 established within mixed-use districts as an office use excluding medical and personal/grooming
418 services. Stock in trade accessory to office is permitted for online sales and off-premise sales as
419 limited herein.
- 420 2. Pedestrian and automobile traffic. The professional home office occupation may generate
421 pedestrian or automobile traffic commensurate and routinely experienced within a mixed-use
422 district and that of a traditional professional office.
- 423 3. Maximum area of use. No individual professional home occupation shall occupy more space than
424 fifty (50) percent of the total floor area of a residence exclusive of any open porch, attached
425 garage, or similar space not suited for or intended to be occupied as living quarters.
- 426 4. No signs or advertisements. No signs, banners or flyers shall be permitted to advertise the
427 professional home occupation on the premises for any purpose.
- 428 5. Limited equipment. No chemical, electrical or mechanical equipment shall be used except that
429 which is normally used for professional office purposes. No electrical or mechanical equipment
430 which causes outside interference may be installed or used. No equipment or process shall be
431 used in the professional home occupation which creates fumes, glare, noise, odors, vibration, or
432 electrical interference detectable to the normal senses off the lot, if the occupation is conducted
433 in a single-family residence or outside the dwelling unit if conducted in other than a single-family
434 residence.
- 435 6. Stock in trade. The sale of goods within the residential premises is permitted only as accessory
436 to the principal professional home office occupation use. Stock or inventory is permitted inasmuch
437 as will fit within the allowable area of the residence being utilized as a professional home
438 occupation and does not create a health or safety hazard. No outdoor storage of materials or
439 equipment related to the professional home occupation shall be permitted on the premises.
440 Deliveries may not exceed that which would be utilized by a private residence and shall not be
441 disruptive to the immediate neighborhood.
- 442 7. Parking. The vehicle used for the professional home office occupation is limited to a passenger
443 car, van, or pickup truck. The vehicle may not be more than twenty (20) feet in overall length and
444 not more than seven (7) feet in overall height. Any vehicles used solely in connection with such
445 professional home occupation must have separate off-street parking facilities in addition to those
446 provided for the residence, except as otherwise regulated by city ordinances. Professional home
447 office occupation uses that are permitted to accommodate more than two (2) employees and/or
448 more than one (1) customer at a time shall be required to provide additional parking or have
449 access to public or guest parking within two hundred (200) feet of building or residence used for
450 such purpose.
- 451 8. Residential character. There shall be no alteration in the residential character or appearance of
452 the premises in connection with such professional home occupation.
- 453 9. Neighborhood impact. A professional home office occupation shall not create any nuisance,
454 hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors,
455 or other noxious emissions. Use of electrical or mechanical equipment that causes fluctuations in
456 line voltage, creates any interference in audio or video reception, or causes any perceivable
457 vibration on adjacent properties is not permitted.
- 458 10. Three (3) professional home office occupations per residence. No more than three (3)
459 professional home office occupations shall be permitted at any given residence at one (1) time.

460 Each professional home office occupation must maintain the required applicable business tax
461 receipts and use and occupancy certificates.

462 11. *Hours of Operation.* A professional home office occupation may be conducted between the hours
463 of 8 am to 6 pm, Monday through Saturday.

464 12. *Employees.* The number of employees including the owner/licensee is limited to one (1) for the
465 first three hundred (300) sq. ft. of space allocated for the professional home office occupation and
466 one hundred fifty (150) sq. ft of space allocated for each additional employee.

467 13. *Clients/Customers.* The professional home office occupation may not have more than one (1)
468 client, customer and/or visitor at a time for each three hundred (300) sq. ft. of space allocated for
469 the professional home occupation.

470 14. *Office Area.* Professional home office occupation owner/license must provide a drawing to scale
471 that demarcates the area of residence for the use.

472 15. *Level of Review.* A professional home office occupation shall be approved either as an
473 administrative use or conditional use depending on size and other applicable review criteria.

474 16. *Authorization Requirements.* Each professional home office occupation application must be
475 accompanied by a lease, if applicable, and a notarized letter of approval from the governing
476 homeowner's association or similar entity, if within a multi-tenant building.

477 17. *Homeowner Associations.* These provisions shall not supersede the requirements of a
478 homeowner's or condominium association's rules if those rules are more restrictive. However, in
479 the event the association rules are less restrictive, they shall not supersede the provisions of this
480 section.

481 18. *Conditions of Approval.* Appropriate conditions of approval may be placed on all professional
482 home office occupations to ensure the peaceful enjoyment of other residents living near the use
483 or within the same building and to maintain the overall residential character of the property.

