



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JUNE 01, 2022 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

WITHDRAWLS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

A. PZB Project Number 21-00500010: A Major Site Plan and a Conditional Use Permit request for the construction of eight-unit townhouses (townhouse complex) at 1719-1737 North Federal Highway within the Mixed Use – Federal Highway (MU-FH) zoning district.

Application to be continued to June 15, 20202

B. PZB Project Number 21-01400018 (Ordinance 2022 – 08): A planned development, major site plan, conditional use permit and sustainable bonus requests for Detroit St/ Buffalo St at 7 Detroit Street and 26 Buffalo Street to construct an approximately 3-story, 60-unit multi-family mid-rise residential structure. The sustainable bonus request is for an additional 6 feet (1- story) of height. The property is zoned Mixed-Use West (MU-W).

Application to be continued to June 15, 20202

C. [PZB Project Number 22-00500002: Consideration of a Conditional Use Permit request to establish an aquaculture/hydroponic farming use in the Industrial Park of Commerce \(I-POC\)](#)

zoning district at 1909 7th Court North. The request is to establish the proposed use within the current 10,284 square foot industrial building.

- D. **Ordinance 2022-11:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 related to “Site Design Qualitative Standards.”
- E. **Ordinance 2022-13:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding a new definition “Micro-unit;” and Article 4 “Development Standards,” adding a new Section 23.4-25 “Micro-units,” providing for development standards for micro-units.
- F. **Ordinance 2022-12:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding new definitions “Annual Gross Household Income,” “Gross Rent,” and “Overall Housing Expense;” and Article 2 “Administration,” Division 3 “Permits,” adding a new Section 23.2-39 “Affordable/Workforce Housing Program.”

PLANNING ISSUES:

A. Annual Organizational Meeting & Election of the Chair & Vice-Chair

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00500002: Consideration of a **Conditional Use Permit** request to establish an *aquaculture/hydroponic farming* use in the Industrial Park of Commerce (I-POC) zoning district at 1909 7th Court North. The request is to establish the proposed use (+/-4,940 sf) within the current +/-10,284 square foot industrial building.

Meeting Date: June 1, 2022

Property Owner: David Collins, GHV Enterprises, LLC

Applicant: Erik R. Wong – The Hidden Culture, LLC

Address: 1909 7th Court North

PCN: 38-43-44-21-07-000-0010

Size: 0.6384 ac Lot / 10,284 sf. Existing Structures

General Location: West of Barnett Drive between 7th Court North and 7th Avenue North

Existing Land Use: Warehouse/ Distribution

Current Future Land Use Designation: Industrial (I)

Zoning District: Industrial Park of Commerce (I-POC)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Conditional Use Permit is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are outlined on page 5 of this report, and address minor site plan requirements.

PROJECT DESCRIPTION

The applicant, Erik R. Wong with The Hidden Culture, LLC, is requesting a **Conditional Use Permit (CUP)** to establish an *aquaculture/hydroponic farming* (hemp cultivation facility) use in the Industrial Park of Commerce (I-POC) zoning district located at 1909 7th Court North. The subject site is located West of Barnett Drive between 7th Court North and 7th Avenue North. According to the property appraiser, the subject site is included in an existing 10,284 square foot building. The building is currently configured as warehouse space. No additional site improvements are being proposed with this application.

According to the applicant, The Hidden Culture, LLC is a licensed Florida Department of Agriculture and Consumer Services (FDACS) Hemp/CBD cultivation facility. The Hidden Culture grows, stocks, and maintains FDACS required Association of Official Seed Certifying Agencies (AOSCA) certified hemp cultivator. The use is entirely enclosed and not open to the public. The Hidden Culture does not sell any product to the public. The use is not a retail-based business or operation and is not approved for the sale of the any product. The facility is under live surveillance 24 hours, seven (7) days a week with a security officer present during the hours of operation. The facility will operate Monday through Sunday from 10:00 A.M. to 4 P.M., with a maximum number of four employees.

An *aquaculture/hydroponic farming* use is allowed in the I-POC zoning district subject to a Conditional Use Permit approval.

COMMUNITY OUTREACH

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

BACKGROUND

Existing Development: The existing warehouse structure was constructed in 1962. Per the plans provided, the warehouse building is 10,284 square feet.

Land Use: The property's use is warehouse/ distribution. The applicant, The Hidden Culture, LLC., whom operates a licensed Florida Department of Agriculture and Consumer Services (FDACS) Hemp/CBD cultivation facility at the property at 1909 7th Ct. N., currently has no active business license for the site.

Landscaping: The site currently has existing perimeter landscaping consisting of Stoppers, Silver Buttonwood, Sea Grape shrubs, Oak Trees, and Adonida Palms. The site also has existing Interior landscaping consisting of Sabal Palms in the parking area islands. Staff is proposing a condition of approval to require that the landscaping be enhanced and brought up to code to the furthest extend possible.

Code Compliance: The site has an active case to require use approval for the business activity. The site requires a use approval prior to obtaining a business license with the city. The conditional use permit request will assist in the compliance of current LDRs and address outstanding code enforcement issues.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). Per Policy 1.1.1.10, The Industrial land use category is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed use of aquaculture/hydroponic farming use is allowed in the I-POC zoning district as a Conditional Use. The proposal is associated with an existing 10,284 square foot building. Therefore, the proposal can be deemed consistent with the intent and desired uses for the Industrial FLU.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Conditional Use will allow for the establishment of a medium intensity industrial use (aquaculture/hydroponic farming – hemp cultivation facility) that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the City's Land Development Regulations

The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29(i)), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

Section 23.2-29(a), Conditional Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

Section 23.2-29(b), Approval Authority: *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

Analysis: A recommendation by the development review official is provided on page 2 of this report, under Recommendation.

