



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 03, 2023 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [April 5, 2023 Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [1327 Central Terrace](#)
[1974 Lake Worth Rd](#)
[1734 12th Avenue North](#)
[Ordinance 2023.06](#)

WITHDRAWALS / POSTPONEMENTS

PUBLIC HEARINGS:

BOARD DISCLOSURE

NEW BUSINESS:

- A.** [PZB Project Number 23-00600002: Consideration of a distance waiver to allow a Type I community residence with six \(6\) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand \(1,000\) feet of another community residence with six \(6\) or fewer residents. The subject site is zoned Single-Family Residential \(SF-R\) and has a future land use designation of Single Family Residential \(SFR\).](#)
- B.** [PZB Project Number 23-00500002: Major Site Plan, Conditional Use Permit, and Variance requests for the establishment of a 100-foot high monopole tower at 1327 Central Terrace. The subject site is zoned Mixed Use- Dixie \(MU-DH\) and has a future land use designation of Mixed Use – East \(MU-E\).](#)
- C.** [PZB Project Number 23-00600001: Consideration of a distance waiver to allow a pinball and/or game room to be located at 1974 Lake Worth Road within nine hundred \(900\) feet from the nearest boundary of a parcel of real estate having situated upon it a school, church, library, public park,](#)

[playground or recreation facility or another pinball and/or game room. The property is zoned Mixed Use – West \(MU-W\) and has a future land use designation of Transit Oriented Development \(TOD\).](#)

- D. [**Ordinance 2023-06:** Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping and minor changes for clarity, to provide for a reduction in the side setback requirements to 5 feet for accessory structures and pools on all lot sizes, to provide for new standards for street walls, and to expand and clarify the waiver provisions.](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, APRIL 05, 2023 -- 6:03 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chair; Daniel Walesky, Vice-Chair; Zade Shamsi-Basha; Evelyn Urcuyo; Alexander Cull. Absent: Mark Humm; Edmond LeBlanc. Also present: Abraham Fogel, Senior Community Planner; Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

A. March 1, 2023 Meeting Minutes

Motion: D. Walesky moved to approve the March minutes as presented; A. Cull 2nd.

Vote: Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION – Provided in the meeting packet.

- 1) Education Foundation - Barton Rd
Mindful Workspaces - 1819 7th Ave N
Family Dollar - 2507 North Dixie Hwy

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. **PZB Project Number 22-00600001:** Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the existing Family Dollar at

2507 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: A. Fogel provides background analysis, displays location of Family Dollar. On June 17, 2020, the Planning & Zoning Board approved a Conditional Use for the single-destination retail use at this location. It was conditioned that a Proximity Alcohol Waiver be required in the event the store decided to offer package sales of alcohol.

The proposed package sales would place the business type within 500 feet of protected land uses (park) and residential uses (College Park and Sunset Ridge) according to the parcel boundaries. However, the location of the Family Dollar store within the parcel would place it at greater than 500 feet travel distance to those protected and residential areas. One other business within Arbor Square Plaza, Don Juan's Pizzeria, offers on-site consumption of beer. Staff recommends approval as it is consistent with the City Comprehensive Plan and Land Development Regulations.

Agent for the Applicant: James Balli- Understands the ability to sell is a privilege; explains the training Family Dollar employees undergo in order to sell the package liquor.

Board: Question if it is wine and beer only or are spirits included? Response: Beer and wine only. Question if the approval would be attached to the land or business? Response: Business.

Motion: D. Walesky moves to recommend approval to the City Commission for PZB 22-00600001 based upon the data and analysis in the staff report and the testimony at the public hearing; J. Contin 2nd.

Vote: Ayes all, unanimous.

B. PZB Project Number 23-00500004: A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for Mindful Workspaces an existing industrial development at 1819 7th Avenue North. The property is zoned Industrial - Park of Commerce (I-POC) and has an Industrial (I) Future Land Use (FLU) designation.

Staff: S. Rodriguez provides reasoning for and benefits of a Blanket Conditional use both to the tenant applicant and staff. The proposed uses are for business types that are less than 7,500 square feet and would require an Administrative review by staff or Board review. Approved owner proposed uses would allow the tenant to proceed directly to the Business License application process. This would save valuable staff review time as well as cost benefit for any individual applicant.

Uses that are an allowed use exceeding 7,500 square feet would continue to require Board review as would any vehicular use whether minor or major in scope.

Conditions preclude any outdoor storage or outdoor uses.

Public Comment: D.S. Eakins 482 Barnett Lane-The adjoining private road, Rinker Way, is utilized for parking by tenants and businesses of the subject property. States there is no policing of the road, the structure was built for storage, no provisions of restrooms or water. Suggests the applicant should fence the subject property in order to keep businesses and patrons of the businesses from parking on said private property.

Staff advises the City has no authority to patrol or issue citations or tow from private property.

John Flanigan – 401 & 402 Rinker Way states the parking area by the Rinker towers is utilized for parking by the businesses of the subject property.

Applicant Patrick Carney – Mindful Workplaces- States the adjoining parcels of 1821 and 1841 7th Ave North have recently sold and he is working in conjunction with the new owners to bring the area into greater compliance with Code. He acknowledges that people probably have parked in the unoccupied Rinker parking spots. States he would like to fence his property.

Board members concur that issues mentioned by both public comment parties are of a Civil nature as it involves a private road and private property. Do not believe the proposal should be conditioned to include the installation of a fence by the applicant.

Motion: D. Walesky moves to approve PZB 23-00500004 with staff recommended Conditions of Approval based upon the competent substantial evidence provided in the staff report and in the testimony at the public hearing; A. Cull 2nd.

Vote: Ayes all, unanimous.

C. PZB Project Number 22-01400032: A Major Site Plan and Conditional Use request for the establishment of a ±31,962 square foot multiple use educational facility for the Education Foundation with office, meeting (training) rooms and indoor storage uses (greater than 7,500 square feet) by LDR Section 23.3-6 at 1421/1509/1511/1515 Barton Rd. The property is zoned Public (P) and has a Public (P) Future Land Use (FLU) designation.

Staff: S. Rodriguez -provides background analysis. Murals, as depicted, will be applied for at a later date.

Applicant: James Gavrilos- Education Foundation; Red Apple Supply provides donated resources to teachers. No teacher should have to pay for supplies out of their own pocket average (\$587.00). In addition 17,400 fully stocked backpacks were donated; 84 schools in Palm Beach County are served.

Motion: A. Cull moves to approve PZB 22-01400032 with staff recommended Conditions of Approval based upon the competent substantial evidence in the staff report and testimony at the public hearing; Z. Shamsi-Basha 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: E. Sita apprises Board members that the upcoming Florida Statute changes will impact the manner in which items are reviewed with many items that would normally be reviewed by Board being reviewed at staff level. Staff had mechanisms in place that would provide the same level of scrutiny for those items to ensure they meet Code.

Turf Workshop- Board Chair states that artificial turf is much improved in the last 4-5 years. Staff- As it does not drain and have the same permeable qualities as landscape, it may, in the future, be eligible for a 50 % credit toward permeable requirements.

PUBLIC COMMENTS (3 minute limit)

Jean Felix 709 S. Pine Street- garage job- no comments were included. Staff reached out to advise the comment did not go through.

Fritz Themidor -1614 Tropical Drive -has concerns about Australian pine trees on City property near his home. Staff advised the information would be forwarded to the Public Works Department who would work with him to resolve any issues.

Garage job

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: A. Cull reported to the City Commission, no questions, no back and forth; clean concise report.

ADJOURNMENT: 7:00 PM

Legal Notice No. 41988

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, May 3, 2023 at 6:00 pm** or as soon thereafter to consider the following application. The City Commission meeting is tentatively scheduled for Tuesday, June 6, 2023 at 6:00 pm or soon thereafter at 7 North Dixie Lake Worth Beach.

PZB Project Number 23-00600001: Consideration of a distance waiver to allow pinball and/or game room to be located at 1974 Lake Worth Road within nine hundred (900) feet from the nearest boundary of a parcel of real estate having situated upon it a school, church, library, public park, playground or recreation facility or another pinball and/or game room. The property is zoned Mixed Use - West (MU-W) and has a future land use designation of Transit Oriented Development (TOD). PCN #38-43-44-21-02-031-0020.

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

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

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Planning and Zoning Board (PZB) to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

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

Publish: The Lake Worth Herald
April 20, 2023

Legal Notice No. 41986

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, May 3, 2023 at 6:00 pm** or as soon thereafter to consider the following application.

PZB 23-00500002: Major Site Plan, Conditional Use Permit, and Variance requests for the establishment of a 100-foot high monopole tower at 1327 Central Terrace. The subject site is zoned Mixed Use- Dixie (MU-DH) and has a future land use designation of Mixed Use - East (MU-E). PCN #38-43-44-16-07-000-1040.

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Publish: The Lake Worth Herald
April 20, 2023

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PZB Project Number 23-00600002: Consideration of a distance waiver to allow a Type I community residence with six (6) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand (1,000) feet of another community residence with six (6) or fewer residents. The subject site is zoned Single-Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR). PCN #38-43-44-21-03-000-0410.

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Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Planning and Zoning Board (PZB) to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

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Legal Notice 41989

ORDINANCE 2023-06

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 N Dixie Highway, Lake Worth Beach on **May 3, 2023** at 6:00 pm or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on **May 10, 2023** at 6:00 pm or soon thereafter to consider the following ordinance that includes multiple housekeeping and minor changes for clarity; provides for a reduction in the side setback requirements to 5 feet for accessory structures and pools; provides for new standards for street walls; and expands and clarifies the waiver provisions:

ORDINANCE 2023-06 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2, "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 2 "ADMINISTRATION," DIVISION 3, "PERMITS," SECTION 23.2-27 - WAIVER; ARTICLE 2 "ADMINISTRATION," DIVISION 3, "PERMITS," SECTION 23.2-31 - SITE DESIGN QUALITATIVE STANDARDS; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-7 - SFR - SINGLE-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-8 - SFTF 14 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-10 - MF-20 - MULTI-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-11 - MF-30 - MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-12 - MF-40 - HIGH DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-1 - SECONDARY (ACCESSORY) DWELLING UNIT; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-10 - OFF-STREET PARKING; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-13 - ADMINISTRATIVE USES AND CONDITIONAL USES; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4.16. - MECHANICAL SYSTEMS / EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES," ARTICLE 5 "SUPPLEMENTAL REGULATIONS," SECTION 23.5-1 - SIGNS; ARTICLE 5 "SUPPLEMENTAL REGULATIONS," SECTION 23.5-3 - NONCONFORMITIES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

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

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PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00600002: Consideration of a distance waiver to allow a Type I community residence with six (6) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand (1,000) feet of another community residence with six (6) or fewer residents. The subject site is zoned Single-Family Residential (SF-R) and has a future land use designation of Single Family Residential (SFR).