484

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-10. - Off-street parking.

e) ~~Drainage. All off-street parking facilities shall be drained so as not to cause any nuisance to adjacent private or public property.~~ Drainage systems for off-street parking facilities shall be designed and installed in a manner acceptable to the city engineer. When necessary, walls, swales, planting areas, or other mitigation measures as determined by the city engineer shall be installed to protect adjoining properties and their occupants from any nuisance. Paved parking surfaces, including but not limited to driveways and parking lots, shall have a one (1) foot setback from the side property line and rear property if not alley accessed.

f) *Minimum parking space requirements by use category.*

1. Minimum off-street parking space requirements are as follows:

A. *Residential uses:*

- Single-family detached on lot less than fifty (50) ft wide - 1 space per unit.
- Single-family detached on lot greater than fifty (50) ft wide - 2 spaces per unit.
- Accessory dwelling unit - 1 space in addition to that required for the primary dwelling.

3. Fee-in-lieu of parking. All uses on properties in the core area which do not provide the required number of off-street parking spaces shall pay a fee-in-lieu of parking to the city. The fee shall be held in the community benefits fund to be allocated toward projects identified and approved by the commission as part of the Community Benefits Program.

A. Location. Only properties located in the core area are eligible to utilize the fee-in-lieu of parking option. The core area is more particularly described as: Those properties which are bounded on the west by "A" Street and on the east by Golfview Road, and on the north by 2nd Avenue North, and on the south by 1st Avenue South.

B.A. Payments-in lieu. For any uses that elect to not provide any or all of the required number of off-street parking spaces described in this section, the owner or developer must make a payment to the city in the amount of fifteen thousand dollars (\$15,000) per space not provided.

C. ~~B.~~ Any changes in use, remodeling, building expansion or new construction that have the net effect of increasing parking demand by more than twenty-five (25) percent as calculated by the required parking in this section, must provide parking as required by this section unless a payment-in-lieu of parking is made to the city in the amount of fifteen thousand dollars (\$15,000) per space not provided.

EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

[NEW SECTION] Section 23.4-22 - TEMPORARY USES

Temporary uses have characteristics that require certain restrictions in order to ensure compatibility with other uses in the zoning district in which they are proposed. All temporary uses are required to obtain a temporary use permit pursuant to the procedures of Section 23.2-37. Temporary uses are subject to the corresponding standards and limitations of this section. Renewal of a Temporary Use Permit, as allowed within this section, is subject to approval by the development review official. It shall be the responsibility of the applicant to demonstrate that the conditions of the original approval still exist.

a. Temporary Uses by District.

Section 23.3-6 Use Tables depicts the temporary uses permitted in each zoning districts in accordance with all standards and regulations in the City’s code.

b. Temporary Use Requirements.

All temporary uses shall meet all applicable provisions of the City Code of Ordinances, in addition to the following requirements.

1. Business Offices, Temporary. A temporary building for use as a business office is permitted on a 90-day basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. All temporary business offices shall be shown on the Site Plan for approval of the permanent facility. Any temporary parking associated with the temporary business office shall follow procedures of the temporary parking lot use herein.
2. Construction Field Offices. A temporary building for use as a construction field office is permitted on a 12-month basis unless it is renewed by the respective business. Renewals may be requested and considered in association with an active building permit.
 - A. One temporary building per construction site shall be permitted if associated with an active building permit. A site plan shall be required as part of a temporary use permit application to ensure the proposed field office is located to minimize impacts on adjacent properties owners, including addressing traffic, parking and drainage issues.
 - B. Any temporary parking associated with the construction field office shall follow the standards and procedures of the temporary parking lot use herein.
3. Construction Staging, Off-Site. This section applies to the temporary use of property outside of the right-of-way for activities related to the construction of public and private improvements. Temporary facilities allowed in conjunction with a staging site may include a construction field office, portable restroom facilities, vehicle or equipment storage, layout yards, contractor parking, storage of construction materials or product, and other uses as approved by the development review official. Off-site construction staging facilities may be located in all zoning districts where they are directly associated with construction of public and private improvements in the area, subject to the following requirements and limitations:
 - A. Off-site construction staging facilities are permitted on a 12-month basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. An unlimited number of renewals may be applied for and considered.
 - B. Such facilities shall be located within 1,500 feet of the boundary of the construction project.
 - C. At the expense of the agency or contractor, notification to all property owners within 200 feet of the subject site shall be required 15 days prior to any action by the development review official.
 - D. Stormwater and Driveway Permits must be obtained from the applicable City departments. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