Section 23.2-29(c), General Procedures: *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

Staff Analysis: The structure on the property completed construction in 1962. The building and site currently do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section

23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed conditional use is consistent with the City's LDRs as conditioned based on the following data and analysis:**

Off-Street Parking

Per LDRs Section 23.4-10.f)2.A., Exceptions. *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

Staff Analysis: The entire site area has a total of 38 parking spaces. The subject area, located at 1909 7th Court North, has six (6) dedicated parking spaces which will include a loading zone. Parking is located at the north end of the site with access to 7th Court North. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied, and therefore, the proposal does not require additional parking spaces and meets the parking requirement. The conditional use requested is an industrial use. The required parking for the subject site complies with LDRs and has added a dedicated handicap parking space.

Findings for Granting Conditional Uses

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

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.

Staff Analysis: The proposed conditional use is in harmony with the surrounding area. An aquaculture/hydroponic farming use (hemp cultivation facility) use is an anticipated use in the Industrial Park of Commerce (I-POC) zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated the zoning district in the comprehensive plan.

Section 23.2-29.e) Specific findings for all conditional uses.

Staff Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there is an active code case for the use approval at 1909 7th Court North. The conditional use permit will assist in the compliance of current LDRs and address outstanding code enforcement issues.

CONCLUSION AND CONDITIONS

The Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

The proposed *aquaculture/hydroponic farming use (hemp cultivation facility)* use is appropriate for this zoning district. The use is located adjacent to compatible uses and will not create excessive problems for through traffic. Based on the

data and analysis in this report and the supporting materials by the applicant, the use requested is not anticipated to negatively impact adjacent properties. Further, the proposed conditional use and improved landscaping will be compatible with the neighboring uses. The use has additional state licensing requirements and security measures in place to mitigate any potential adverse impacts. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

1. Planning and Zoning:

- a. Retail sales is prohibited.
- b. Outdoor storage is prohibited.
- c. Documentation that PBC Wellfield Permit affidavit of notification was submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
- d. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
- e. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.
- f. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the applicable annual Use and Occupancy Certificates (U&O) and Business Tax Receipts (BTR) for the new use and will need to maintain the license with renewals. This occupant must also obtain a City of Lake Worth Beach business license. This approval letter only applies to this address, 1909 7th Court North, and will not constitute approval for any new location or unit.
- g. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the business or accessory outdoor storage.

2. Landscaping:

- a. Prior to the issuance of a business license, a landscape permit to replace dead or missing perimeter vegetation and provide additional interior landscaping in the existing landscape islands at the east side of the subject site shall be required. The property owner shall have a maximum of three (3) after the approval of the landscape permit install the required landscaping.

3. Public Works:

- a. Prior to the issuance of a certificate of occupancy, the existing dumpster located on the north side of the subject property shall be enclosed within a dumpster enclosure. The dumpster shall be screened from public view and constructed in accordance with the standards and code requirements of the City. Should insufficient space be available to construct an enclosure, a variance shall be requested to review the other options to meet the intent of these requirements.
- b. Prior to the issuance of a Certificate of Occupancy, contact the Solid Waste and Recycling Division to determine required collection frequency and receptacle size. 561-533-7344.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 22-00500002 with staff recommended conditions for a **Conditional Use Permit** request to establish an aquaculture/hydroponic farming use (hemp cultivation facility) use in the Industrial Park of Commerce (I-POC) zoning district located at 1909 7th Court North based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 22-00500002 for a **Conditional Use Permit** request to establish an aquaculture/hydroponic farming use (hemp cultivation facility) use in the Industrial Park of Commerce (I-POC) zoning

district located at 1909 7th Court North. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Findings for Conditional Uses
- B. Application Package (survey, request letter)

ATTACHMENT A - Findings for Granting Conditional Uses

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

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

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

Section 23.2-29.g) Additional requirements.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance

1
2
3 **ORDINANCE 2022-11 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 2 “ADMINISTRATION,”**
6 **DIVISION 3 “PERMITS,” SECTION 23.2-31 “SITE DESIGN**
7 **QUALITATIVE STANDARDS,” PROVIDING FOR STANDARDS FOR**
8 **BUILDINGS; AND PROVIDING FOR SEVERABILITY, CONFLICTS,**
9 **CODIFICATION AND AN EFFECTIVE DATE**

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

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

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

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

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

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

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

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

46
47 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
48 being true and correct and are made a specific part of this ordinance as if set forth herein.
49

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

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

- 54 a) *Intent.* It is the intent of this section to promote safety and minimize negative impacts
55 of development on its neighbors by establishing qualitative requirements for the
56 arrangements of buildings, structures, parking areas, landscaping and other site
57 improvements. The qualitative standards are designed to ensure that site
58 improvements are arranged in ways which cannot be otherwise accomplished with
59 quantitative standards.
- 60 b) *Application.* The site design qualitative standards set forth in this section shall apply
61 to all development subject to site plan review under section 23.2-30, and to all
62 conditional uses.
- 63 c) *Qualitative development standards.*
- 64 1. *Harmonious and efficient organization.* All elements of the site plan shall be
65 harmoniously and efficiently organized in relation to topography, the size and
66 type of plot, the character of adjoining property and the type and size of
67 buildings. The site shall be developed so as to not impede the normal and orderly
68 development or improvement of surrounding property for uses permitted in these
69 LDRs.
- 70 2. *Preservation of natural conditions.* The natural (refer to landscape code, Article
71 6 of these LDRs) landscape shall be preserved in its natural state, insofar as
72 practical, by minimizing tree and soil removal and by such other site planning
73 approaches as are appropriate. Terrain and vegetation shall not be disturbed in
74 a manner likely to significantly increase either wind or water erosion within or
75 adjacent to a development site. Natural detention areas and other means of
76 natural vegetative filtration of stormwater runoff shall be used to minimize ground
77 and surface water pollution, particularly adjacent to major waterbodies as
78 specified in ~~Part II~~, Chapter 12, Health and Sanitation, Article ~~VIII~~, Fertilizer
79 Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to
80 development adjacent to waterbodies. Marinas shall be permitted only in water
81 with a mean low tide depth of four (4) feet or more.
- 82 3. *Screening and buffering.* Fences, walls or vegetative screening shall be provided
83 where needed and practical to protect residents and users from undesirable
84 views, lighting, noise, odors or other adverse off-site effects, and to protect
85 residents and users of off-site development from on-site adverse effects. This
86 section may be interpreted to require screening and buffering in addition to that
87 specifically required by other sections of these LDRs, but not less.
- 88 4. *Enhancement of residential privacy.* The site plan shall provide reasonable,
89 visual and acoustical privacy for all dwelling units located therein and adjacent
90 thereto. Fences, walks, barriers and vegetation shall be arranged for the
91 protection and enhancement of property and to enhance the privacy of the
92 occupants.