Meeting Date: May 3, 2023

Property Owner/Applicant: Iliodette Mezius/YLO Home Care

Address: 1734 12th Avenue North

PCNs: 38-43-44-21-03-000-0410

Size: .18-acre lot / ±1,544 square feet of existing structure

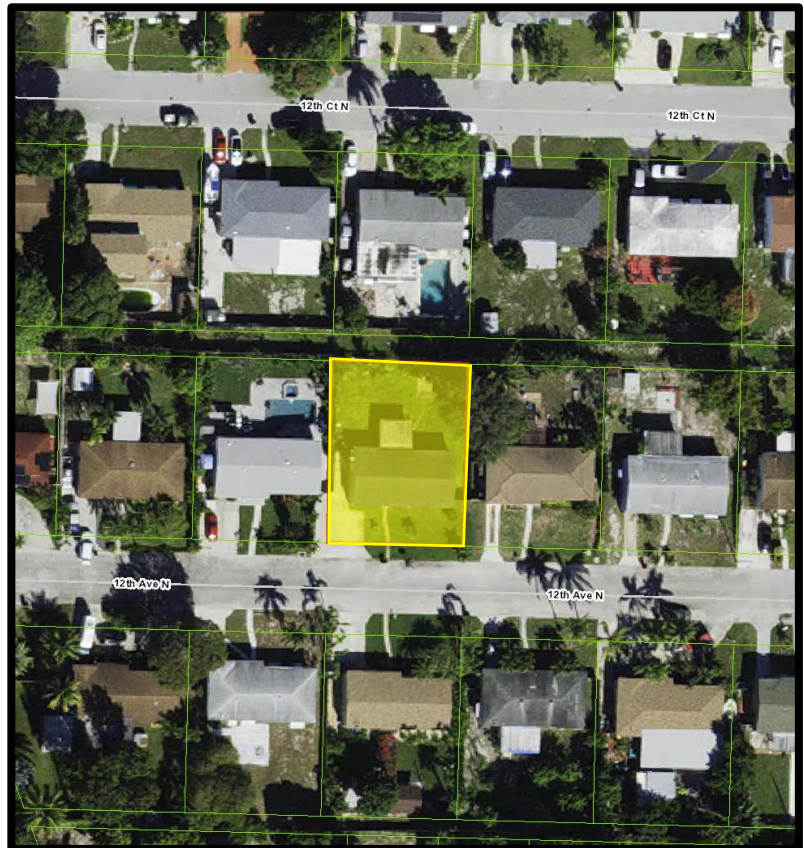
General Location: West of North A Street between 12th Court North and 12th Avenue North

Existing Land Use: Single-Family

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

Zoning District: Single-Family Residential (SFR)

Location Map



RECOMMENDATION

Staff has reviewed the documentation and materials provided, and recommends that the Planning and Zoning Board reviews this information to determine if the proposed distance waiver meets the criteria of the Comprehensive Plan and LDRs. The subject site is within the 1,000-foot distance requirement by approximately 70 feet (±930 feet).

PROJECT DESCRIPTION

The applicant, Iliodette Mezius of YLO Home Care, is requesting a community residence distance waiver to allow a Type I community residence with six (6) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand (1,000) feet of another community residence with six (6) or fewer residents. The subject property is located ± 930 feet from the closest community residence. The lot currently has a $\pm 1,544$ square-foot residence. The subject site is surrounded by single-family zoned properties to the north, east, south, and west. There are no specified review criteria for granting this waiver.

COMMUNITY OUTREACH

Staff has not received letters of support or opposition from adjacent or nearby neighbors.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Use/Construction: The existing $\pm 1,544$ square-foot single-family home was built in 1955.

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

Chronology:

- 2017: Florida Agency for Health Care Administration (AHCA) sign-off from the City is requested by the applicant. Subsequently, a Community Residence Type I use approval or business license was not formally requested to the City. The Community Residence was never established and licensed by AHCA.
- 2019:
 - A zoning verification letter is issued on July 9, 2019 which indicates a Community Residence Type 1 is not permitted at the subject location due to its proximity to another Community Residence Type 1. The project manager/contact person on the application is Iliodette Mezius (property owner).
 - A Fire alarm permit (19-3458) is applied for on September 12, 2019 and issued on October 7, 2019.
 - A Commercial fire sprinkler permit (19-4403) if applied for on November 26, 2019 and issued on December 30, 2020.
- 2023:
 - The applicant requested a pre-application meeting to obtain a use approval and business license for a Community Residence Type I. The applicant was informed that an existing Community Residence Type I was existing within the 1,000-foot separation distance per Florida Statute §419.001 and staff could not approve the request.
 - The applicant requested a meeting to discuss the Community Residence Waiver option and staff provided applicable information per LDR Section 23.2-27, Community residence waiver.
 - The applicant applied for a Community Residence Waiver.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Single-Family Residential (SFR). Per Policy 1.1.1.2, the Single-Family Residential category is intended primarily to permit development of single-family structures. Single-family structures are designed for occupancy by one family or household. Zoning regulations shall protect single-family residential development from the encroachment of incompatible land uses. At the same time, provisions may be made

for a limited number of nonresidential uses for the convenience of residents. These nonresidential uses shall be compatible by reason of their nature and limited frequency of occurrence with an overall single-family residential character. The City's Land Development Regulations (LDR) provide for compatible nonresidential uses either through additional review processes such as development standards, supplementary standards, administrative and conditional use permits. Therefore, the consistency analysis of the proposed distance waiver is located in the next section as the LDR guide the concentration of this use based on the Florida Statutes and the Federal Fair Housing Act. Allowing for a diversity of housing types, including community residences, is supportive of Pillar II of the City's Strategic Plan - Strengthening Lake Worth Beach as a 'Community of Neighborhoods.' However, the distance requirements in the LDR and Florida Statutes are important protections for all residents of these districts. A more detailed analysis of the proposed waiver is provided in the section below.

Consistency with the City's Land Development Regulations

Single-Family Residential (SF-R): The "SF-R single-family residential district" is intended primarily to permit development of one (1) single-family structure per lot. The "SF-R single-family residential district" implements the "single-family residential" land use category of the Lake Worth Comprehensive Plan. Provisions are made in the district for a limited number of nonresidential uses for the convenience of residents, and for compliance with Florida Statutes, and the Federal Fair Housing Act. These nonresidential uses, including community residences, are compatible by reason of their nature and the limited frequency of occurrence within an overall single-family residential character. Additionally, separation distances are beneficial to residents of both single-family homes and community residences. A 2020 Palm Beach County report summarized the therapeutic and legal origin of separation distances in local laws and in the Florida Statutes as a concentration of these uses can "create a de facto social service district," which "can seriously hinder their [community residences] ability to achieve normalization for their residents — one of the core foundations on which the concept of community residences is based." (Lauber, 2020)

Analysis: Per LDR Section 23.3-6, Use Tables, a Type I Community Residence with six (6) or fewer residents is permitted by right in the SF-R zoning district as a principal use. A Type I Community Residence is also subject to the regulations and standards set forth in LDR Section 23.3-7 (Development Standards) that are based on Florida Statutes. The proposed use will be located within the existing ±1,544 square foot structure which is currently a single-family home. The use will be utilized as an Adult Family Care Home with six (6) or fewer residents including the property owner.

Florida Statute § 419.001 requires that community residences shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes are not located within a radius of 1,000 feet of another existing such home with six or fewer residents. An existing Type I Community Residence (Hibiscus Palace Assisted Living Facility) is located at 1755 14th Avenue North. The Hibiscus Palace Assisted Living Facility is within 1,000 feet of the proposed YLO Home Care. Per LDR Section 23.2-27, "An applicant for a permit for a community residence may request that the planning and zoning board or the historic resources preservation board, as applicable, grant it a waiver from the distance requirements of these LDRs." The applicant is seeking a community residence distance waiver as an existing Type I Community Residence is within the 1,000-foot separation buffer. If granted the distance waiver, the applicant will be required to maintain the number of residents at six (6) or fewer.

CONCLUSION AND CONDITIONS

Staff recommends that the PZB discuss the applicant's request for a distance waiver. Further, the board should determine that the proposed community residence would not negatively impact the character of the single-family district, and is functionally separated in a manner consistent with the purpose of the zoning district and statutory separation distance requirements. If the PZB approves the community residence waiver, staff has provided the following conditions of approval:

1. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the Type I Community Residence with six (6) or fewer residents.
2. This distance waiver shall be null and void if the Community Residence operates with 7 or more residents.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600002 of the Community Distance Waiver for the YLO Home Care located at 1734 12th Avenue North.

I MOVE TO NOT RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600002 of the Community Distance Waiver for the YLO Home Care located at 1734 12th Avenue North is not consistent for the following reasons. [Board member please state reasons.]

Consequent Action: *The Planning and Zoning Board's decision will be the final decision for the Community Distance Waiver. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Application Package

Source: Daniel Lauber, Zoning Analysis and Framework for Community Residences for People With Disabilities and for Recovery Communities in Palm Beach County, Florida (River Forest, IL: Planning/Communications, July 2020)
https://discover.pbcgov.org/pzb/zoning/AdminNewsReleases/Community_Residential_Housing.pdf

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00500002: Major Site Plan, Conditional Use Permit, and Variance requests for the establishment of a 100-foot high monopole tower at 1327 Central Terrace. The subject site is zoned Mixed Use- Dixie (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: May 3, 2023

Property Owner: Thomas Counihan

Applicant: Michael Hahn – Hahn Tower Inc.