- 588 E. A minimum of a five (5) foot landscaped buffer shall be required adjacent to residential properties.
589 Screening from non-residential properties and rights-of-way shall be adequate to prevent the
590 blowing of dust onto adjacent properties and rights-of-way, reduce noise, and to substantially block
591 the views of site and equipment.
- 592 G. Hours of operation shall be consistent with the construction hours of operation as otherwise
593 established by City ordinance or herein.
- 594 H. Any temporary parking or construction field offices associated with the construction staging area
595 shall follow the respective standards of the temporary parking lot use below. Outdoor storage of
596 commercial vehicles greater than 8,000 lbs shall be permitted upon issuance of an associated
597 temporary use permit and building permit. Such parking and storage of large vehicles and shall
598 be adequately screened as generally consistent with the outdoor storage requirements of this
599 code as determined by the development review official.
- 600 I. Following completion of the associated project, the site must be returned to its pre-construction or
601 better state as determined by the development review official. All buildings, driveway access, curb
602 and gutter, debris, and product must be removed, and the area must be sodded with grass or
603 Florida friendly ground cover as approved the development review official within forty-five (45)
604 days of removal.
- 605
- 606 4. Parking Lot, Temporary. A temporary parking lot may be approved, for a period not to exceed twelve
607 (12) months, when parking in excess of what was installed when a facility first opened is necessary
608 to accommodate business or unanticipated patronage. A temporary parking lot required as part of
609 another Temporary Use Permit may be approved in accordance with the period of time established
610 for such temporary use. All temporary parking lots are subject to the following requirements and
611 limitations:
- 612 A. Location. Temporary parking lot are permitted in any zoning district, except Single Family
613 Residential and are not permitted fronting the major thoroughfares of Lake Avenue and Lucerne
614 Avenue.
- 615 B. Site Plan of proposed parking configuration, buffers and screening, on-site circulation and right-
616 of-way access shall be required.
- 617 C. Stormwater and Driveway Permits shall be required and approved by both the building official
618 and the city engineer. The stormwater water permit application shall include the surface material
619 of the parking lot and demonstrate compliance with NPDES requirements for construction parking
620 facilities. Curbs, gutters, or other improvements may be required where necessary to comply
621 with drainage regulations. The stormwater permit and driveway permit should address the
622 prevention of dust blowing onto adjacent properties and the tracking of sediments and mud onto
623 public rights-of-way.
- 624 D. Entrance to the lot from any public right-of-way shall be pursuant to standard safe driveway
625 separation requirements in this code or shall be approved by the city engineer to ensure public
626 safety. The entrances of the lot from a public right-of-way shall be paved with an all-weather
627 surface and/or NPDES compliance surface as approved by the city engineer to mitigate
628 stormwater runoff pollutants and to prevent the blowing of dust onto adjacent properties and the
629 tracking of sediments and mud onto public rights-of-way.
- 630 E. At the end of the permit approval period, the area shall meet the following:
- 631 a. The area shall no longer be used for the parking of vehicles, except as permitted below.
632 All paving material, driveway access, and curb and gutter must be removed, and the area
633 must be sodded with grass or Florida Friendly ground cover as approved by the
634 development review official within forty-five (45) days of removal.
- 635 b. A temporary parking lot approved for the purposes of accommodating unanticipated
636 patronage may be retained if brought up to full compliance with all standards of the City's
637 Code of Ordinances. If no site plan is approved within two months of the expiration of the
638 temporary approval, the temporary parking lot shall be removed in accordance with the
639 standards above.
- 640
- 641 5. Residential Sales Offices and Model Homes. A temporary residential sales office or model home must
642 be located within the legal subdivision for which lots are being sold or on the subject property. In
643 addition, the following standards and requirements shall be met:

- 644 A. A Temporary Use Permit with a conditional Certificate of Occupancy to operate the model home /
645 sales office will expire after twelve (12) months unless it is renewed by the builder, upon which the
646 burden shall fall to demonstrate to the development review official that the conditions of approval
647 still exist. An unlimited number of applications to renew the Temporary Use Permit may be applied
648 for and considered.
- 649 B. The design and construction of the model home or sales office must be consistent with the
650 character of the subject neighborhood. A model home or temporary sales office may construct a
651 monument sign no larger than sixteen (16) square feet and no taller than four feet in height, subject
652 to the requirements of this code.
- 653 C. The model home shall be constructed in such a manner that it can be converted, without structural
654 changes, to a single-family, two-family, or multi-family residence (as allowed by the zoning district).
655 Such conversion shall occur no later than after the issuance of certificates of occupancy to 80
656 percent (80%) of the associated residential units or when use as a sales office or model home has
657 ceased.
- 658 D. A temporary building for use as a sales office is permitted on a six-month basis only if a model
659 home has not been constructed. The temporary sales office is subject to the renewal policy outlined
660 for model homes but shall be removed once the model home has been constructed.
- 661
- 662 6. Seasonal Product Sales or a Temporary Farmer's Market shall require a business license and
663 registration of individual vendors with the City.

EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 “SUPPLEMENTARY
REGULATIONS”

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671 **Sec. 23.5-7. - Concurrency management and public facility capacity.**

- 672 1. Drainage. Adequately accommodate run-off from a three-year frequency one-hour storm duration,
673 as recorded in the FDOT Rainfall Intensity Curves in use in 1970. For zero lot line lots, a three (3)
674 foot maintenance easement shall be provided on the non-zero side of each zero-lot-line lot to
675 allow for maintenance of the adjoining property and whenever feasible on existing non-
676 conforming lots as determined by the city engineer and the development review official.

SPECIALITY & TEMPORARY USES																								
High Intensity Specialty Uses -Use area greater than 7,500 sq. ft and/or high intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON	
Adult Establishments																					C			
Flea Market							C	C	C	C	C	C	C	C	C	C				C	C	C		
Outdoor Farmer's Market																				C		C		
Mobile food vending courts																				C		C		
Passenger Railroads/Transit															C	C						C		
Private Club									C				C	C										
Power Plants																					C	C		
Public Safety Facilities																						C		
Radio and Television Broadcasting Studios w/ Communication Towers														C							C	C		
Shooting Ranges																						C		
Special Interest Automobile Dealership													C							C	C			
Sports Arenas, (Public/Private)(Indoor/Outdoor)														C							C			
Taxicab Companies																					C			
Taxidermist																					C			
Water Towers																						C		
Wireless Communication Facilities										C	C	C	C	C	C	C				C	C	C		
Medium Intensity Specialty Uses - Use less than 7,500 sq. ft and/or medium intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON	
Adult Establishments																						C		
Cemetery/Mausoleum(Public/Private)	C	C		C	C	C						C										C	C	
Private Club									A				A	A										
Produce Market							A			A	A		A	A	A	A								
Radio and Television Broadcasting Studios w/o Communication Towers							A			A	A		A	A	A	A				A	A	C		
Special Interest Automobile Dealership													A							A	A			
Temporary-Help-Marshalling and Dispatch Services																							G	
Non-motorized recreational equipment rental (canoes, kayaks, paddle boards, etc)																						C	C	C
Outdoor Farmer's Market																						C		
Flea Market																						C		
Mobile food vending courts																						C		
Low Intensity Specialty Uses - Use area less than 2,500 sq. ft and low intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON	
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Open Space Conservation Areas	P	P	P	P																		P	P	P
Produce Market							A			A	A		A	A	A	A								
Private Club									P				P	P										
Special Interest Automobile Dealership													P							P	P			
Water Conservation Areas	P	P	P	P																		P	P	P
Temporary Uses	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON	
Business Offices, Temporary	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Construction Field Office	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Construction Staging, Off-site	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Emergency Management Related Uses, Temporary	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Farmer's Market, Temporary & Seasonal Product Sales							I	I	I	I	I	I	I	I	I	I					I		I	
Parking Lot, Temporary							I	I	I	I	I	I	I	I	I	I					I		I	
Residential Sales Offices/Model Homes	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Temporary Help Marshalling and Dispatch Services																						I	I	

Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review).



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, FEBRUARY 16, 2021 - 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Mayor Pam Triolo

PLEDGE OF ALLEGIANCE: led by Commissioner Scott Maxwell

AGENDA - Additions / Deletions / Reordering:

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

A. Presentation by Dr. Elvis Epps, Principal of Lake Worth High School

COMMISSION LIAISON REPORTS AND COMMENTS:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF MINUTES:

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

- A. Resolution No. XX-2021 – documenting the levy of municipal special assessment liens for unpaid lot clearing charges
- B. L'Hoist Agreement for Quicklime for WTP
- C. Interlocal Agreement with Solid Waste Authority

PUBLIC HEARINGS:

- A. Ordinance No. 2020-20 – First Reading – amending Chapter 23 “Land Development Regulations” regarding changes to temporary uses, home occupations and several minor modifications related to development standards for parking and accessory dwelling units, and maintenance easements on zero lot line properties

UNFINISHED BUSINESS:

NEW BUSINESS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

ADJOURNMENT:

Attachment - Draft Agenda - March 2, 2021