- 93 5. *Emergency access.* Structures and other site features shall be so arranged as
94 to permit emergency vehicle access by some practical means to all sides of all
95 buildings.
- 96 6. *Access to public ways.* All buildings, dwelling units and other facilities shall have
97 safe and convenient access to a public street, walkway or other area dedicated
98 to common use; curb cuts close to railroad crossings shall be avoided.
- 99 7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system
100 which is insulated as completely as reasonably possible from the vehicular
101 circulation system.
- 102 8. *Design of ingress and egress drives.* The location, size and numbers of ingress
103 and egress drives to the site will be arranged to minimize the negative impacts
104 on public and private ways and on adjacent private property. Merging and
105 turnout lanes traffic dividers shall be provided where they would significantly
106 improve safety for vehicles and pedestrians.
- 107 9. *Coordination of on-site circulation with off-site circulation.* The arrangement of
108 public or common ways for vehicular and pedestrian circulation shall be
109 coordinated with the pattern of existing or planned streets and pedestrian or
110 bicycle pathways in the area. Minor streets shall not be connected to major
111 streets in such a way as to facilitate improper utilization.
- 112 10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall
113 be designed for maximum efficiency. They shall occupy no more land than is
114 required to provide access, nor shall they unnecessarily fragment development
115 into small blocks. Large developments containing extensive public rights-of-way
116 shall have said rights-of-way arranged in a hierarchy with local streets providing
117 direct access to parcels and other streets providing no or limited direct access
118 to parcels.
- 119 11. *Off-street parking, loading and vehicular circulation areas.* Off-street parking,
120 loading and vehicular circulation areas shall be located, designed and screened
121 to minimize the impact of noise, glare and odor on adjacent property.
- 122 12. *Refuse and service areas.* Refuse and service areas shall be located, designed
123 and screened to minimize the impact of noise, glare and odor on adjacent
124 property.
- 125 13. *Protection of property values.* The elements of the site plan shall be arranged so
126 as to have minimum negative impact on the property values of adjoining
127 property.
- 128 14. *Transitional development.* Where the property being developed is located on the
129 edge of the zoning district, the site plan shall be designed to provide for a
130 harmonious and complementary transition between districts. Building exteriors
131 shall complement other buildings in the vicinity in size, scale, mass, bulk, height,
132 rhythm of openings and character. Special consideration ~~Consideration~~ shall be
133 given to a harmonious transition in height and design style so that the change in
134 zoning districts is not accentuated. Additional consideration shall be given to
135 complementary setbacks between the existing and proposed development.

136 15. *Consideration of future development.* In finding whether or not the above
137 standards are met, the review authority shall consider likely future development
138 as well as existing development.

139 d) *Buildings, generally.*

140 1. Buildings or structures which are part of a present or future group or complex
141 shall have a unity of character, style, integrity and design. Their architectural
142 style(s) shall be clearly expressed and detailed appropriately to vocabulary of
143 the style(s) and be of high quality in terms of materials, craftsmanship and
144 articulation. The relationship of building forms through of the use, texture and
145 color of material(s) shall be such as to create one (1) harmonious whole. When
146 the area involved forms an integral part of, is immediately adjacent to, or
147 otherwise clearly affects the future of any established section of the city, the
148 design, scale, height, setback, massing and location ~~of~~ on the site shall enhance
149 rather than detract from the character, value and attractiveness of the
150 surroundings. Harmonious does not mean or require that the buildings be the
151 same.

152 2. Buildings or structures located along strips of land or on a single site, and not a
153 part of a unified multi-building complex shall achieve as much visual harmony
154 and compatibility with the surroundings as is possible under the circumstances.
155 The overall building fenestration, orientation, rhythm, height, setback, mass and
156 bulk of an existing streetscape shall be respected. If a building is built in an
157 undeveloped area, ~~three-9~~ (~~three~~ nine) primary requirements shall be met, including
158 honest design construction, proper design concepts, appropriate use of high-
159 quality materials, and appropriateness to compatibility with the overall character
160 of the city-, appreciation of location, respectful transition, activation of the
161 streetscape, building form(s) following proposed function(s) and overall
162 sustainability.

163 3. All façades visible to public or adjacent property shall be designed to create a
164 harmonious whole. Materials shall express their function clearly and not appear
165 foreign to the rest of the building. Facades shall have visual breaks every 75 feet
166 at a minimum. The breaks shall be setbacks of either 8" or 12" or more to create
167 reveal lines or step backs on the façade and to add rhythm. Buildings in Lake
168 Worth Beach typically have facades arranged in 25-foot or 50-foot increments.
169 Breaks in facades also may be achieved through the use of differing but
170 complementary and harmonious architectural styles. The massing elements of
171 each façade shall have a height to width ratio approximating the golden ratio of
172 1.618, either vertically or horizontally.