Address: 1327 Central Terrace

PCN: 38-43-44-16-07-000-1040

Size: .37-acre lot / ±5,000 square feet of existing structure

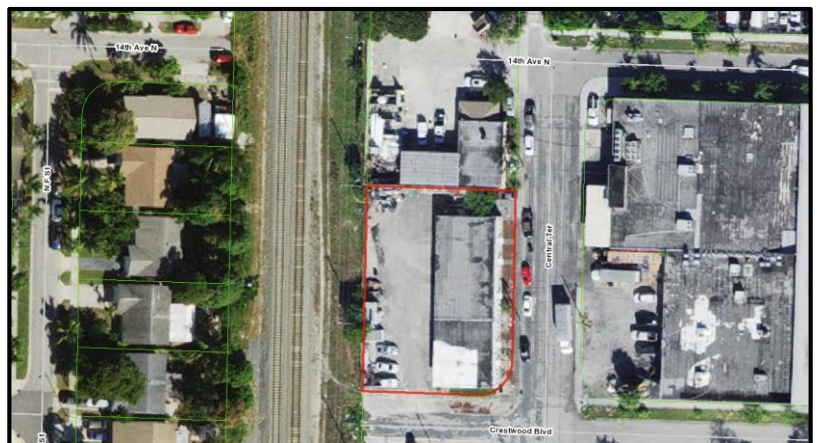
General Location: The northwest corner of Central Terrace and Crestwood Boulevard

Existing Land Use: Contractor Offices

Current Future Land Use Designation: Mixed Use – East (MU-E)

Zoning District: Mixed Use – Dixie Highway (MU-DH)

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 Major Site Plan, Conditional Use, and Variance requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 7 and 8 of this report.

PROJECT DESCRIPTION

The applicant, Michael Hahn on behalf of Hahn Towers Inc., is requesting approval of the following located at 1327 Central Terrace:

- A **Major Site Plan and Conditional Use Permit (CUP)** request for the establishment of a 100-foot monopole communication tower.
- A **Variance** request for the monopole communication tower to exceed the zoning district height.

The applicant is proposing the construction of a 100-foot communications tower and accessory mechanical equipment (tower compound). The total structure and compound area will be located along the northwest side of the subject site. Per the applicant, the tower will be used to provide critical communication services to the surrounding area for residents, businesses, and vehicles. The tower will be available, for collocation, to all wireless carriers and to the City of Lake Worth Beach. The site will be enhanced with new landscaping and fencing to bring the property closer to compliance with the City's current regulations.

COMMUNITY OUTREACH

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

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Use: Contractor Offices

Construction: The building was constructed in 1971.

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

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the Mixed Use – East land use category is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The implementing zoning districts are MU-DH, MU-FH, and MU-E. The proposed wireless communication facility (tower) is allowed in the MU-DH zoning district as a Conditional Use. The proposal is associated with an existing ±5,000 square foot building. Therefore, the proposal can be deemed consistent with the intent and desired uses for the MU-E FLU as it maintains a commercial space and adds a service to the City of Lake Worth Beach.

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 wireless

communication facility (tower) will contribute towards communication services for residents and businesses, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed requests are consistent with the goals, objectives, and polices of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The **Mixed Use – Dixie Highway (MU-DH) zoning district** is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

Analysis: The proposed wireless communication facility (tower) use is allowed conditionally in the MU-DH zoning district, subject to the regulations and standards set forth in Section 23.3-17 (Development Standards). The proposed use is consistent with the intent of the MU-DH zoning district, as conditioned. The analyses for both the major site plan and the conditional use permit requests are provided in the section below and are consistent with the review criteria provided in Attachments A & B.

The table and topic area analysis below evaluate the proposed site features and the project’s compliance with the Land Development Regulations:

Development Standard		Base Zoning District MU-DH	Provided
Lot Size (min) In square feet (sf)		13,000 sf	16,280 sf / ±0.37 acres
Lot Width (min)		100’	110’
Setbacks LDR Section 23.4-13 (c)(3)(B)(2)	Right-Of-Way	50’	East: 87’ South: 139’
	Property Lines	33 percent of the height of the tower. The building official may decrease the radius provided the tower is designed to higher EIA standards than required for this area	North: 5’ West: 17’ Tower is conditioned to be designed to higher EIA standards than required for the area and is eligible to utilize the proposed alternate setbacks.
Impermeable Surface Coverage (maximum)		65%	14,573 square feet (Existing) – 89.1% 13,848 square feet (Proposed) – 84.6% Reduction of Non-Conformity
Structure Coverage (max)		50%	5,000 square feet (Existing) – 30.6%
Height (max)		30’	100’ (Variance Requested) See pages 6 and 7 for detailed parking analysis.
Floor Area Ratio (FAR) (max)		0.90	0.30 (Existing)
Parking		16 Parking Spaces Parking Calculated for existing and new uses	16 Parking Spaces (13 Off-Street, 3 On-Street)

	See page 4 for detailed parking analysis.	
Is site in floodplain (Flood Zone / BFE), or in Wellfield Zone? Yes/No	Yes	Wellfield Zone 4

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

Analysis: The proposed refuse location was reviewed by Public Works. It was determined that the refuse area was consistent with the City’s requirements for location, size, and screening. The refuse area is located on the south side of the property and will be screened by new opaque fencing along the south property line.

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

Analysis: A condition of approval has been provided requiring that if new exterior lighting is proposed a photometric plan shall be submitted that complies with LDR Section 23.4-3 and the Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000 K or less. If the proposed fixture cannot be set to provide the required light tone, the proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less.

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

Analysis: The required off-street parking for the property is 16 spaces. The off-street parking spaces were calculated as follows:

- Office: One (1) space per four hundred (400) gross square feet of space; and,
- Communication Tower: All communication tower sites which require a full-time attendant or consumer visitation shall provide a **minimum of three (3) parking spaces** or one (1) space per employee on the shift of greatest employment plus one (1) space per one thousand (1,000) square feet of building floor area, **whichever is greater.**

The applicant has provided 13 off-street parking spaces and three (3) on-street parking spaces. Per LDR Section 23.4-10.2, off-street parking spaces that result in “*the requirement of a fractional space, any such fraction of one-fourth (¼) or greater shall require a full space*”. Therefore, the required parking spaces are calculated as follows:

- Office (8,532 SF): 12.5 = 13; and,
- Communication Tower: 3

Per LDR Section 23.4-10 (k), up to 50% of required parking for properties in mixed use zoning districts can be provided on-street. Therefore, the three (3) on-street parking spaces are allowed to be counted towards the overall parking requirement.

LDR Section 23.4-9, Off-Street Loading Regulations: *Every hospital, institution, hotel, commercial and industrial building or similar use, having a floor area in excess of ten thousand (10,000) square feet requiring the receipt or distribution by vehicle of materials and merchandise, shall have at least one (1) permanently maintained off-street loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof. Where site conditions allow, loading areas shall be screened and buffered from public view.*

Analysis: Not applicable, the existing building is ±5,000 square feet and does not require an off-street loading zone.

Signage: Signage is required to comply with the size and design requirements of LDR Section 23.5-1, *Signs*. Ground or monument signage shall require a minor site plan amendment where the ground sign shall be depicted on the site and landscape plans. The signage shall be reviewed at minor site plan and building permit for consistency with the sign requirements.

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

Analysis: This project provides perimeter landscaping and shade trees adjacent to Central Terrace and the FEC Railroad tracks and is consistent with the City's landscape regulations. The species are Live Oak trees, Cocoplum and Dwarf Yaupon Holly shrubs and Bahia sod for groundcover. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native. Staff has included a condition of approval that the Cocoplum hedge that is proposed to be planted in the Right of Way adjacent to Crestwood Blvd must be removed at the direction of the City's Public Works Department. Although three invasive Schefflera trees and one invasive Java Plum are proposed to be removed, mitigation is not required due to onsite replacement with native trees. Overall, the proposed landscape plan enhances the site and addresses the existing non-conforming mulch beds in the of that building with new Live Oak trees and Dwarf Yaupon Holly shrubs.

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

Site Design Qualitative Standards are intended to *"promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards."* These qualitative standards are applicable to site plan applications as well as all conditional uses. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

Site Design Qualitative Standards Analysis (including vehicular use areas): The proposed improvements to the site, including landscaping are consistent with the Site Design Qualitative Standards. The character of the proposed development is consistent with the surrounding areas.

The proposed wireless communication facility (tower) will be adjacent to the FEC railway where daily freight trains pass through. The tower location is set building the existing contractor offices. There will be a new security fence and landscape buffer. New decorative PVC panel fencing will replace the existing barbed-wire chain-link fencing along Crestwood Boulevard and the entrance off of Central Terrace. The tower compound will be surrounded on all sides by the combination of landscaping, an 8-foot security fence with privacy slats, a cinderblock wall (north property line), and the existing building. The existing access drives will be utilized. This is an unmanned facility, any periodic site visits will be accommodated by the existing ingress and egress drives. The main access is off of Crestwood Blvd which is a dead-end street that primarily only services this parcel and the parcel to the South.

The proposed improvements to the site are harmonious as a whole, are visually appealing, and will be an asset to the neighborhood with the proposed landscaping and fencing.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Mixed Use - East	Mixed Use – Dixie Highway	Warehouse
South	Mixed Use - East	Mixed Use – Dixie Highway	Warehouse
East	Mixed Use - East	Mixed Use – Dixie Highway	Shopping Center Plaza
West (Across FEC Railway)	Single-Family Residential (SFR)	Single-Family Residential (SFR)	Single-family homes

Community Appearance Criteria:

The proposed tower and site improvements represent a substantial improvement in the general appearance of the property by providing new landscape and fencing around the perimeter of the property. The existing building will remain which is in harmony with the surrounding warehouse uses. Overall, the proposal mitigates the visual impacts of the tower insofar as possible.