173 4. The concept of harmony shall not infer that buildings must look alike or be of the
174 same style. Harmony can be achieved through the proper consideration of
175 setback, floor to floor height, scale, mass, bulk, proportion, overall height,
176 orientation, site planning, landscaping, materials, rhythm of solids to voids and
177 architectural components including but not limited to porches, roof types,
178 fenestration, ~~entrances, orientation~~ and stylistic expression.

179 5. Look-alike buildings shall not be allowed unless, in the opinion of the ~~board~~
180 reviewing entity, there is sufficient separation to preserve the aesthetic character
181 of the present or evolving neighborhood. This is not to be construed to prohibit

- 182 the duplication of floor plans and exterior treatment in a planned development
183 where, in the opinion of the ~~board~~ reviewing entity, the aesthetics or the
184 development depend upon, or are enhanced by the look-alike buildings and their
185 relationship to each other.
- 186 6. Buildings, which are of symbolic design for reasons of advertising, unless
187 otherwise compatible with the criteria herein, will not be approved by the ~~board~~
188 reviewing entity. Symbols attached to the buildings will not be allowed unless
189 they are secondary in appearance to the building and landscape and are an
190 aesthetic asset to the building, project and neighborhood.
- 191 7. Exterior lighting may be used to illuminate a building and its grounds for safety
192 purposes, but in an aesthetic manner. Lighting is not to be used as a form of
193 advertising in a manner that is not compatible to the neighborhood or in a
194 manner that draws considerably more attention to the building or grounds at
195 night than in the day. Lighting following the form of the building or part of the
196 building will not be allowed if, in the opinion of the board, the overall effect will
197 be detrimental to the environment. All fixtures used in exterior lighting are to be
198 selected for functional as well as aesthetic value.
- 199 8. Building surfaces, walls, fenestration and roofs shall be compatible and in
200 harmony with the neighborhood.
- 201 9. "Take-out" or "pick-up" windows of retail or wholesale establishments shall not
202 be located on a building façade that faces a public right-of-way, unless they are
203 designed in such a manner as to constitute an aesthetic asset to the building
204 and neighborhood.
- 205 10. All exterior forms, attached to buildings, shall be in conformity to and secondary
206 to the building. They shall be an asset to the aesthetics of the site and to the
207 neighborhood.
- 208 11. All telephones, vending machines, or any facility dispensing merchandise, or a
209 service on private property, shall be confined to a space built into the building or
210 buildings or enclosed in a separate structure compatible with the main building,
211 and where appropriate and feasible, should not be readily visible from off-
212 premises.
- 213 12. Buildings of a style or style-type foreign to south Florida or its climate will not be
214 allowed. It is also to be understood that buildings which do not conform to the
215 existing or to the evolving atmosphere of the city, even though possessing
216 historical significance to south Florida, may not be approved.
- 217 13. No advertising will be allowed on any exposed amenity or facility such as
218 benches and trash containers.
- 219 14. Light spillage restriction. The applicant shall make adequate provision to ensure
220 that light spillage onto adjacent residential properties is minimized.
- 221 15. All buildings shall address both the public right of way and improve the overall
222 pedestrian experience through the inclusion of the following components:
- 223 a. clearly articulated entrances,
- 224 b. expanses of fenestration at the ground level,

- 225 c. provision of shade through porches, awnings, galleries, arcades and/or
- 226 loggias as well as other appropriate forms to the chosen architectural style(s),
- 227 d. integrated signage,
- 228 e. pedestrian scaled lighting,
- 229 f. buildings that define at least fifty percent (50%) of the street frontage, and
- 230 g. openings that approximate a golden ratio of 1.618.

231 16. All new buildings shall strive to incorporate design principles, practices and

232 performance standards to achieve the following through a project proforma

233 description and analysis prepared by the developer and verified by an

234 independent third party:

235 a. Overall 10% reduction in greenhouse emissions over the life of the building

236 as compared to industry standards,

237 b. Overall 10% reduction in carbon footprint during construction and operation

238 of the building as compared to industry standards,

239 c. Overall 20% reduction in refuse stream during construction and operation of

240 the building as compared to industry standards,

241 d. Overall utilization of at least 20% recycled materials and/or materials that are

242 recyclable,

243 e. Overall 20% reduction in water usage during operation of the building as

244 compared to industry standards,

245 f. Efficient use of natural resources through use reduction, reuse, reclamation,

246 and recycling,

247 g. Incorporation of design features and uses that support multi-modal

248 transportation options,

249 h. Incorporation of appropriate safety features to ensure the security and comfort

250 of both occupants and visitors,

251 i. Incorporation of amenities that are conducive to enhancing community pride

252 and social interaction, and

253 j. Incorporation of design elements, performance standards and/or

254 specifications to enhance the public's awareness and appreciation of the

255 community's commitment to the preservation and enhancement of the following

256 sustainability qualities, values and principles:

257 i. Cultural resources,

258 ii. Historical resources,

259 iii. Ecological/natural resources,

260 iv. Diversity and inclusion,

261 v. Social justice,

262 vi. Economic investment,

263 vii. Neighborhood vitality,

- 264 viii. Sense of place,
- 265 ix. Education, and
- 266 x. Recreation.

267 e) Reserved.

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

- 273 1. The scale of the sign must be consistent with the scale of the building on which
274 it is to be placed or painted.
- 275 2. The overall effect of the configuration or coloring of the sign shall not be garish.
276 The colors shall not conflict with those of other signs already on the building or
277 in the immediate vicinity.