Conditional Use Findings (Attachment B)

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The project proposal includes a conditional use request to establish a wireless communication facility (tower).

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the existing contractor offices on the property. Based on the applicant’s justification statement, there is a deficit in wireless networks within the City of Lake Worth Beach which the new tower will improve. Also, the proposed associated site improvements will provide new screening and landscaping.

Variance

A variance is being requested to allow the construction of a 100-foot tower, whereas, the maximum allowable height in the MU-DH zoning district is 30 feet. The land development regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b), Variances. Staff has reviewed the application in regards to this section which the analysis outlined is as follows:

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

Staff Analysis: According to the applicant, the subject property is in a unique location to cover the greatest amount of people who currently have a sub-standard level of wireless coverage. The 100-foot height is needed to cover the largest area of number of residents possible, while minimizing the number of towers necessary to service the area. Buildings, trees, power lines and other structures would all render a shorter tower, especially 30-feet in height, ineffective toward the goal off providing reliable wireless service. **Meets Criterion.**

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

Analysis: The applicant contends that the proposal is an excellent use of the surplus paved area behind the contractor offices, adjacent to the FEC tracks. It is staff's analysis that without the variance, the rear portion of the property would not be able to be developed as a communication tower. Potential sites to locate a communication tower are very limited within the City. While denial of the variance would not deny the property owner of all reasonable use of their land, it has the potential to limit the provision of vital communication services that support the health, safety and welfare of residents. Further, a height variance would be required for the development of all communication towers not located in a planned development within the City; and as such, strict application of the LDRs would effectively deny the applicant's ability to effectively site a communication tower use within the City. Finally, the proposed colocation of the tower on an existing industrial site would allow for an efficient use of land on the subject site, while providing an essential service and enhancing the existing site conditions. **Meets Criterion.**

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

Analysis: The applicant states that a higher tower would be desirable and that the variance being requested is the minimum height necessary to adequately meet the coverage needs of the area and stay within the City Charter limit of 100' maximum height. **Meets Criterion.**

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

Analysis: According to the applicant, multiple improvements are proposed for the property, not just the tower area. A large amount of landscaping will be planted to make the subject property a much greener, attractive parcel. Barbed-wire fencing chain-link fencing will be replaced with decorative opaque fencing to improve the appearance of the parking area behind the building. The broken sidewalks along Crestwood Boulevard will be replaced. The level of high-speed wireless service that residents and visitors expect for their wireless smart phones and devices will be greatly improved. **Meets Criterion.**

CONCLUSION AND CONDITIONS

The Mixed Use – Dixie Highway (MU-DH) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

The *wireless communication facility (tower)* use is appropriate for this zoning district. Further, the proposed site improvements are consistent with the City's LDR requirements as conditioned, and will be an asset to the area with the proposed landscaping and screening. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning, Zoning, and Landscape

1. A minor site plan amendment shall be required prior to building permit issuance to address the following:
 - a. If exterior lighting is proposed, submit a photometric plan for exterior lighting that complies with LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
 - b. Revise the landscape plan to remove the Cocoplum hedge that is proposed to be planted in the Right of Way adjacent to Crestwood Blvd and replace it with Bahia sod at the direction of the City's Public Works Department.
 - c. Revise the setbacks to be measured from the edges of the tower to the property lines.

2. At building permit, the building official will determine if the tower is designed to higher EIA standards than required for this area based on documentation supplied by the applicant. If the determination is not granted, this approval shall be void since the tower will not be eligible for reduced setbacks per LDR Section 23.4-13 (c)(3)(B)(2).
3. Prior to the issuance of the building permit, the permit application will be reviewed for consistency with the standards in LDR Section 23.2-29(c)(3)(B).

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
4. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
5. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
6. Prior to the issuance of a Certificate of Occupancy, remove mulch in the City ROW along Crestwood Blvd. and replace with Bahia sod.
7. Prior to issuance of a certificate of occupancy, remove existing damaged sidewalk along Crestwood Blvd. and install new sidewalk in compliance with the Public Works Department's specifications and Policy and Procedure Manual.

Electric Utilities

1. The proposed monopole tower on the North West corner of the property is near a powerline. The electric utility requires a 15-foot horizontal clearance for safety between the monopole and any energized conductors or utility structure. Please include these dimensions in the site plan. This does not include the center of the tower.
2. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. Provide load calculations and voltage requirements, including the electrical riser diagram with wire size and number of sets of wire.
3. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
 - a. The customer/builder will be responsible for installing any conduit at a minimum of 24 inches deep from the existing pole at the northeast corner of the property to the meter location.
 - b. The customer will be responsible for any labor and material costs for providing electric service for this project.
 - c. A final electrical inspection will be required.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** of PZB Project #23-00500002 for a Major Site Plan, Conditional Use Permit, and Variance requests for the establishment of a 100-foot high monopole tower with additional site improvements 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 #23-00500002 for a Major Site Plan, Conditional Use Permit, and Variance requests for the establishment of a 100-foot high monopole tower with additional site improvements. 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 Major Site Plan, Conditional Use Permit, and Variance. The Applicant may appeal the Board's decision to the City Commission except appeals from decisions pertaining to variances shall be appealed directly to circuit court*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, architectural plans & supporting documents)

ATTACHMENT A – Qualitative Development Standards

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

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

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p>	In compliance
<p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p>	In compliance
<p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart</i></p>	In compliance

a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.

4. Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.

In compliance, as conditioned

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

ATTACHMENT B - Findings for Granting Conditional Uses

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

Section 23.2-29(c)(3)(B) Communication Towers – Regulations and standards	Analysis
<p><i>1. Construction. Communication towers must meet or exceed current construction standards established by the Electrical Industry Association (EIA) under fully loaded conditions.</i></p> <p><i>(a) Construction documents for communication towers must be signed and sealed by a Florida-registered structural engineer.</i></p> <p><i>(b) Construction documents must also be accompanied by a certification from a Florida-registered structural engineer stating that any tower failure will cause it to collapse within the confines of the designated site.</i></p> <p><i>(c) Towers and all associated equipment shall comply with all current Federal Communication Commission (FCC) standards and requirements.</i></p>	In compliance, as conditioned

-
2. *Setbacks. The principal support structure of all communication towers shall conform to the minimum setback requirements of the district in which the tower is located. In addition, the following setback standards shall apply:*
- (a) *Communication towers shall be located to provide a minimum radius distance from the tower to all property lines equal to thirty-three (33) percent of the height of the tower. The building official may decrease the radius provided the tower is designed to higher EIA standards than required for this area. When a communication tower is erected upon a building or other structure, its base shall be the base of the communication structure, not the building or other structure on which it is mounted. Its height shall be measured from the finished grade.*
- (b) *Communication towers shall be set back a minimum of fifty (50) feet from any existing or planned public street right-of-way line.*
- (c) *Communication towers shall be set back a minimum of fifty (50) feet from any property line adjacent to a residential use or a residential zoned parcel.*
3. *Anchor location. Communication tower peripheral supports and guy anchors may be located within required yard setbacks, provided that they shall be located entirely within the boundaries of the property on which the tower is located and shall be located no closer than five (5) feet from the property line if the tower is adjacent to a single-family residential district or residential uses. All communication tower supports and peripheral anchors shall be set back a minimum of ten (10) feet from any existing or planned street right-of-way line.*
4. *Location of accessory structures. All structures accessory to a communication tower, other than peripheral guy anchors, shall conform to the setback standards for that district in which the tower is located. A communication tower shall be considered the principal use of the lot, whether or not said lot contains other principal uses. Communication towers may occupy a leased parcel on a lot meeting the minimum lot size requirements of the district in which it is located. Accessory equipment buildings shall be separated from each other by distances as required by the fire and building codes.*
5. *Fencing. A fence or wall not less than eight (8) feet in height from the finished grade shall be constructed around each communication tower and around each guy anchor (if used). Access to the tower shall be through a locked gate. Barbed wire shall be used along the top of the fence or wall if it is necessary to preclude unauthorized access to the tower.*
6. *Parking. All communication tower sites which require a full-time attendant or consumer visitation shall provide a minimum of three (3) parking spaces or one (1) space per employee on the shift of greatest employment plus one (1) space per one thousand (1,000) square feet of building floor area, whichever is greater.*
7. *High voltage signs. If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, signs shall be located every twenty (20) feet and attached to the fence or wall. The sign shall display in large bold letters the following: "HIGH VOLTAGE DANGER."*
8. *Landscaping and buffer. Landscaping and buffering shall be installed on the property in accordance with section 23.6-1. Landscaping and buffering shall also be required around the perimeter of the tower and any accessory structures, including guy anchors, except that this*
- In compliance, as conditioned**
- Not applicable, the proposal is for a monopole tower**
- In compliance, as conditioned**
- In compliance**
- In compliance**
- In compliance, as conditioned**
- In compliance**

requirement shall be waived when the base of the tower is not visible from the street. Landscaping shall be installed on the outside of all fences.

- 9. *Aircraft hazard. Communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration. If so located, FAA approval shall be provided to the city indicating maximum allowable height.* **In compliance, as conditioned**
- 10. *Removal of unused towers. All obsolete or unused commercial communication towers shall be removed within six (6) months of use cessation. All existing towers that have ceased operation as of the effective date of the ordinance from which this chapter is derived shall be removed by no later than January 1, 2015.* **In compliance, as conditioned**
- 11. *Shared use. To encourage shared or combined use; all proposed communication tower applicants shall provide notice by certified mail to all other potential users, indicating the location, height, general rate structure and all other pertinent information. The potential users shall respond to the applicant's offer for shared space within twenty (20) days by certified mail, indicating their intent to co-locate or reasons why shared use is not feasible. Copies of each notice and response shall be supplied to the building, planning and zoning department prior to building permit issuance.* **In compliance, as conditioned**
- 12. *Deed and leasehold restrictions. The applicant shall prohibit any restrictions being inserted into the deed or lease that will limit the site to a single user. A copy of the deed or lease shall be submitted with the building permit application. Failure to comply with this provision shall automatically nullify the special land use approval.* **In compliance, as conditioned**
- 13. *Tower separation. In order to enhance community appearance, communication towers shall be separated by a minimum distance of one-half (½) mile from one another. This distance may be waived by the city commission, upon recommendation of the appropriate regulatory board, only after the applicant's structural engineer submits a signed and sealed statement documenting that there are structural problems and a new combined tower at the existing location is not economically feasible.* **In compliance**

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. <i>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.</i>	In compliance
8. <i>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.</i>	In compliance, as conditioned

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00600001: Consideration of a distance waiver to allow a pinball and/or game room to be located at 1974 Lake Worth Road within nine hundred (900) feet from the nearest boundary of a parcel of real estate having situated upon it a school, church, library, public park, playground or recreation facility or another pinball and/or game room. The property is zoned Mixed Use – West (MU-W) and has a future land use designation of Transit Oriented Development (TOD).