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

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

- 280 1. Parking lots and other vehicular use areas are to be designed as an aesthetic
281 asset to a neighborhood and to the building, group of buildings, or facility they
282 serve. A parking lot is to be considered an outside space; a transitional space
283 that is located between access areas (such as roads) and the building, group of
284 buildings or other outside spaces which it serves. The parking lot, because it is
285 viewed from above as well as at eye level, should be designed accordingly.
- 286 2. Parking lots, vehicular use areas, and vehicles parked therein are to be
287 effectively screened from the public view and from adjacent property in a manner
288 that is attractive and compatible with safety, the neighborhood and the facility
289 served.
- 290 3. The responsibility for beautification and design of a parking lot is the same as
291 that which a homeowner has to his residential lot. The atmosphere within a
292 parking lot or vehicular use area is to be as pleasant and park-like as possible,
293 rather than a harsh stand of paving. Trees are of primary importance to the
294 landscape and are not to be minimized in either height or quantity. Trees impart
295 a sense of three-dimensional space in a relatively flat area. Trees cast shadows
296 that help to reduce the monotony of an expanse of paving and create a refuge
297 from the tropical sun. Signs designating entrances, exits and regulations are to
298 be of a tasteful design and shall be subject to review by the board. Consideration
299 may be given to use of pavement which is varied in texture or color to designate
300 lanes for automobile traffic, pedestrian walks and parking spaces. Brightly
301 colored pavement is to be used with restraint. In order to create a pleasant
302 atmosphere, it is recommended that consideration be given to sculpture,
303 fountains, gardens, pools and benches. Design emphasis is to be given to the
304 entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and
305 mechanical equipment shall be screened from the parking lot.
- 306 4. Lighting is to be designed for visual effects as well as safety and resistance to
307 vandalism. Care should be taken not to create a nuisance to the neighborhood

308 from brightness or glare. Low lights in modest scale can be used along with
309 feature lighting emphasizing plants, trees, barriers, entrances and exits. The
310 fixtures are to be selected for functional value and aesthetic quality. Fixtures
311 should be regarded as "furniture of the parking lot" which are visible both day
312 and night.

313 5. Additional regulations for parking lots and vehicular use areas may be found in
314 Article 4, Supplemental Regulations.

315 i) *Required utilities.* All construction of sanitary sewer collection facilities and water
316 supply and distribution systems shall conform to the requirements of the Florida
317 Building Code as amended and the Lake Worth Utilities Department construction
318 standards, and the appropriate state governing agency. The water supply system
319 within the development shall conform to the City of Lake Worth's fire rescue services
320 provider requirements for fire protection.

321 j) *Design guidelines for major thoroughfares.* The design standards for major
322 thoroughfares may be adopted and amended from time to time by resolution of the
323 city commission, and shall apply to the following properties:

324 1. Property adjacent to Lake and Lucerne Avenues from the Intracoastal to
325 Interstate 95 and within the Old Town Historic District;

326 2. Lake Worth Road;

327 3. Property adjacent to H, J, K, L, and M Streets within the Old Town Historic
328 District;

329 4. Property adjacent to 10th Avenue North from the east side of Dixie Highway west
330 to Interstate 95;

331 5. Property adjacent to 6th Avenue South from the east side of Dixie Highway west
332 to Interstate 95;

333 6. Property adjacent to Federal Highway from the south city limit to the south
334 boundary of College Park; and

335 7. Property adjacent to Dixie Highway from the south city limit to the north City limit.

336 k) *Storefront window treatments.*

337 1. All windows or openings of buildings located within the city's zoning districts
338 including DT, MU-E, MU-FH, MU-DH, MU-W, TOD-E and TOD-W whereby the
339 interiors of such buildings can be observed from the public streets or sidewalks,
340 shall be treated or screened in the manner set forth below.

341 2. All windows or openings of vacant buildings or buildings under construction
342 located within all of the city's zoning districts including DT, MU-E, MU-FH, MU-
343 DH, MU-W, TOD-E and TOD-W, which windows or openings can be viewed from
344 the public streets and sidewalks and which expose the interiors of such
345 buildings, shall screen the vacant interior of the building in which they are
346 located.

347 3. Window treatment or screening may be achieved by either constructing within
348 the window or opening a pocket, equivalent in dimension to the dimension of the
349 window or opening itself, and forty (40) inches or more in depth, or hanging

350 curtains or utilizing interior shutters. The pocket shall be used for purposes of
351 screening the interior of the building, and to provide an attractive display for
352 those who can observe the window or opening from the streets or public
353 sidewalks of the town. This pocket shall be decorated by featuring displays of
354 the incoming tenant, or vignettes representing designs and merchandise of
355 existing city merchants. The window glass shall be clean both inside and outside.
356 It is advisable that the window shall be lighted at night.

357 4. All windows or openings of businesses that are operational, vacant or under
358 construction may not have storage materials, such as kitchen equipment,
359 alcoholic beverage containers, stacked furniture, debris or packing materials
360 visible from a public street or right-of-way. A window or opening of an operational
361 business will be decorated with merchandise or screened from view with curtains
362 or interior shutters.

363 5. Any storefront both vacant or operational that has more than twenty-five (25)
364 feet of frontage on a public sidewalk must provide a vignette display in at least
365 one-half ($\frac{1}{2}$) of its available window space.

366 6. Newspaper, printed paper or unpainted plywood will not be allowed in a window.

367 7. No windows or openings of storefronts will utilize a mirrored reflective film. Films
368 allowing light to pass through, but blocking ultraviolet light will be permitted. The
369 intent is that interior displays will be visible from the right-of-way.

370 8. An owner must comply with these specifications within seven (7) days of
371 vacancy of a storefront.

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

375 I) *Community appearance criteria.* The general requirements outlined in this section
376 are minimum aesthetic standards for all site developments, buildings, structures, or
377 alterations within the corporate limits of the city, except single-family residences.
378 However, additions to existing buildings and sites shall be subject to review by the
379 development review official for a determination regarding submission to the planning
380 and zoning board or historic resources preservation board for review. All site
381 development, structures, buildings or alterations to site development, structures or
382 buildings shall demonstrate proper design concepts, express honest design
383 construction, be appropriate to surroundings, and meet the following community
384 appearance criteria:

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

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

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

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

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

402
403 **Section 3: Severability.** If any section, subsection, sentence, clause, phrase or
404 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
405 competent jurisdiction, such portion shall be deemed a separate, distinct, and
406 independent provision, and such holding shall not affect the validity of the remaining
407 portions thereof.

408
409 **Section 4: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in
410 conflict herewith are hereby repealed to the extent of such conflict.

411
412 **Section 5: Codification.** The sections of the ordinance may be made a part of
413 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
414 accomplish such, and the word "ordinance" may be changed to "section", "division", or
415 any other appropriate word.

416
417 **Section 6: Effective Date.** This ordinance shall become effective 10 days after
418 passage.

419
420 The passage of this ordinance on first reading was moved by
421 _____, seconded by _____, and upon
422 being put to a vote, the vote was as follows:

423
424 Mayor Betty Resch
425 Vice Mayor Christopher McVoy
426 Commissioner Sarah Malega
427 Commissioner Kimberly Stokes
428 Commissioner Reinaldo Diaz

429
430 The Mayor thereupon declared this ordinance duly passed on first reading on the
431 _____ day of _____, 2022.

432
433
434 The passage of this ordinance on second reading was moved by
435 _____, seconded by _____, and upon being put to a vote,
436 the vote was as follows:

437
438 Mayor Betty Resch
439 Vice Mayor Christopher McVoy
440 Commissioner Sarah Malega
441 Commissioner Kimberly Stokes

442 Commissioner Reinaldo Diaz

443

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

446

447

LAKE WORTH BEACH CITY COMMISSION

448

449

By: _____
Betty Resch, Mayor

450

451

452

ATTEST:

454

455

456

Melissa Ann Coyne, City Clerk

457

458



DATE: May 25, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

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

PROPOSAL / BACKGROUND/ ANALYSIS:

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

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

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

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

STAFF RECOMMENDATION:

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

POTENTIAL MOTION:

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

Attachments

A. Draft Ordinance 2022-11



DATE: May 25, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

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

PROPOSAL / BACKGROUND/ ANALYSIS:

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

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

- Article 1, Section 23.1-12 – Definitions
- Article 4, NEW Section 23.4-25 – Micro-units

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-13.

POTENTIAL MOTION:

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

Attachments

- A. Draft Ordinance 2022-13

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ORDINANCE 2022-13 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2 "DEFINITIONS," SECTION 23.1-12 "DEFINITIONS," ADDING A NEW DEFINITION "MICRO-UNIT;" AND ARTICLE 4 "DEVELOPMENT STANDARDS," ADDING A NEW SECTION 23.4-25 "MICRO-UNITS," PROVIDING FOR DEVELOPMENT STANDARDS FOR MICRO-UNITS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

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

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

WHEREAS, the City wishes to amend Chapter 23 Land Development Regulations," Article 1 "General Provisions," Division 2 "Definitions," Section 23.1.12 definitions, to a definition and to define the new use, "Micro-Unit;" and

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

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

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

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

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

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

Section 1: The foregoing "WHEREAS" clauses are ratified and confirmed as

51 being true and correct and are made a specific part of this ordinance as if set forth herein.

52

53 **Section 2:** Chapter 23 “Land Development Regulations,” Article 1 “General
54 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” is hereby amended by
55 adding thereto a new definition “Micro-unit” to read as follows:

56

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

61

62 **Section 2:** Chapter 23 “Land Development Regulations,” Article 4
63 “Development Standards,” is hereby amended by adding thereto a new Section 23.4-25
64 “Micro-units” to read as follows:

65

66 **Sec. 23.4-25. – Micro-units.**

67

- 68 a) Project size. All micro-unit projects must provide at a minimum of 20 micro-units.
- 69
- 70 b) Micro-Unit Use Restriction. Micro-units must be residential and may not be converted
71 to other uses.
- 72
- 73 c) Personal service, retail or commercial space. All micro-unit projects shall be designed
74 as mixed use projects providing personal service, retail and/or commercial areas,
75 including the required parking as set forth in this section.
- 76
- 77 d) Residential Building Type. All micro-unit projects must be in a multi-family structure
78 or collection of multi-family structures. Individual micro-units may not be combined to
79 facilitate larger individual units.
- 80
- 81 e) Interior shared common areas. Interior shared common areas supporting micro-units
82 must equate to 10% of the gross living area of all residential units within the project.
83 Such supporting common areas shall include but not be limited to the following:
 - 84 1. Reading Room,
 - 85 2. Gym/Exercise Facilities,
 - 86 3. Virtual Office Space,
 - 87 4. Party/Community Room,
 - 88 5. Game Room,
 - 89 6. Library,
 - 90 7. Movie Theatre,
 - 91 8. Gourmet Kitchen,
 - 92 9. Art Labs,
 - 93 10. Other similarly situated common usage areas, and
 - 94 11. Essential support areas such as lobbies, hallways, egress routes, stairs, concierge
95 areas, staff offices, maintenance areas and required restroom facilities or similar
96 shall not count toward shared interior common areas.
- 97
- 98 f) Parking. Parking may be a combination of the following:

Commented [EL1]: Within a single building? Of a micro-unit project?

Commented [EL2]: Within that building? Of the micro-units?

Commented [EL3]: Whether it's a micro-unit or not? Will there potentially be a mix?