Meeting Date: May 3, 2023

Applicant: William Davis – Fun Guys of West Palm LLC

Property Owner: Paisa Associates 2 LLC

Address: 1974 Lake Worth Road

PCNs: 38-43-44-21-02-031-0020

Size: 8.3-acre lot / ±1,790 square feet of existing structure

General Location: Bounded to the south by Lake Worth Road, to the north by 2nd Avenue North, and to the west by Detroit Street.

Existing Land Use: Community Retail Plaza

Current Future Land Use Designation: Transit Oriented Development (TOD)

Zoning District: Mixed Use – West (MU-W)

Location Map



RECOMMENDATION

Staff has reviewed the documentation and materials provided, and recommends that the Planning and Zoning Board reviews this information to determine if the proposed distance waiver meets the criteria of the Comprehensive Plan and LDRs.

PROJECT DESCRIPTION

The applicant, William Davis on behalf of Fun Guys of West Palm LLC, is requesting a distance waiver to allow a pinball and/or game room to be located at 1974 Lake Worth Road within nine hundred (900) feet from the nearest boundary of a parcel of real estate having situated upon it a school, church, library, public park, playground or recreation facility or another pinball and/or game room. A day care and school (Paradise Learning Center) is located within 900 feet from the nearest boundary of the subject parcel, John Prince Park is also within 900 feet. The proposed pinball/game room would occupy ±1,790 square feet of existing structure within the Town & Country Shopping Center Plaza.

COMMUNITY OUTREACH

Staff had not received letters of support or opposition from adjacent or nearby neighbors prior to the publication of this report.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Use/Construction: The existing Town & Country Shopping Center Plaza was constructed in 1967.

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

Chronology:

- On February 21, 2023, an administrative use permit for an indoor recreational use was submitted
- On March 2, 2023, a completeness review is issued identifying that the proposed use would require a distance waiver
- On March 8, 2023, the application was deemed complete for processing based on the additional documentation that was provided

ANALYSIS

[Consistency with the Comprehensive Plan and Strategic Plan](#)

The subject site has a Future Land Use (FLU) designation of Transit Oriented Development (TOD). Per Policy 1.1.1.8, the TOD FLU is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The proposed distance waiver allows the establishment of a new pinball/game room within the existing commercial plaza. Therefore, it is consistent with the intent of the TOD FLU which envisions a mix of commercial uses. Review of the strategic plan is not applicable to an application of this scale.

Consistency with the City's Land Development Regulations

Staff has reviewed the documentation and materials provided and has outlined the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) concerning pinball/game rooms.

Section 14.72 – Location

No license shall be granted for a pinball and/or game room located within nine hundred (900) feet from the nearest boundary of a parcel of real estate having situated upon it a school, church, library, public park, playground or recreation facility or another pinball and/or game room as defined herein; provided, however, the city commission may permit a lesser distance after review and recommendation of the waiver request by the planning and zoning board, taking into consideration the nature of the business and neighborhood.

Staff Analysis: The City's pinball/game room regulations were established in the early 1980s. In 2004, Ordinance 2003-41 was passed which revised the location requirements to allow a waiver review process.

Section 14-73 restricts how pinball/game rooms operate. These restrictions include hours of operation (must be closed between the hours of 11 PM and 9 AM, and prior to 12 PM on Sundays), and prohibiting any gambling and the consumption of alcoholic beverages within the licensed premises. If the applicant proceeds with the administrative use permit for the indoor recreational use, the business will be conditioned to satisfy all the requirements listed in Article IV, including the restrictions noted above.

A day care and school (Paradise Learning Center) is located within 900 feet from the nearest boundary of the subject parcel, John Prince Park is also within 900 feet. However, the park is located outside of City limits. Staff has not identified any schools, churches, playgrounds, recreation facilities, and other pinball/game rooms within the required distance separation. Therefore, the distance waiver is required since a school is located within 900 feet of the new pinball/game room.

CONCLUSION AND CONDITIONS

Staff recommends that the PZB discuss the applicant's request for a distance waiver. If the PZB recommend approval, the board will need to determine that the proposed pinball/game room use will not negatively impact the public park and day care/school uses that located within 900 feet. Staff has drafted the following conditions should the PZB recommend approval of the distance waiver to the City Commission:

1. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the indoor recreational use.
2. The distance waiver shall be null and void if the administrative use permit (AUP) is not approved for the indoor recreational use.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600001 of the distance waiver for the establishment of a pinball/game room as the subject use will not negatively impact the proximate park and daycare/school use based on the data and analysis in the staff report, and the testimony at the public hearing.

I MOVE TO NOT RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600001 of the distance waiver for the establishment of a pinball/game room is not consistent with the waiver criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning and Zoning Board will be making a recommendation to the City Commission on the alcohol distance waiver request.*

ATTACHMENTS

- A. Application Package



DATE: April 26, 2023

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

FROM: William Waters, Director Community Sustainability

MEETING: May 3 & May 10, 2023

SUBJECT: **Ordinance 2023-06:** Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping and minor changes for clarity, to provide for a reduction in the side setback requirements to 5 feet for accessory structures and pools on all lot sizes, to provide for new standards for street walls, and to expand and clarify the waiver provisions.

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted to clarify interpretations, address general housekeeping items, resolve inconsistencies, provide greater flexibility with the location of secondary (accessory) dwelling units, accessory structures and mechanical equipment in residential properties, create a waiver process, and implement street wall requirements for nonconforming properties and new auto-centric uses that cannot meet build-to line requirements.

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

- Article 1 – Section 23.1-12: Definition
- Article 2 – Section 23.2-27: Waiver
- Article 2 – Section 23.2-31: Site Design Qualitative Standards
- Article 3 – Section 23.3-7: Single-Family Residential (SF-R)
- Article 3 – Section 23.3-8: Single-Family and Two-Family Residential (SF-TF 14)
- Article 3 – Section 23.3-10: Multi-Family Residential (MF-20)
- Article 3 – Section 23.3-11: Medium Density Multi-Family Residential (MF-30)
- Article 3 – Section 23.3-12: High Density Multi-Family Residential (MF-30)
- Article 4 – Section 23.4-1: Secondary (Accessory) Dwelling Unit
- Article 4 – Section 23.4-10: Off Street Parking
- Article 4 – Section 23.4-13: Administrative Uses and Conditional Uses
- Article 4 – Section 23.4-16: Mechanical Systems/Equipment for existing residential structures
- Article 5 – Section 23.5-1: Signs
- Article 5 – Section 23.5-3: Nonconformities

Secondary (Accessory Dwelling Unit): Clarifying and consolidate the maximum unit size and minimum living area requirements. Also, identifying certain provisions eligible for a waiver application.

Accessory Structure: Reducing the minimum side setback requirement from 10% of lot width for lots over 50 feet to a minimum of five (5) feet which allows additional flexibility in the placement of accessory structures and pools.

Pawn Shops: Revising the definition of pawn shop and clarifying the review process.

Street wall: Creating a street wall definition and developing regulations for the redevelopment of existing nonconforming properties and new auto-centric uses that cannot meet build-to line requirements.

Signs: Establishing a waiver review process for changeable message signage for public and institutional uses outside of the City's Major Thoroughfares.

Waiver: Expand and clarify waiver review process of limited and specified land development regulations.

Housekeeping Items: Revising the definitions to distinguish between extended stay lodging facilities and lodging facilities, removing inconsistencies related to the maximum secondary (accessory) dwelling unit size, clarifying material options for single-family and two-family driveways, and further identifying minimum setback requirements for mechanical systems of existing residential structures.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2023-06.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2023-06.

Attachments

- A. Draft Ordinance 2023-06

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3 **ORDINANCE 2023-06 - AN ORDINANCE OF THE CITY OF LAKE WORTH**
4 **BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT**
5 **REGULATIONS,” BY AMENDING ARTICLE 1 “GENERAL PROVISIONS,”**
6 **DIVISION 2, “DEFINITIONS,” SECTION 23.1-12 - DEFINITIONS; ARTICLE 2**
7 **“ADMINISTRATION,” DIVISION 3, “PERMITS,” SECTION 23.2-27 - WAIVER;**
8 **ARTICLE 2 “ADMINISTRATION,” DIVISION 3, “PERMITS,” SECTION 23.2-31 -**
9 **SITE DESIGN QUALITATIVE STANDARDS; ARTICLE 3 “ZONING**
10 **DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-7 – SF-**
11 **R - SINGLE-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS”**
12 **DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-8 – SF-TF 14 -**
13 **SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING**
14 **DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-10 –**
15 **MF-20 - MULTI-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,”**
16 **DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-11 – MF-30 - MEDIUM**
17 **DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,”**
18 **DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-12 – MF-40 - HIGH**
19 **DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 4 “DEVELOPMENT**
20 **STANDARDS,” SECTION 23.4-1 – SECONDARY (ACCESSORY) DWELLING**
21 **UNIT; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-10 – OFF-**
22 **STREET PARKING; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION**
23 **23.4-13 - ADMINISTRATIVE USES AND CONDITIONAL USES; ARTICLE 4**
24 **“DEVELOPMENT STANDARDS,” SECTION 23.4.16. – MECHANICAL**
25 **SYSTEMS / EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES,**
26 **ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 – SIGNS;**
27 **ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-3 –**
28 **NONCONFORMITIES; AND PROVIDING FOR SEVERABILITY, THE REPEAL**
29 **OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.**
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31
32 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
33 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
34 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
35 municipal government, perform municipal functions, and render municipal services, and
36 may exercise any power for municipal purposes, except as expressly prohibited by law;
37 and
38

39 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
40 body of each municipality in the state has the power to enact legislation concerning any
41 subject matter upon which the state legislature may act, except when expressly prohibited
42 by law; and
43

44 **WHEREAS**, the City wishes to amend Chapter 23, Article 1 “General Provisions,”
45 to amend, Division 2 “Definitions,” to amend Section 23.1-12 – Definitions to create a
46 definition for street wall and revise the definition for pawn shop; and
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48 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” to
49 amend, Division 3 “Permits,” to amend Section 23.2-27 – Waiver to establish a waiver
50 review process of limited specified land development regulations;

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WHEREAS, the City wishes to amend Chapter 23, Article 2 “Administration,” to amend, Division 3 “Permits,” to amend Section 23.2-31 – Site Design Qualitative Standards to create street wall regulations for the redevelopment of existing nonconforming properties and auto-centric uses that cannot meet build-to line requirements; and

WHEREAS, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SFR – Single-family residential,” Section 23.3-8 “SF-TF 14 – Single-family and two family residential,” Section 23.3-10 “MF-20 – Multifamily residential,” Section 23.3-11 “MF-30 – Medium density multi-family residential,” and Section 23.3-12 “MF-40 – High density multi-family residential,” to reduce the minimum side setback requirement for lots over 50 feet to a minimum of five (5) feet allowing additional flexibility in the placement of accessory structures and pools; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to amend Section 23.4-1 – Secondary (Accessory) Dwelling Unit to identify minimum unit sizes and to allow relief requests from setback requirements; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to amend Section 23.4-10 – Off-Street Parking to clarify parking surface materials for single-family and two-family dwelling units; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to amend Section 23.4-13 – Administrative Uses and Conditional uses to clarify the review process for Pawn Shops; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to amend Section 23.4-16 – Mechanical Systems/Equipment for Existing Residential Structures to establish a minimum side setback to allow for maintenance of mechanical equipment with trespass onto adjacent property; and

WHEREAS, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,” to amend Section 23.5-1 – Signs to establish a review process for changeable message signage for public and institutional uses outside of the City’s Major Thoroughfares; and

WHEREAS, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,” to amend Section 23.5-3 – Nonconformities to clarify when the street wall feature shall be required for nonconforming structures/buildings; 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

98 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
99 agency, considered the proposed amendments at a duly advertised public hearing; and
100

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

104 **WHEREAS**, the City Commission finds and declares that the adoption of this
105 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
106 City, its residents and visitors.
107

108 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
109 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**
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111 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
112 being true and correct and are made a specific part of this ordinance as if set forth herein.
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114 **Section 2:** Chapter 23 “Land Development Regulations,” Article 1 “General
115 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by
116 adding the words shown in underline type as indicated in **Exhibit A**.
117

118 **Section 3:** Chapter 23 “Land Development Regulations,” Article 2
119 “Administration,” Division 3 “Permits,” Section 23.2-27 “Waiver” is hereby amended by
120 adding the words shown in underline type as indicated in **Exhibit B**.
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122 **Section 4:** Chapter 23 “Land Development Regulations,” Article 2
123 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative
124 Standards” is hereby amended by adding the words shown in underline type and deleting
125 words struck through as indicated in **Exhibit C**.
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127 **Section 5:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
128 Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SF-R - Single-Family
129 Residential” is hereby amended by adding the words shown in underline type and deleting
130 words struck through as indicated in **Exhibit D**.
131

132 **Section 6:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
133 Districts,” Division 2 “Residential Districts,” Section 23.3-8 “SF-TF 14 - Single-Family and
134 Two-Family Residential” is hereby amended by adding the words shown in underline type
135 and deleting words struck through as indicated in **Exhibit E**.
136

137 **Section 7:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
138 Districts,” Division 2 “Residential Districts,” Section 23.3-10 “MF-20 - Multi-Family
139 Residential” is hereby amended by adding the words shown in underline type and deleting
140 words struck through as indicated in **Exhibit F**.
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142 **Section 8:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
143 Districts,” Division 2 “Residential Districts,” Section 23.3-11 “Medium Density Multi-Family
144 Residential” is hereby amended by adding the words shown in underline type and deleting
145 words struck through as indicated in **Exhibit G**.

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Section 9: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-12 “High Density Multi-Family Residential” is hereby amended by adding the words shown in underline type and deleting words struck through as indicated in **Exhibit H**.

Section 10: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-1 “Secondary (Accessory) Dwelling Unit” is hereby amended by adding the words shown in underline type and deleting words struck through as indicated in **Exhibit I**.

Section 11: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-10 “Off-Street Parking” is hereby amended by deleting words struck through as indicated in **Exhibit J**.

Section 12: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-13 “Administrative Uses and Conditional Uses” is hereby amended by adding the words shown in underline type as indicated in **Exhibit K**.

Section 13: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-16 “Mechanical Systems/Equipment for Existing Residential Structures” is hereby amended by adding the words shown in underline type as indicated in **Exhibit L**.

Section 14: Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-1 “Signs” is hereby amended by adding the words shown in underline type as indicated in **Exhibit M**.

Section 15: Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-3 “Nonconformities” is hereby amended by adding the words shown in underline type as indicated in **Exhibit N**.

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

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

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

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

195
196 The passage of this ordinance on first reading was moved by _____, seconded by
197 _____, and upon being put to a vote, the vote was as follows:

- 198
- 199 Mayor Betty Resch
- 200 Vice Mayor Christopher McVoy
- 201 Commissioner Sarah Malega
- 202 Commissioner Kimberly Stokes
- 203 Commissioner Reinaldo Diaz
- 204

205 The Mayor thereupon declared this ordinance duly passed on first reading on the
206 _____ day of _____, 2023.

207
208
209 The passage of this ordinance on second reading was moved by
210 _____, seconded by _____, and upon being put to a vote,
211 the vote was as follows:

- 212
- 213 Mayor Betty Resch
- 214 Vice Mayor Christopher McVoy
- 215 Commissioner Sarah Malega
- 216 Commissioner Kimberly Stokes
- 217 Commissioner Reinaldo Diaz
- 218

219 The Mayor thereupon declared this ordinance duly passed on the _____ day of
220 _____, 2023.

221
222 LAKE WORTH BEACH CITY COMMISSION

223
224
225 By: _____
226 Betty Resch, Mayor
227

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230 ATTEST:

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233 _____
234 Melissa Ann Coyne, City Clerk
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EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.1-12. – Definitions.

Extended stay hotel/motel (Extended stay lodging facility): A type of motel or hotel that offers lodging for extended periods up to sixty (60) days, and may include a kitchen.

Lodging Facility: As listed in Section 23.3-6 – Use Tables, shall include hotel or motel uses as defined in this section, but shall exclude extended stay lodging facilities.

Pawn shop: An establishment whose principal business is to lend money on security of personal property deposited with the establishment in pledge for the debt, redeemable by the pledger on the terms and conditions agreed to by the pawnbroker and as set forth in F.S. § 539.001, and with the implied power of sale on default. The term does not include a financial institution as defined in F.S. § 655.005, or any person who regularly loans money or any other thing of value on stocks, bonds or other securities. This use is classified as a single-destination commercial use with accessory money business services. The use table provisions in Section 23.3-6 imposing the greater restriction, and the review criteria in Section 23.4-13 are both applicable in determining the permitted use location.

Street wall: A decorative wall or portion of a wall installed at the build-to line to enhance the continuation of building walls along a street. Street walls are required to be designed in a manner to compliment the architecture of a site's existing structure/s.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.2-27. – Waiver.

- c) A waiver of limited land development regulations relating to site development requirements only, and excluding use regulations, may be requested to certain sections or subsections of Chapter 23 – Land Development Regulations where it is expressly stated in that section or subsection that a waiver may be requested to specified provisions for approval by the applicable review board. A variance per Section 23.2-26 shall be required for all other sections or subsections of Chapter 23 where is it not clearly indicated that a waiver or an administrative adjustment per Section 23.2-28 may be requested. The waiver shall meet the following review criteria:
1. The waiver requested is the smallest or minimum modification necessary.
 2. The waiver request shall not negatively impact adjacent property owners or protected land uses as described in Section 23.1-12.
 3. The applicable review board has determined that the waiver is appropriate in massing, scale, visual impact and does not create noise, light or other impacts greater than similar improvements permitted in the immediate area.
 4. The waiver request supports the goals, objectives and policies of the City's Comprehensive Plan.
 5. The waiver request is supportive of currently permitted uses, and shall not create or increase a nonconformity with regards to use as described in Section 23.5-3.