- 99 1. One (1) parking space or equivalent for each residential unit;
- 100 2. 50% or more of the required spaces shall be standard parking spaces;
- 101 3. Up to 25% of the parking spaces may be compact spaces (8'-0" x 18'-0");
- 102 4. Up to 25% of the parking spaces may be met with bicycle, scooter or motorcycle
- 103 storage. Four (4) bicycle storage spaces shall equal one (1) parking space; two
- 104 (2) scooter storage spaces shall equal one (1) parking space; and two (2)
- 105 motorcycle storage spaces shall equal one (1) parking space; and
- 106 5. Required guest and employee parking may be met with the same parking space
- 107 combination ratio. Guest and employee parking shall be no less than one (1) space
- 108 for every 100 sq. ft. of common area, public area, support area and offices,
- 109 excluding required hallways, egress routes and stairs.
- 110 6. Parking for other uses shall be met based on the type of use and taking a 25%
- 111 reduction.

112

113 g) Outdoor amenity. All micro-unit projects shall provide for an outdoor amenity that is

114 above and beyond the required interior shared common area. Outdoor amenity space

115 shall be no less than 5% of the gross area of all residential units and may not count

116 toward the required interior shared common area.

117

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

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

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

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

122 portions thereof.

123

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

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

126

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

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

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

130 any other appropriate word.

131

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

133 passage.

134

135 The passage of this ordinance on first reading was moved by

136 _____, seconded by _____, and upon

137 being put to a vote, the vote was as follows:

- 138
- 139 Mayor Betty Resch
- 140 Vice Mayor Christopher McVoy
- 141 Commissioner Sarah Malega
- 142 Commissioner Kimberly Stokes
- 143 Commissioner Reinaldo Diaz

144

145 The Mayor thereupon declared this ordinance duly passed on first reading on the

146 _____ day of _____, 2022.

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

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

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

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk



DATE: May 25, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

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

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to create an Affordable/Workforce Housing Program to encourage the development of affordable and/or workforce housing units within the City. The proposed program would allow several incentives, including a 15% density bonus and additionally flexibility in unit size, parking requirements and financial incentives provided that no less than 15% of the total dwelling units are deed restricted as affordable.

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

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

STAFF RECOMMENDATION:

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

POTENTIAL MOTION:

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

Attachments

- A. Draft Ordinance 2022-12

1
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3 **ORDINANCE 2022-12 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 1 “GENERAL**
6 **PROVISIONS,” DIVISION 2 “DEFINITIONS,” SECTION 23.1-12**
7 **“DEFINITIONS,” ADDING A NEW DEFINITIONS “ANNUAL GROSS**
8 **HOUSEHOLD INCOME,” “GROSS RENT,” “OVERALL HOUSING**
9 **EXPENSE,” AND “MEDIAN HOUSEHOLD INCOME;” AND ARTICLE 2**
10 **“ADMINISTRATION,” DIVISION 3 “PERMITS,” ADDING A NEW**
11 **SECTION 23.2-39 “AFFORDABLE/WORKFORCE HOUSING**
12 **PROGRAM,” PROVIDING FOR AN AFFORDABLE/WORKFORCE**
13 **HOUSING PROGRAM WITHIN THE CITY OF LAKE WORTH BEACH;**
14 **AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION**
15 **AND AN EFFECTIVE DATE**
16

17 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
18 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
19 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
20 municipal government, perform municipal functions, and render municipal services, and
21 may exercise any power for municipal purposes, except as expressly prohibited by law;
22 and
23

24 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
25 body of each municipality in the state has the power to enact legislation concerning any
26 subject matter upon which the state legislature may act, except when expressly prohibited
27 by law; and
28

29 **WHEREAS**, the City wishes to amend Chapter 23 Land Development
30 Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1.12
31 definitions, to add definitions and to define “Annual Gross Household Income,” “Gross
32 Rent” and “Overall Housing Expense;” and
33

34 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” to
35 establish a new section, Section 23.2-39 – Affordable/Workforce Housing Program to
36 establish an affordable/workforce housing program within the City of Lake Worth Beach;
37 and
38

39 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
40 municipality having such power and authority conferred upon it by the Florida Constitution
41 and Chapter 166, Florida Statutes; and
42

43 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
44 agency, considered the proposed amendments at a duly advertised public hearing; and
45

46 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
47 planning agency, considered the proposed amendments at a duly advertised public
48 hearing; and
49

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

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

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

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

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

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

70
71 Overall Housing Expense: Total homeowner expenses for mortgage, mortgage
72 insurance, property insurance and taxes.

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

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

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

- 83
84 a) Intent. The Affordable/Workforce Housing Program is intended to implement
85 Objective 3.1.2 of the city comprehensive plan future land use element and
86 provisions therein regarding affordable and workforce housing. The
87 Affordable/Workforce Housing Program provides for a density bonus and a
88 reduction in overall housing unit areas for developments that incorporate
89 residential units with restrictive covenants that meet the requirements of the
90 program.
- 91
92 b) Purpose. The purpose of the Affordable/Workforce Housing Program is to
93 encourage the inclusion of affordable and workforce housing units within both
94 residential and mixed-use projects as well as planned developments of all types to
95 provide for broader and more accessible housing options within the City. The
96 Affordable/Workforce Housing Program offers the following as “Program
97 Incentives”; (a) up to a fifteen percent (15%) increase in overall project density; (b)

98 up to a fifteen percent (15%) reduction in the gross area requirements based on
99 unit type; (c) up to a twenty five percent (25%) reduction in required parking; (d)
100 financial incentives to be considered on a case by case basis; and (e) the
101 aforementioned incentives may be combined with other incentive and bonus
102 programs related to density, height and intensity predicated that any increase in
103 density, intensity and/or height must include a reservation of at least fifteen percent
104 (15%) of the total number of dwelling units within a project benefiting from any
105 density, intensity and/or height increases as affordable.