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314 **EXHIBIT C**
315

316 Chapter 23
317

318 LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"
319

320 *Article 2, "Administration," Division 3, "Permits"*
321

322 **Sec. 23.2-31. – Site Qualitative Standards.**
323

324 ***

325 l) Street wall. The purpose of the street wall is to complete the continuation of building
326 walls along a street when a proposed development is not able to meet the maximum
327 front setback (build-to) requirements from streets. Street walls shall not be utilized for
328 new construction, except for inherently auto-centric uses such as gas stations and
329 automobile drive-thrus. Utilization of a street wall in lieu of meeting front build-to line
330 requirements shall require a waiver approval as described in Section 23.2-27.c. Upon
331 substantial enlargement, substantial improvement or new construction for principal
332 buildings the following standards shall apply:

- 333 1. Breaks may be permitted in the street wall to provide pedestrian access to the
334 site and for the purpose of tree protection.
- 335 2. Parking facilities shall be permitted at the rear or interior side of the principal
336 structure, or street wall as approved by the appropriate review board. If parking
337 is located to the rear of the street wall, then the street wall shall screen the
338 parking area with a combination of wall and landscaping improvements.
- 339 3. For existing nonconforming structures, a street wall may be utilized to meet the
340 build-to line requirement provided that:
- 341 a. The expansion of existing structure to meet the build-to line is not feasible
342 as determined by the DRO.
- 343 b. The expansion of the structure is less than 25% of the existing building.
- 344 c. The expansion does not increase any nonconformities. The front building
345 line shall be maintained or modified to reduce the build-to line
346 nonconformity.
- 347 d. The street wall shall provide a base, middle, and top expressed with
348 materials finished and wrapped on all façades facing a right-of-way. Street
349 walls shall be designed in a manner to compliment the architecture of the
350 site's structure/s.
- 351 e. Street walls shall have visual breaks every 75 feet at a minimum. The
352 breaks shall be setbacks of either 8" or 12" or more to create reveal lines or
353 step backs on the façade and to add rhythm. The street wall shall be
354 articulated by architectural details. Such details may include openings,
355 canopies, awnings, changes in parapet height, material changes,
356 projections, recesses, or similar features. A physical half wall with a pergola

357 structure in combination with landscaping that creates a living green wall
358 effect shall be encouraged.

359 f. Use of durable, high-quality materials that are appropriate for the climate,
360 such as stone, steel, glass, precast concrete, or masonry. Such materials
361 and associated architectural features must wrap around all sides of the
362 street wall that are visible from the public realm. Traditional stucco may be
363 appropriate adjacent to historic districts. Street walls incorporating EIFS
364 (Exterior Insulation Finishing System) or other faux-stucco finish for more
365 than 10% of a street-facing façade do not meet this requirement.

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367 h) m) Community appearance criteria. The general requirements outlined in this section
368 are minimum aesthetic standards for all site developments, buildings, structures, or
369 alterations within the corporate limits of the city, except single-family residences.
370 However, additions to existing buildings and sites shall be subject to review by the
371 development review official for a determination regarding submission to the planning
372 and zoning board or historic resources preservation board for review. All site
373 development, structures, buildings or alterations to site development, structures or
374 buildings shall demonstrate proper design concepts, express honest design
375 construction, be appropriate to surroundings, and meet the following community
376 appearance criteria:

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379 m) n) Compliance with other requirements. The requirements of this section are in
380 addition to any other requirement of the Code of Ordinances of the city, such as the
381 building code. Approval by the decision-making body of a given set of plans and
382 specifications does not necessarily constitute evidence of applicant's compliance
383 with other requirements of the city code.

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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 3, "Zoning Districts"

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

c) *Development regulations for uses permitted by right*

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth for primary structures, whichever is less.
		5 ft. for accessory structures.
	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.
	<u>Accessory</u>	<u>A. 10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less</u>
		<u>B. A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u>
		<u>C. Minimum 5 ft. rear setback.</u>

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet up to a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have side set back of five (5) feet minimum.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 3, "Zoning Districts"

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

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

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth for primary structures; 5 ft. for accessory structures
	Side	10% of lot width, minimum of 3 feet up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.
Accessory	A. <u>10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less</u> B. <u>A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u> C. <u>Minimum 5 ft. rear setback.</u>	

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have side set back of five (5) feet minimum.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling units shall comply with the more restrictive of the requirements in Section 23.4-1 or the zoning district.

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4. Minimum facilities and living area per residential unit.

- A. The first dwelling unit on each lot shall contain at least a living room, kitchen, bedroom and bathroom, and shall have a minimum living area of eight hundred (800) square feet.
- B. The second dwelling unit on each lot shall contain at least a living room, kitchen, bedroom and bathroom, and shall have a minimum living area of four hundred (400) square feet.
- C. A secondary (accessory) dwelling unit shall comply with the development standards in Section 23.4-1. The total habitable square footage of an accessory dwelling unit shall not exceed the habitable square footage of the principal residential use.

- 8. Accessory structures. All accessory structures shall not exceed forty (40) percent of the gross floor area of the principal structure or one thousand (1,000) square feet whichever is less, excluding approved prefabricated metal storage buildings totaling no more than one hundred forty-four (144) square feet. If a property has both accessory structure/s and a secondary (accessory) dwelling unit, then the total area requirements in Section 23.4-1 shall apply.

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 “GENERAL PROVISIONS”

Article 3, “Zoning Districts”

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

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

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth. 5 ft. for accessory structures.
	Side	10% of lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
Accessory	<u>A. 10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width.</u> <u>B. Minimum rear set back of five (5) feet</u>	

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have a side set back of five (5) feet minimum.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling units shall comply with the more restrictive of the requirements in Section 23.4-1 or the zoning district.

531 4. Minimum facilities and living area per dwelling unit.

532 A. Single-family and two-family structures:

533 (1) The first dwelling unit on each lot in case of duplex construction shall
534 contain at least a living room, kitchen, bedroom and bathroom, and shall
535 have a minimum living area of eight hundred (800) square feet.

536 (2) The second dwelling unit on each lot in the case of duplex construction
537 shall contain at least a living room, kitchen, bedroom and bathroom, and
538 shall have a minimum living area of four hundred (400) square feet.

539 (3) A secondary (accessory) dwelling unit shall comply with the development
540 standards in Section 23.4-1. The total habitable square footage of an
541 accessory dwelling unit shall not exceed the forty (40) percent of the
542 habitable square footage of the principal residential use or one thousand
543 (1,000) square feet whichever is less.

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546 8. Accessory structures. All accessory structures shall not exceed forty
547 (40) percent of the gross floor area of the principal structure or one
548 thousand (1,000) square feet whichever is less, excluding approved
549 prefabricated metal storage buildings totaling no more than one
550 hundred forty-four (144) square feet. If a property has both accessory
551 structure/s and a secondary (accessory) dwelling unit, then the total
552 area requirements in Section 23.4-1 shall apply.

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EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 “GENERAL PROVISIONS”

Article 3, “Zoning Districts”

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

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

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth. 5 ft. for accessory structures.
	Side	10% of lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. <u>10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less.</u>
	B. <u>A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u> C. <u>Minimum 5 ft. rear setback.</u>	

portion of table omitted for brevity.

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3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have a side set back of five (5) feet.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Minimum street side setback: Ten (10) feet up to a maximum of twenty-two (22) feet.
- (5) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling units

592 shall comply with the more restrictive of the requirements in Section
593 23.4-1 or the zoning district.

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597 4. Minimum facilities and living area per dwelling unit.

598 A. Single-family and two-family structures:

599 (1) The first dwelling unit on each lot in the case of duplex construction shall contain
600 at least a living room, kitchen, bedroom and bathroom, and shall have a minimum
601 living area of eight hundred (800) square feet.

602 (2) The second dwelling unit on each lot in the case of duplex construction shall contain
603 at least a living room, kitchen, bedroom and bathroom, and shall have a minimum
604 living area of four hundred (400) square feet.

605 (3) A secondary (accessory) dwelling unit shall comply with the development standards
606 in Section 23.4-1.. ~~The total habitable square footage of an accessory dwelling unit~~
607 ~~shall not exceed the forty (40) percent of the habitable square footage of the~~
608 ~~principal residential use or one thousand (1,000) square feet whichever is less.~~

609 ***

610
611 8. Accessory structures. All accessory structures shall not exceed forty (40) percent of
612 the gross floor area of the principal structure or one thousand (1,000) square feet
613 whichever is less, excluding approved prefabricated metal storage buildings totaling
614 no more than one hundred forty-four (144) square feet. If a property has both
615 accessory structure/s and a secondary (accessory) dwelling unit, then the total area
616 requirements in Section 23.4-1 shall apply.

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EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 3, "Zoning Districts"

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

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

portion of table omitted for brevity.

Setback	Front	10 ft.
	Rear	15 ft. or 10% of lot depth when next to a residential district. 10 ft. in general. 5 ft. for accessory structure
	Side	Street lot side - 10 ft. minimum up to a maximum of 22 ft.
		Interior lot side - 10% of width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. <u>10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less.</u> B. <u>A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u> C. <u>Minimum 5 ft. rear setback.</u>

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Minimum street side setback: Ten (10) feet up to a maximum of twenty-two (22) feet.
- (2) Minimum interior side setback: Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (3) Two-story buildings shall have a side set back of at least five (5) feet.

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651 (4) Roof overhangs shall not project more than two (2) feet into the
652 setback.

653 (5) Accessory structures and pools shall have a side setback of 10% of lot
654 width, with a minimum setback of three (3) feet up to a minimum of five
655 (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling
656 units shall comply with the more restrictive of the requirements in
657 Section 23.4-1 or the zoning district.

658 ***

660 4. Minimum living area per dwelling unit.

661 A. Single-family and two-family structures:

662 (1) The first dwelling unit on each lot in the case of duplex construction shall
663 contain at least a living room, kitchen, bedroom and bathroom, and shall
664 have a minimum living area of eight hundred (800) square feet.

665 (2) The second dwelling unit on each lot in the case of duplex construction
666 shall contain at least a living room, kitchen, bedroom and bathroom, and
667 shall have a minimum living area of four hundred (400) square feet.

668 (3) A secondary (accessory) dwelling unit shall comply with the
669 development standards in Section 23.4-1. ~~The total habitable square~~
670 ~~footage of an accessory dwelling unit shall not exceed the forty (40)~~
671 ~~percent of the habitable square footage of the principal residential use~~
672 ~~or one thousand (1,000) square feet whichever is less.~~

673 ***

674 8. Accessory structures. All accessory structures shall not exceed forty (40) percent
675 of the gross floor area of the principal structure or one thousand (1,000) square
676 feet whichever is less, excluding approved prefabricated metal storage
677 buildings totaling no more than one hundred forty-four (144) square feet. If a
678 property has both accessory structure/s and a secondary (accessory) dwelling
679 unit, then the total area requirements in Section 23.4-1 shall apply.

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EXHIBIT I

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-1. – Secondary (Accessory) Dwelling Unit.

a) Purpose. It is the purpose of this section to provide regulations and standards for the establishment of a secondary dwelling unit within designated residential zoning districts that permit this use, and on properties that minimum lot requirements.

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.

(a) The habitable floor area for secondary units shall not exceed sixty (60) percent of the habitable floor area of the primary residence with a maximum unit size of 1,000 sf unless a waiver is granted to this subsection for the purpose of providing affordable / workforce housing, or to allow for an accommodation for accessibility. However, in no case shall a waiver related to these purposes allow the size of the secondary dwelling unit to exceed the size of the principal structure. See Section 23.2-27. and

(b) The minimum unit size shall be a minimum of four hundred (400) square feet for an efficiency, six hundred (600) square feet for 1 bedroom, seven-hundred and fifty (750) square feet for 2 bedrooms, and nine hundred (900) square feet for 3 bedrooms.

4. Accessory Structure/s Maximum Total Area. The total area of all accessory structures for properties with both detached accessory structure/s and a secondary dwelling unit shall not exceed 60% of the total area of the primary building, including any attached structures having a roof.

54. Setbacks for detached secondary dwelling units. The side-yard setback for detached single story structures containing a secondary dwelling unit shall not be less than three (3) feet. The rear-yard setback for detached single story structures containing a secondary dwelling unit shall not be less than five (5) feet. Secondary units higher than one (1) story shall provide side yard setbacks of five (5) feet and rear yard setbacks of ten (10) feet. If any portion of a secondary dwelling unit is located in front of the main building, then the front and side yard setbacks shall be the same as a main building in the zoning district. The distance between buildings on the same lot must be a

730 minimum of ten (10) feet. Secondary dwelling units are not eligible for
731 variances or waivers for setbacks or minimum building separation.

732 6. In zoning districts where secondary dwelling units are currently permitted, a
733 waiver of land development regulations related to the construction of an
734 accessory dwelling unit may be granted as part of a certificate of
735 appropriateness to allow for the conversion of a contributing accessory structure
736 in a designated historic district or landmark accessory structure to a secondary
737 dwelling unit, or to allow for a larger newly constructed secondary dwelling unit
738 in support of preservation of all sides of a contributing or landmark principal
739 structure. See applicable waiver sections 23.2-27 and 23.5-4 of these LDRs.

740
741 7. Secondary dwelling units shall comply with the more restrictive of either the
742 requirements in this section or the regulating zoning district unless otherwise
743 stated.

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745 ~~5.~~ 8. Design. The design of the secondary unit shall relate to the design of the
746 primary residence by use of the similar exterior wall materials, window types,
747 door and window trims, roofing materials and roof pitch, and shall be compatible
748 in architectural style.

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750 ~~6.~~ 9. Minimum housing code. All secondary dwelling units shall meet the city's
751 established minimum housing code requirements.

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EXHIBIT J

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-10. – Off-Street Parking.

d) *Material.* Each parking space shall be surfaced with a hard impermeable dustless material, either solid in area or in individual concrete strips or other approved materials, including but not limited to impervious materials and permeable paving materials in accordance with City of Lake Worth Beach standards. Required off-street parking for single-family and two-family dwelling units may also utilize ~~semi-permeable surface materials including shell rock, gravel, and or~~ other small stone material in lieu of impermeable or permeable paving material as long as it meets the following criteria:

1. Appropriate stabilization shall be established to keep small stone like materials out of the ROW, alley, and storm water systems;
2. All semi-permeable driveway and parking surfaces shall be maintained to ensure permeable qualities and to prevent ponding of water.

f) Minimum parking space requirements by use category.

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

A. Residential uses:

Multi-family (efficiency) one and twenty-five hundredths (1.25) spaces per unit.

Multi-family (one-bedroom) - One and one-half (1.5) spaces per unit.

Multi-family (two-bedroom) - One and seventy-five hundredths (1.75) spaces per unit.

Multi-family (> 2 bedroom) - Two (2) parking spaces per unit.

The total required residential parking shall be reduced by 25% for developments that provide no less than 15% of all proposed units as income restricted affordable or workforce housing units in accordance with Section 23.2-39. This reduction may not be combined with other parking reduction provisions of these LDRs, and at least one (1) parking space per residential dwelling unit is also required.

825
826 **EXHIBIT K**

827
828 Chapter 23

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830 LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

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832 **Sec. 23.4-13. – Administrative Uses and Conditional Uses.**

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836 c) *Standards.*

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840 19. *Money business services.*

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842 A. *Purpose.* It is the purpose of this section to provide regulations and
843 standards for money business services such as payment instrument
844 seller, foreign currency exchanger, check casher, or money transmitter.
845 These uses shall be approved through the appropriate decision-making
846 authority. Principal uses shall be reviewed through the conditional use
847 permit process. These uses may also occur as accessory to single
848 destination commercial only provided the development standards are
849 met for both the principal and accessory use.

850 B. *Design and performance standards.*

851 1) *Separation Distance:*

852 (a) A minimum separation distance of four hundred (400) feet for
853 accessory uses from other money business establishments.

854 (b) A minimum separation distance of one thousand (1,000) feet for
855 principal uses from other money business establishments.

856 (c) Distance shall be measured in a straight line from the nearest
857 portion of the money business licensed premises to the nearest
858 property line of the protected land use. For the purposes of such
859 measurement, the nearest exterior wall of the licensed premises,
860 or the nearest wall of the unit containing the use in a multi-tenant
861 structure, or the nearest point on an outside area which is a part
862 of the licensed premises (if any), shall be used. This minimum
863 distance requirement shall not apply when the money business
864 use and the protected land use are located in the same multi-
865 tenant center.

866 2) *Operational Standards:*

867 (a) Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. on
868 Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.

- 869 (b) No temporary or promotional signage shall be permitted on
870 windows or doors except as expressly permitted in section 23.5-
871 1, signs.
- 872 (c) Interior and exterior video surveillance for security purposes is
873 required and surveillance recordings shall be maintained for a
874 minimum of fourteen (14) days.
- 875 (d) The site shall meet appropriate Crime Prevention through
876 Environmental Design (CPTED) standards as feasible.
- 877 (e) Except, pawn shops shall comply with the more restrictive of F.S.
878 § 539.001, the standards in this section, and the standards in
879 LDR Section 23.4-13(c)(5) for single destination commercial
880 uses.

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EXHIBIT L

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-16. – Mechanical systems/equipment for existing residential structures.

- a) For existing residential structures, placement of mechanical equipment shall be allowed in the rear or side setback and/or between the main structure and a public street if there is insufficient space to locate the equipment outside of the setbacks. However, in no case shall mechanical equipment be located less than 18” from a property line to allow for its maintenance. Equipment located in the setback must meet requirements of the landscape code and the equipment must be screened from view of the right-of-way. In addition, product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line.

EXHIBIT M

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-1. – Signs.

- e) *Special regulations by type of sign.* The following types of signs shall be constructed or erected in accordance with the following specific regulations in addition to all other applicable regulations set forth in this section. Special regulations for the core area are the only exception to the regulations provided below.

16. *Changeable copy signs.*

- i. Changeable copy shall be allowed for the following uses along the major thoroughfares of the city. Changeable copy signs may also be allowed on roadways with lower functional classifications for institutional and public uses only with a waiver per Section 23.2-27.c. if approved by the applicable review board.
 - 1. Hotels and motels
 - 2. Institutional and Public uses
 - 3. Gas and service stations
 - 4. Movie theaters and playhouses
 - 5. Menu board signs for restaurants

EXHIBIT N

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 “SUPPLEMENTAL REGULATIONS”

Sec. 23.5-3. – Nonconformities.

d) Nonconforming buildings and structures. A nonconforming building or structure is a building or structure properly constructed according to the law existing at the time of permit but which does not presently conform to the property development regulations of these LDRs for minimum site area or dimensions, minimum setback requirements, maximum building or structure height, maximum lot coverage, minimum floor area, parking or loading or for other characteristics of buildings or structures regulated in these LDRs, or for its location on the lot. A nonconforming building or structure may continue to exist in a nonconforming state so long as it otherwise conforms to law, subject to the following provisions:

1. Nonconforming buildings and structures may be enlarged, expanded or extended subject to these LDRs, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure, or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.
2. Should the structure or building be deteriorated or destroyed to an extent of more than fifty (50) percent of the assessed value of the structure or building as determined by the building official, it shall not be reconstructed except in conformity with the provisions of these LDRs. However, a waiver of land development regulations may be granted as part of a certificate of appropriateness for a property within a designated historic district or landmark property. See sections 23.2-27 and 23.5-4 of these LDRs.

6. A street wall may be utilized to meet the build-to line (front building line) requirements for existing buildings and structures as provided for in Section 23.2-31 and Section 23.2-27. Further, these nonconforming buildings and structures may be permitted to expand up to 25% of the building area as provided for in Section 23.2-31 if the proposed expansion does not increase all other nonconformities. A substantial improvement or permitted expansion (maximum 25%) of these buildings and structures shall maintain or reduce the front building line nonconformity.

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e) Nonconforming uses of buildings and structures. A nonconforming use of a major building or structure is an activity primarily occurring within such building or structure, but which may also include the use of surrounding premises including land or nearby minor buildings. Such activity shall have been lawfully permitted at the time of its inception. The decision of the development review officer as to whether a nonconforming use is a nonconforming use of land or a nonconforming use of a building or structure, as each is described in this section, shall be final unless reversed by the planning and zoning board or historic resources preservation board, as applicable. Such nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

5. When a nonconforming use of a structure or building ceases for six (6) consecutive months, or for eighteen (18) months during any three-year period, and is not replaced by a permitted use, the structure or building shall not thereafter be used except in conformance with the regulations of the district in which it is located. The issuance or existence of a required license, permit or other governmental authorization to conduct such nonconforming use shall not mean that the use has not ceased, but the lack of such license, permit or authority shall create a rebuttable presumption that the use has ceased. Documentation of Aactions or activities of the owner of a property actively attempting to lease or rent the property, or documentation demonstrating that a business owner or property owner intended, but was prevented by no actions of their own to continuously operate said use shall be considered shall not be considered a use of the property in determining whether a nonconforming use of a structure or building has ceased.