106
107 c) Application and Review Process.

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

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

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

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

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

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

140 (a) Is the award calculated correctly, consistent with the density and unit size
141 reduction(s) that are allowed under the Affordable/Workforce Housing
142 Program;

143
144 (b) Do the proposed income restrictions meet the intent of the
145 Affordable/Workforce Housing Program;

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

149
150 (d) Do the proposed restrictive covenants to maintain affordability meet the
151 intent of the Affordable/Workforce Housing Program?

152
153 (e) Does the ratio mix of affordable unit types reflect the same ratio mix of unit
154 types as for the entire project?

155
156 d) Qualifying income restrictions. The following provisions outline the required
157 income limits and overall percentage of household income to qualify units as being
158 affordable/workforce under the Affordable/Workforce Housing Program. All
159 income values shall be based on the then current area (County) median household
160 income published annually by the US Department of Housing & Urban
161 Development. Whether with a rental unit or for a fee simple, for sale unit, the
162 overall housing expense (rent, mortgage, property taxes, and insurances) for the
163 unit shall not exceed thirty percent (30%) of the income limit provided for each unit
164 type, based upon the number of bedrooms.

165
166 1. For a studio unit, the annual gross household income shall not exceed forty five
167 percent (45%) of area median income and minimum household size is one (1)
168 person, not to exceed two (2) people.

169
170 2. For a one-bedroom unit, the annual gross household income shall not exceed
171 sixty five percent (65%) of the area median income and minimum household
172 size of one (1) person, not to exceed two (2) people.

173
174 3. For a two-bedroom unit, the annual gross household income shall not exceed
175 eighty five percent (85%) of the area median income and minimum household
176 size of two (2) people, not to exceed two (2) people per bedroom.

177
178 4. For a three-bedroom unit, the annual gross household income shall not exceed
179 one hundred and five percent (105%) of the area median income and minimum
180 household size of three (3) people, not to exceed two (2) people per bedroom.

181
182 5. For a four or more-bedroom unit, the annual gross household income shall not
183 exceed one hundred and twenty five percent (125%) of the area median income
184 and minimum household size of four (4) people, not to exceed two (2) people
185 per bedroom.

186
187 6. For fee simple ownership, the limits provided above may be increased by fifteen
188 (15%) based on unit type and shall include the overall housing expense.

189
190 7. Alternatively, the income restrictions may adhere to the following guidelines
191 singularly or in combination.

192 a. "Affordable Housing Eligible Households" means a household with an
193 annual gross household income at or less than eighty percent (80%) of
194 the Area Median Income, calculated as percentages of the Median

Family Income for Palm Beach County, as published annually by the US Department of Housing and Urban Development.

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

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

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

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

3. The restrictive covenant shall require an annual report of the project’s compliance with the restrictive covenants and the requirements of the Affordable/Workforce Housing Program be provided to the City or its designee for evaluation, review and approval. Should the annual report demonstrate the project is not meeting the requirements of the Affordable/Workforce Housing Program, the project owner shall pay the city an amount no less than fifteen dollars (\$15) per square foot for each unit that does not comply with the program’s requirements. Said amount shall be due annually for each year remaining under the restrictive covenant recorded for the project. Or Said amount shall be due annually for each unit that does not comply.

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

f) Financial incentives. The following are parameters for financial incentive values based on unit type, which may be utilized to ensure fifteen percent (15%) of the dwelling units available after the density increase incentive remain affordable for a guaranteed twenty (20) year period as governed through a covenant and/or deed restriction. Values may be paid through utilization of Sustainable Bonus Incentive Values, Transfer Development Right Values or cash payments from the City from either the Sustainable Bonus Incentive Trust Account or the Transfer Development Rights Trust Account or other legally approved funding source(s).

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

- 244
- 245 2. For a one-bedroom dwelling unit, a one-time payment of \$60,000 or 75%
- 246 percent of the area median income, whichever is greater;
- 247
- 248 3. For a two-bedroom dwelling unit, a one-time payment of \$80,000 or 100%
- 249 percent of the area median income, whichever is greater;
- 250
- 251 4. For a three-bedroom dwelling unit, a one-time payment of \$100,000 or 125%
- 252 percent of the area median income, whichever is greater;
- 253
- 254 5. For a four or more-bedroom dwelling unit, a one-time payment of \$120,000 or
- 255 150% percent of the area median income, whichever is greater;
- 256
- 257 6. For a fee simple ownership dwelling unit, an additional one-time payment of
- 258 \$25,000 may be provided; and
- 259
- 260 7. Payments shall be made at time of dwelling units receiving a final certificate of
- 261 occupancy or certificate of completion.
- 262

263 g) Affordability extension(s). The City shall have the express right to extend the

264 affordability deed restrictions and covenants for another period of no less than

265 twenty (20) years) through the provision of a then current economic incentive

266 based on unit size.

- 267 1. The City shall provide formal notice of intent to extend affordability of units a
- 268 minimum of six (6) months prior to the expiration of the affordability deed
- 269 restrictions and covenants.
- 270
- 271 2. The City's notice shall include the number and type of units having affordability
- 272 extended and the economic incentive to be provided for those units.
- 273
- 274 3. The affordability extension may not exceed the original number and type of
- 275 units governed by the Affordable/Workforce Housing Program.
- 276
- 277 4. There shall be no limit on the number of affordability extensions the city may
- 278 fund for a project.
- 279

280 h) Policies and Procedures. The city's director for community sustainability is hereby

281 authorized to establish policies and procedures including covenants, accountability

282 and reporting to ensure effective implementation of the Affordable/Workforce

283 Housing Program and clarify the requirements and procedures as set forth herein.

284

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

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

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

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

289 portions thereof.

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

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

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

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

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

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

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

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

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

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk