



**AGENDA  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, JANUARY 06, 2021 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

- A. [October 7, 2020 Meeting Minutes](#)

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) [PZB 20-01400035](#)  
[PZB/HRPB 20-03100008](#)

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A. PZB Project Number 20-01400035:** Consideration of a Major Site Plan with Sustainable Bonus and Conditional Use Permit to construct a +/-47,000 square foot distribution facility and repair and maintenance uses within the Industrial Park of Commerce (I-POC) zoning district commonly referred to as "Umdasch/Doka" and located at 2209 7th Avenue North, PCN # 38-43-44-20-01-066-0010.
- B. PZHP 20-03100008 (Ordinance 2020-20):** Consideration of an ordinance to Chapter 23 "Land Development Regulations" regarding changes to temporary uses, home occupations and several minor modifications related to development standards for parking and accessory dwelling units, and maintenance easements on zero lot line properties.

**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  
VIA TELECONFERENCE  
WEDNESDAY, OCTOBER 07, 2020 -- 6:03 PM**

**OATH OF OFFICE:** The Oath of Office was taken by newly appointed Board Members Robert Lepa and Juan Contin prior to roll call.

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Mark Humm; Laura Starr; Robert Lepa and Juan Contin. Absent: Daniel Tanner. Also present were: Alexis Rosenberg, Senior Community Planner; Andrew Meyer, Senior Community Planner; Erin Sita, Assistant Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA :**

**Motion:** A. Marotta moves to approve the agenda with New Business Item C Artificial Turf to be discussed 1<sup>st</sup> then the balance of the Ordinance; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**APPROVAL OF MINUTES:**

A. September 2, 2020 Regular Meeting Minutes

**Motion:** A Marotta moves to approve the minutes as presented; L. Starr 2<sup>nd</sup>.

**Vote:** Ayes G. Rice, A. Marotta, M. Humm, L. Starr, motion carries.

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS:** The Board Secretary administered the Oath of Testimony to those wishing to speak on the agenda-ed items.

**PROOF OF PUBLICATION:** Provided in the meeting packet.

- 1) Village Flats  
Rezoning  
LDR Amendments

**WITHDRAWALS / POSTPONEMENTS:** None

**CONSENT:** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**A. PZB Project Number 20-01000001:** Consideration of a mixed-use urban planned development, major site plan with sustainable bonus, and conditional use permit to construct a two-phase multi-family development with live-work units, generally known as “Village Flats”.

**Staff:** A. Meyer presents case findings and analysis. The proposal is for a 41- unit development to include 10 live/work units. Phase 1 will be the more easterly of the two phases. Buildings 1 and 2 in this phase will house 24 units with five (5) live/work one-bedroom units and a six (6) unit one-bedroom multi-family structure respectively. Phase 2 plans continue to be finalized but would include five (5) live work units in one structure and six (6) multi-family units.

**Applicant:** Tim Carey explains the CRA awarded the RFP 01-1819 which were for vacant lots. Providing for an affordable market rate product Phase 1 will feature 1-bedroom units with 686 square feet; and live/work units of 715-723 square feet. Phase 2 will feature 3/2 bed/bath live/work units providing 1550 square feet. The live/work units will also have private, gated front patios serving a dual purpose of waiting area for clients or entertainment area for the tenant. Units may also feature a balcony.

**Board:** G. Rice asks about Building 1 fronting on Lucerne and the two-way traffic on the rendering. Will there be wayfinding signage? **Applicant:** Signage will be provided; the rendering will be changed to reflect the one-way flow of traffic. There will be an elevator in the four (4) story building but not the three (3) story building. R. Lepa asks about the infrastructure costs to the developer. **Applicant:** Based on what’s in place, upgrades may be required. **Staff** explains the SPRT process with review by other departments and resulting conditions. **Board:** L. Starr asks if there are other renderings? **Applicant:** yes, but they were not happy with the color scheme. The building color palettes will all be different, not uniform. J. Contin mentions the development across the street, and that it’s hard to approve without the renderings, without having the full picture. Would like to see the proposed mural; it’s not clear where the pocket park will be located. **Applicant:** It is in the southeast corner. **Staff:** This is a recommendation going to City Commission, correct renderings will be provided before that time. **Board:** What is the approximate, anticipated rent? **Applicant:** 1 bedroom \$1,100-\$1,200.00 and \$1,300-\$1400.0 for the 3-bedroom. The property management will be outsourced. L. Starr inquires about the mural. **Applicant:** It will be on Building 2 or 3. G. Rice asks if there will be any alley abandonments? **Staff:** No. **Board:** J. Contin asks about the height of the structures, and if the Sustainable Bonus was achieved through lot assemblage. Are the smaller structures in Phase 2? **Staff:** Yes. **Board:** J. Contin questions the possibility of Phase 2 not happening. Staff states there will be no vesting of Phase 2 if permit is not pulled. Density will be topped out.

**Board attorney:** Can Phase 1 survive on it’s own? **Staff:** It can never be separated- the entitlements are density related.

**Applicant:** Would like to break ground by January 21 if possible.

**Motion:** A. Marotta moves to recommend approval of PZB 20-01000001 with staff recommended conditions to City Commission. The project meets the applicable criteria based on the data and analysis in the staff report.; L. Starr 2<sup>nd</sup>.

Chairperson believes the renderings should be provided to the Board. **Applicant:** Signage and the mural will be coming before the Board. **Staff:** The information is on the digital submittal provided to the Board. A. Marotta states he can live with the rendering depicting the cars going the wrong way as he can see the site plan and the pocket park is shown. G. Rice asks where the signage will be for the live/work units? L. Starr asks if that requires a permit? **Applicant:** there will be consistency throughout with a monument sign as well as signposts and individual business signage.

**Vote:** Ayes all, unanimous.

**B. PZB Project Number 20-01300002:** Request for a City initiated rezoning to rezone 118 North A Street, 116 North A Street, 127 North B Street, 121 North B Street, 119 North B Street, 113 North B Street, 1500 Lucerne Avenue, and 128 North C Street from either Single Family – Two Family Residential (SF-TF-14) or Multi-family Residential 20 (MF-20) to Mixed Use – East (MU-E) pursuant to Section 23.2-36 of the Land Development Regulations (LDRs).

**Staff:** E. Sita reviews the background of the proposed rezoning of the properties to Mixed-Use East which will provide for compliance with the already existing Future Land use of Mixed-Use East. Doing so lends consistency and provides property owners with more opportunities for future development. In the event that non-conformities, whether structural or use, are created as a result of the rezoning, the non-conformities code section shall apply.

**Board:** R. Lepa inquires as to how businesses would be allowed at Lake Worth Towers.

Staff response: The businesses would be non-conforming, not the structure. G. Rice asks for verification that the change would not precipitate any property insurance issues for tenants. W. Waters stated it would allow rebuild in the event of an Act of God. It would allow for a larger variety of tenants in the Towers.

**Public Comment:** None.

**Motion:** L. Starr moves to recommend adoption of PZB 20-01300002 to the City Commission as it meets the criteria set forth in the Comprehensive Plan, LDR's and in review criteria for rezoning; R. Lepa 2<sup>nd</sup>.

**Vote:** Roll call, ayes all, unanimous.

**C. PZHP 20-03100007:** Consideration of an ordinance to Chapter 23 "Land Development Regulations" regarding changes to commercial vehicle parking, open air operations, temporary banner signage for new construction, landscaping requirements and artificial turf (Ordinance 20-15).

**Staff:** E. Sita presented proposed changes to the City Land Development Regulations. The proposed changes include six (6) city-initiated changes and one (1) city commissioner initiated change. As the artificial turf portion of the changes may be of the most interest, it will be discussed first.

A table showing the pro's (consistent appearance year round, resistant to pest damage, may be lower maintenance than traditional sod in that there are no fertilizer or pest control treatments, new less toxic products available, some are made from recycled material and is semi-pervious when correctly installed) and con's (damaged torn and worn down with heavy foot traffic, significantly hotter than ambient air temperature, regular raking required to mitigate dirt, odor and waste, some products leach into soil which can be harmful to humans, pets and environment, not recyclable, not fully pervious). **Staff:** If it were to be allowed: **Where** should it be allowed? **How**

should it be maintained? and - are the quality standards? Where: driveway parking strips in the front yard of non-conforming properties previously constructed with off-street parking; rooftops terraces and single family and duplex properties rear yard non-visible only. It is more akin to a paved or improved surface. It would not count toward landscaping requirements. How should it be allowed? By permit with 2 inspections, an affidavit of maintenance, barrier and no crumb rubber. What Standards? Minimum quality and minimum appearance standards, must have a 10 year warranty and drainage standards must be met.

Within the overall Ordinance, the artificial turf section is referred to in Exhibit G.

**Board:** M. Humm- would a permit be required? **Response:** yes

R. Lepa- knows of several backyards with artificial turf, not in favor of it in the front yard. It hurts the environment, can understand the utilization in some areas such as “grout” in a patio. Substitute grasses that are tolerant to shade and traffic can be better solutions.

G. Rice- there are many grades and qualities, it’s more of a maintenance issue equal to or greater than the environmental issue. There should be training to install the turf as anyone can pick it up and install it. Its hard to regulate maintenance, when it’s life is over it ends up in the landfill. Training is required by the State for other services that may potentially impact the environment and should be for this.

J. Contin -It’s about quality, understands and believes it to be helpful in the suggested areas such as rooftops, ribbon driveways and small parks. The required two (2) inspections should be enforced.

A. Marotta – Fertilizers can create pollution with real turf but the entire process with artificial turf in artificial. Both come with impacts. It may be acceptable in some areas with limited application.

**Public Comment: Seven (7) letters of concern were read into the record.**

**Board:** Strips for front yard parking of non-conforming lots; rooftop terraces and recreation area amenity areas, this is on the correct path.

**Staff:** Code suggestion/recommendations/ideas were borrowed from Delray Beach, Boca Raton and West Palm Beach which all have regulations and ordinances regarding artificial turf.

**Board:** J. Contin - Applications in playgrounds and dog parks for recreational areas are understandable. R. Lepa points out it would be required to hose down the dog parks. Would not recommend on the front yard. L. Starr- Palm Beach allows it but it cannot count toward landscape requirements or be in front yard. **Staff:** There will be two (2) other Board reviews, HRPB and Tree Board, prior to City Commission readings.

Discussion regarding whether to stay the issue pending further research or vote; does it produce odors and is the temperature transfer to adjacent properties unacceptable; does it leach into neighbors soil. It is highly litigated (pending class action suits) in the field of sports.

**Motion:** J. Contin moves to recommend approval of Exhibit G (Article 6-Sec. 23.6-1). Motion fails for lack of a second.

**Board:** A. Marotta asks for clarification if the item is being separated from the balance of the proposal.

**Board Attorney:** Can always motion to not recommend or move to postpone to November 2<sup>nd</sup> in order to further research toxicity and chemicals.

**Board:** R. Lepa states there is no point in postponing unless there will be new research provided at the next meeting.

**Motion:** A. Marotta moves to recommend approval of PZHP 20-03100007 excluding Exhibit G Article 6, Section 23.6-1 Landscape regulation (artificial turf), to the City Commission; L. Starr 2<sup>nd</sup>.

Discussion regarding letters and whether they are from Lake Worth Beach residents or persons outside the City limits. Board attorney advises that factor should weigh into the decisioning process with more weight given to resident opinion.

**Vote:** Ayes all, unanimous

**Motion:** A. Marotta moves to re-visit the artificial turn item at the next meeting; J. Contin 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** None

**PUBLIC COMMENTS** (3 minute limit) None

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** None

**ADJOURNMENT:** 8:38 PM

Legal Notice No. 37792

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) emergency, the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting on **January 6, 2021 at 6:00 pm** or soon thereafter to consider the following:

**PZB Project # 20-01400035:** Consideration of a Major Site Plan with Sustainable Bonus and Conditional Use Permit to construct a +/-47,000 square foot distribution, repair and maintenance facility within the Industrial Park of Commerce (I-POC) zoning district for the purposes of renting, maintaining and repairing construction and heavy-duty equipment to be located at 2209 7th Avenue North, PCN # 38-43-44-20-01-086-0010.

Public comment will be accommodated prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability PZHP 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, shall submit the evidence they wish the Planning and Zoning Board to consider a minimum of one (1) full business day prior to the date of the meeting. The subject application was rescheduled to January 6, 2021 from December 2, 2020 to allow for affected parties to hire legal counsel or a professional services consultant.

**For additional information, please contact City Staff at 561-586-1687. 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 no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald  
December 17, 2020

Legal Notice No. 37793

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) emergency, the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting on **January 6, 2021 at 6:00 pm** or soon thereafter to consider the following ordinance.

**PZHP 20-03100008 (Ordinance 2020-20) - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 18 "UTILITIES," ARTICLE 7 "STORMWATER UTILITY", SECTION 18-103. - "ON SITE DRAINAGE" BY REQUIRING MAINTENANCE EASEMENTS FOR ZERO LOT LINE LOTS; AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, CREATE AN APPROVAL PROCESS FOR TEMPORARY USE PERMIT" TO "TEMPORARY USE PERMIT" TO "TEMPORARY USE PERMIT" TO "USE TABLES" TO ESTABLISH TEMPORARY USES PERMITTED BY ZONING DISTRICT; AMENDING ARTICLE 4, "DEVELOPMENT STANDARDS," SECTION 23.4-1. - "SECONDARY (ACCESSORY) DWELLING UNITS," SECTION. "FENCES, WALLS AND GATES," SECTION 23.4-6. - "HOME OCCUPATIONS," SECTION 23.4-10. - "OFF-STREET PARKING" TO CLARIFY DEVELOPMENT STANDARDS REALTED TO FENCING, ACCESSORY DWELLING UNITS, AND PARKING AS WELL AS PROVIDE ADDITIONAL FLEXIBILITY FOR HOME OCCUPATION USES IN MIXED USE DISTRICTS, AND CREATING A NEW SECTION 23.4-22 - "TEMPORARY USES" TO ESTABLISH DEVELOPMENT REVIEW STANDARDS FOR TEMPORARY USES; AND AMENDING ARTICLE 5 "SUPPLEMENTARY REGULATIONS" SECTION 23.5-7. - "CONCURRENCY MANAGEMENT AND PUBLIC FACILITY CAPACITY" TO REQUIRE MAINTENANCE EASEMENTS ON ZERO LOT LINE LOTS; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.**

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meetings/>

Public comment will be accommodated prior to and during the meetings through the City's virtual meetings webpage. If you are unable to access the webpage during the meeting, please call 561-586-1687 and leave a message. Written responses or comments can be sent to the PZB/HRPB at 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

**For additional information, please contact City Staff at 561-586-1687. 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, 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). (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 no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald  
December 17, 2020





**DATE:** December 30, 2020  
**TO:** Members of the Planning and Zoning Board  
**FROM:** Andrew Meyer, Senior Community Planner  
**THRU:** William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability  
**MEETING:** January 6, 2021

**SUBJECT:** **PZB Project Number 20-01400035**: Consideration of a Major Site Plan with Sustainable Bonus and Conditional Use Permit to construct a +/-47,000 square foot distribution facility and repair and maintenance uses within the Industrial Park of Commerce (I-POC) zoning district commonly referred to as “Umdasch/Doka” and located at 2209 7th Avenue North, PCN # 38-43-44-20-01-066-0010.

**PROJECT DESCRIPTION:**

The Applicant, Lisa Reves of Saul, Ewing, Arnstein and Lehr on behalf of Umdasch Real Estate USA, Ltd., is requesting approval of Umdasch/Doka, a project located at 2209 7<sup>th</sup> Avenue North and consisting of the following:

- 1.) **Major Site Plan** for the development of an industrial building in excess of 7,500 square feet. (page 4)
- 2.) **Sustainable Bonus Program Incentive** to gain an increase in increase in building height to 31 ft. (page 8)
- 3.) **Conditional Use Permit** to establish “distribution facility” and “repair and maintenance – major” uses greater than 7,500 square feet (page 9)

Umdasch/Doka consists of an industrial building totaling 47,927 gross square feet in floor area. The building is composed of 3 sections; a 10,150 gsf office, a 26,617 gsf enclosed warehouse/maintenance shop, and 11,160 gsf canopy structure. In addition, a 104,342 outdoor storage area is located east of the building. The facility will store formwork and conduct repair operations on construction equipment. According to the application, the facility will operate between 7:30 AM and 4:00 PM, Monday through Friday, and between 7:30 AM and 12:00 PM on Saturdays as needed.

**Staff Recommendation:**

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code, Comprehensive Plan, and Strategic Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Staff recommends the Board approve the Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive as conditioned on pages 14-15.

**PROPERTY DESCRIPTION:**

<b>Applicant</b>	Lisa Reves of Saul, Ewing, Arnstein and Lehr on behalf of Umdasch Real Estate USA, Ltd.
<b>Owner</b>	LW Industrial LLC
<b>General Location</b>	South of the western terminus of 7 <sup>th</sup> Ave N, east of the E-4 Canal
<b>Existing PCN Number</b>	38-43-44-20-01-066-0010

Existing Land Use	Vacant Lot
Zoning	Industrial Park of Commerce (I-POC)
Future Land Use Designation	Industrial (I)

**ZONING MAP:**



**BACKGROUND:**

The subject property is currently vacant. The site has been vacant and undeveloped until the 1950s when land was cleared on the southern end and used as a landfill. The filling operations appeared to cease in the late 1970s and the property became overgrown and remained undeveloped until 2011, when there was an expansion of the pond at the north end of the lot. Since that time, the property has remained undeveloped.

**ANALYSIS:****Consistency with the Comprehensive Plan and Strategic Plan**

The project has a future land use of Industrial (I). Per Policy 1.1.1.10, the Industrial (I) FLU is established to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed development will contain distribution facility and repair and maintenance uses which are moderate industrial uses and therefore is consistent with the intent of the I FLU. Furthermore, Policy 1.7.1.4 states that “the City shall encourage new development proposals within the LWPOC, with emphasis on those at the north and south entrance of the Park of Commerce along Boutwell Road, to be consistent with the goal to create a quality office/industrial park, as established in the LWPOC Conceptual Plan.” This project is a new development proposal within the LWPOC with proposed use consistent with the future land use designation and strategic plan.

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 I.A of the Strategic Plan states that the City shall ensure effective economic development incentive zones. Further, Pillars IV.A, IV.C, and IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, facilitate environmental sustainability through regional partnership and planning, and influence the supply and expansion of jobs. The proposed warehouse, maintenance, and distribution center is an economic development project that will increase local jobs within the City and contribute towards the City’s tax base by developing a vacant 9.7-acre parcel. In addition, Umdasch Real Estate USA, Ltd. intends to enter into an agreement with the Florida Department of Environmental Protection for rehabilitation and redevelopment of the property, which is currently designated as a brownfield. As such, the use is consistent with Pillars I.A, Pillar IV.A, IV.C, and Pillar IV.D. The remaining Pillars in the Strategic Plan are not applicable to this application.

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

**Consistency with the City’s Land Development Regulations**

The Department of Community Sustainability is tasked in the Code to review planned development applications in accordance with the City’s LDRs (see analysis below) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

**Industrial Park of Commerce (I-POC)** Per LDR Section 23.3-24(a), the I-POC zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The I-POC district is also intended to permit the establishment of certain other uses which are compatible with industrial operations. The proposed industrial development provides light industrial uses. As such, the proposal is consistent with the intent of the I-POC district.

The table below shows the proposed site features and its compliance with the Code, factoring in the Sustainable Bonus incentives:

Development Standard		Base Zoning District	Provided
Lot Size (min) In square feet (sf)		13,000 sf	455,500 sf
Lot Width (min)		100'	400'
Setbacks	Front (min)	20'	25'
	Rear (min)	10'	318'
	Interior Side (min)	0'	West: 82.5' / East: 192'
Impermeable Surface Coverage (maximum)		65%	55%
Structure Coverage (max)		55%	10.3%
Parking		63 (25 office, 38 industrial)	70
Building Height (max)		45' under sustainable bonus	31'
Floor Area Ratio (FAR) (max)		1.1	.10

**Building Height:** The maximum building height by right for projects in the I-POC zoning district is 30 feet, with the potential to go to 45 feet by satisfying the requirements of the sustainable bonus incentive program. The proposed building height for this project is 31 feet, or 1 foot taller than the maximum building height by right. The extra building height is being sought in order to provide a parapet in order to screen rooftop equipment from adjacent properties. Staff reviewed the sustainable bonus incentive program applied for the extra building height, and found it to be consistent with the city's LDRs. Staff's analysis of the sustainable bonus can be found on page 8.

**Landscaping:** Overall, the development proposal complies with the City's landscape regulations. The project proposes Compact Firebush, Pigeon Plum, Dwarf Fakahatchee Grass, and Verawood along the entrance at 7<sup>th</sup> Avenue North. The project also proposes buffering the wall and site from the single-family to the west with Laurel Oak, Wax Myrtle, Silver Buttonwood, Green Buttonwood, and Southern Live Oak.

**Walls/Fences:** The site plan proposes a 6' high precast concrete wall along the southern and eastern boundaries of the site to provide buffering from the single-family and multi-family uses near the site. The wall will also be landscaped to provide extra buffering to these residential uses. In addition, the project also proposes an 8' high chain link fence along the eastern edge of the property. This chain link fence will be screened with landscape material for screening of the outdoor area. The material of the chain link fence has been proposed as galvanized. Section 24.4-4 of the City's LDRs require that chain link fencing be either black or dark green vinyl coated. Further, the fencing 10' from the northern property line along 7<sup>th</sup> Avenue will need to be an opaque fencing type or be setback a minimum of 20'. A condition has been added to the conditions of approval requiring all fencing on site to be in conformance with Sections 23.4-4 and 23.4-19; fencing adhering to this condition will be in conformance with the City's LDRs. Fencing material modifications will be reviewed at building permit for consistency with these code sections.

#### **Master Development Plan (Major Site Plan):**

A master site plan is required in conjunction with a mixed use urban planned development. The review criteria below 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.

**Section 23.2-31(c): Qualitative Development Standards**

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.

**Staff Analysis:** The project site is organized so that the most intense uses are oriented toward the north end of the site, closer to like industrial uses and away from the single-family and multi-family residential uses west and south of the site. The office portion of the building is oriented toward 7<sup>th</sup> Avenue North and contains large windows which positively contributes to the aesthetic of 7<sup>th</sup> Avenue North in this location. The building on the site contains overhead doors. The applicant has stated that the doors which face the residential area to the west will remain closed for most of the day and will be opened and closed 5-8 times per week total. In addition, these doors will be screened with native trees and a 6' high pre-cast wall. The overhead doors located on the east side of the building will be opened and closed more frequently, and these have been oriented towards adjacent industrial zoned properties to minimize impacts. **Meets Criterion.**

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 as specified in Part II, Chapter 12, Health and Sanitation, Article VIII, Fertilizer Friendly Use Regulations. 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 (4) feet or more.

**Staff Analysis:** The lot as it exists today are completely vacant, and contain a mixture of Royal Poinciana, Ficus, Cabbage Palm, Southern Live Oak, Tropical Almond, and Mango Trees. The property is located in the Greater Lake Worth Park of Commerce Area, which the City designated as a brownfield area through Resolution Number 03-2009, approved on March 3, 2009. The city has been advised by Umdasch Real Estate USA, Ltd. That it intends to enter into a brownfield site rehabilitation agreement with the Florida Department of Environmental Protection for rehabilitation and redevelopment of the property. The proposed landscape plan depicts native tree species, such as Laurel Oak, Wax Myrtle, Silver Buttonwood, Green Buttonwood, and Southern Live Oak along all property lines. Staff has reviewed the landscape plan and finds the proposed landscaping meets the landscape code and sufficiently replaces the existing landscaping proposed to be removed from the site. **Meets Criterion.**

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.

**Staff Analysis:** The project proposes landscaping along the perimeter of the property. Additional tree landscaping, along with a 6' high pre-cast wall is also proposed along the western property line to provide buffering of the site from the existing single-family residences to the west. The trees comprising of this buffer include Laurel Oak, Wax Myrtle, Silver Buttonwood, Green Buttonwood, and Southern Live Oak. The precast concrete wall also continues along the southern edge of the site and buffers the site from the multi-family residences to the south. In addition, 71 bald cypress trees have been proposed between the lake and the precast wall along the southern property line adjacent to the multi-residential development. **Meets Criterion**



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.

**Staff Analysis:** While the proposed industrial project does not contain any dwelling units, there are existing residential dwelling units to the west and south of the project site. The site provides a 6' wall with vegetation to buffer the site's impacts and provide additional residential privacy. **Meets Criterion.**

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.

**Staff Analysis:** The building has been oriented on the lot to be closest to 7<sup>th</sup> Avenue North. This building is directly adjacent to the right-of-way to allow for ease of access by emergency vehicles. **Meets Criterion.**

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.

**Staff Analysis:** The building fronts 7<sup>th</sup> Avenue North and the site has 3 access points from the right-of-way. The project is not nearby any railroad crossings. **Meets Criterion.**

7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

**Staff Analysis:** The pedestrian circulation from the right-of-way to the office entrance avoids as much conflict with vehicular circulation as possible, with the pedestrian crossings located at the point where vehicles stop to turn on/off of 7<sup>th</sup> Avenue North. The pedestrian circulation does not cross through any vehicular circulation areas within the site and provides direct access to the building. **Meets Criterion.**

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.

**Staff Analysis:** As stated earlier, the site has 3 access points from 7<sup>th</sup> Avenue North. This portion of 7<sup>th</sup> Avenue North is currently not paved and will be improved as part of the construction of this project. No other properties obtain access from this portion of 7<sup>th</sup> Avenue North adjacent to the project site, and as such there is no anticipated negative impact on adjacent properties. **Meets Criterion.**

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.

**Staff Analysis:** All common ways off the project site will circulate traffic internally on the site and will not connect with any other right-of-way as no such other rights-of-ways exist adjacent to the property. **Meets Criterion.**

10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall be designed 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 direct access to parcels.

**Staff Analysis:** An additional right-of-way dedication for 7<sup>th</sup> Avenue North is depicted on the site plan along the property's northern boundary to the E-4 Canal. Based on the nature of use and proposed traffic circulation on the site, no other on-site right-of-way is being dedicated. Therefore, this criterion does not apply. **Meets Criterion.**

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.

**Staff Analysis:** The site proposes 3 points of ingress/egress. The westernmost ingress/egress point is for personal and regular-sized vehicles. The two easterly points of ingress/egress will be for larger truck traffic. These have been located away from the single-family and multi-family residences to the west and south to minimize the impact of noise, glare and odor to these properties. The loading and unloading of equipment and materials occurs east of the building, which helps minimize the impact of noise, glare, and odor to the single-family and multi-family residences on the opposite side of the building to the west. **Meets Criterion.**

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.

**Staff Analysis:** The site plan shows the refuse area is located toward the middle of the site and away from any existing property lines. The dumpster enclosure is also screened and opens toward the building and away from any adjacent properties, minimizing the impact of noise, glare and odor on adjacent property. **Meets Criterion.**

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.

**Staff Analysis:** As stated earlier in this staff report, the elements of the site plan are arranged insofar as feasible to minimize negative impacts to property values of adjoining properties. The site provides landscaping and buffering from adjacent properties, and orients building and site activities and circulation away from adjacent properties. **Meets Criterion.**

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.

**Staff Analysis:** The project is located on the western edge of the Industrial Park of Commerce zoning district and along the city's western boundary following the E-4 Keller Canal. The project provides for a 6' pre-cast concrete wall and landscaping on the edge of the zoning district's boundaries with adjacent mixed-use and residential zoning districts. Yard operations and circulations are located away from these properties and setbacks are provided to minimize the impact. **Meets Criterion.**

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.

**Staff Analysis:** The project as proposed does not anticipate any future development at the site. Any future proposed development not included as part of this application must go through the applicable land development process for full review. Overall, the project meets the intent of the Land Development Regulations and Comprehensive Plan. **Meets Criterion.**

**Section 23.2-31(l): Community Appearance Criteria**

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.

**Staff Analysis:** The design of the project reflects modern architectural styles generally associated with good taste and design. The office portion has large windows that face the right-of-way and allow natural light into the space, with more intense uses oriented toward the rear of the site, away from the right-of-way. The project also provides a lake on-site, as well as a pre-cast concrete wall and landscape buffering which shields and buffers the uses from the single and multi-family uses to the west and south of the project site. The project provides architectural embellishments that are colored to match the business branding, however these are kept to a minimum and are in good taste and design. **Meets Criterion.**

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.

**Staff Analysis:** The project utilizes industry standard materials that are neutral and generally compatible with the local environment. **Meets Criterion.**

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.

**Staff Analysis:** The project uses a modern design aesthetic which is similar to and appropriate with other existing buildings and proposed projects which have been approved in the surrounding area. **Meets Criterion.**

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

**Staff Analysis:** The project’s compliance with the community appearance and conditional use criteria is detailed within this staff report. **Meets Criterion.**

**Sustainable Bonus Incentive Program:**

The City of Lake Worth Sustainable Bonus Incentive Program (SBIP) is intended to implement Objective 1.2.3 of the City’s Comprehensive Plan which states the City shall establish incentives to help support the creation of a compact, sustainable, community-oriented development by implementing a Sustainable Bonus Incentive Program. The Program offers the opportunity to attain an option for increased height and/or FAR in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

Based on the calculation of the additional height as part of the SBIP, the Applicant is asking for a bonus height of 1 foot, for a total building height of 31 feet. This additional foot in building height is not for the entire building, but the office portion of the building. The total square footage of bonus area under Sustainable Bonus is 5,565 square which results in a value of required improvements for the Sustainable Bonus allowance of \$8,347.50 (\$1.50 per square foot industrial bonus). Below is the Applicant’s schedule of improvements to meet and exceed the requirements of the Sustainable Bonus and Planned Development.

Improvement Detail (type of amenity)	Valuation Amount	Calculation Details
Precast wall along west property line	\$97,500	Difference between pre-cast wall and minimum fencing required by code: Precast Wall: \$100 per Linear Foot x 1,300 Linear Feet = \$130,000 Chain-link fence with screening: \$25 per Linear Foot x 1,300 Linear Feet = \$32,500



<b>Total Value of Improvements/Design Excellence Required: <u>\$8,347.50</u></b>	<b>Total Value of Improvements/Design Excellence Provided: <u>\$97,500</u></b>
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**Section 23.2-33(c)(2): Review/decision**

(a) Is the award calculated correctly, consistent with the square footage and height requested and the value of the features and improvements included in the development proposal?

**Staff Analysis:** The development proposal is consistent with the increase in height requested. The Applicant is asking for a bonus height of 1 foot, for a total building height of 31 feet. The total square footage of bonus area is 5,565 square feet. Therefore, the total value of required improvements is \$8,347.50 (\$1.50 per square foot for industrial bonus height of 5,565 square feet). The Applicant will be providing improvements above the code required minimums equivalent to \$97,500, which exceeds the requirements of the Sustainable Bonus and Planned Development program. **Meets Criterion.**

(b) Do the proposed on-site features or improvements adequately provide sustainable project enhancements beyond those otherwise required by these LDRs for the development proposal that are attainable and reasonable in the context of the proposed project?

**Staff Analysis:** The proposed on-site features and improvements provide enhancements that exceed the base requirements of the LDRs. The project will provide a wall on the west and south side of the property, which provides a greater degree of buffering than a fence required by code. The wall is above and beyond the minimum requirements of the code, and the difference in value between the fence and the wall meets the required valuation of the SBIP. **Meets Criterion.**

(c) Do the proposed off-site improvements meet the priorities of the City for community sustainability?

**Staff Analysis:** The project is not including off-site improvements toward the SBIP credit. **Meets Criterion**

(d) Do the proposed features, improvements or fees-in-lieu meet the intent of the SBIP?

**Staff Analysis:** As identified by the criteria above, the proposed features and improvements incorporated into the development proposal are beyond the base requirements of the LDRs and provide additional amenities and an aesthetic improvement beyond what is required by the LDRs. Thus, the proposed development meets the intent of the SBIP. **Meets Criterion.**

**Conditional Use Permit:**

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. Conditional uses are required to be reviewed against the criteria in Section 23.2-29(d) and Section 23.2-29(e). The required analysis is provided below.

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

The proposed project is consistent with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. 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.

**Staff Analysis:** The site contains a base zoning designation of I-POC and is adjacent to I-POC zoned property to the north and east, Mixed-Use West (MU-W) zoned property to the south, and residential land use to the west on the opposite side of the E-4 canal. Based on the intent of the I-POC zoning district, the types of uses most likely to occur in this district are the establishment and enlargement of office, manufacturing and light industrial uses. The subject proposal is consistent with the types of uses anticipated to occur within the I-POC district. In addition, the site is designed with features to help buffer the site from nearby incompatible uses; these are described in the below criterion. Therefore, the proposed project is compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Analysis:** The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use
North (across 7 <sup>th</sup> Avenue North)	I	I-POC	Distribution Warehouse, Office (Boutwell Business Center)
South (adjacent)	I/MU-W	I-POC/MU-W	Warehouse (Marlin Commerce Center)/Multi-Family Residential
East (adjacent to and across the E-4/Keller Canal)	Residential High Density (PBC)	Medium-Density Residential (PBC)	LWDD ROW, and Single-Family Residences
West (adjacent)	I	I-POC	Warehouse/Storage

Per the Palm Beach County Property Appraiser, the subject site is surrounded by a mixture of warehouse, single-family, multi-family, and office uses. The property locates the warehouse building to the north of the site and away from the multi-family uses to the south of the site, reducing its impact on those properties. In addition, a 6' concrete wall with landscaping faces the residential uses to the west and across the E-4 canal, which buffers the warehouse building from these uses. Staff finds that the use is in harmony with the surrounding industrial uses, and finds that the site provides adequate features which help buffer the proposed uses from adjacent, incompatible uses. **Meets Criterion.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Analysis:** The approval of this conditional use will provide urban infill development that is consistent with the intent of the I-POC zoning district and I future land use category. As such, the proposal is not anticipated to result in less public benefit than other permitted or conditional uses. **Meets Criterion.**

4. 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.

**Staff Analysis:** The proposed project is utilizing the City's SBIP bonuses for an additional 1 foot of building height. The increase in building height will allow for the screening of rooftop equipment located above the office portion of the proposed building. Staff's analysis of the SBIP can be found on page 8. The project is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and will not result in a more intensive development than what the Plan anticipates. **Meets Criterion.**

**Section 23.2-29(e): Specific standards for all conditional uses**

1. 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.

**Staff Analysis:** Based on the Florida Department of Transportation's 8<sup>th</sup> Edition Trip Generation Table, the construction of a 47,927 gross square foot warehouse is anticipated to generate approximately 171 daily trips and 15 PM Peak trips. Typical uses permitted by right in the I-POC zoning district are under 2,500 square feet, and include gyms/fitness studios and administrative/professional services. If the property was subdivided or rented to individual, small, by-right tenants with uses less than 2,500 square feet and totaling 47,927 square feet, then the trips generated would be greater than the trips generated for the proposed use. For example, 47,927 square feet of individual gyms/fitness studios use would generate 1,578 trips in total, and 47,927 square feet of individual administrative/professional services use would generate 528 trips in total. As such, the proposed conditional use will not generate traffic volumes or movements which would result in a significant impact greater than a development permitted by right. In addition, a Traffic Performance Standards (TPS) Letter from the Palm Beach County Traffic Division indicates that the project is located within the Lake Worth Park of Commerce Traffic Concurrency Exception Area (TCEA) and is exempt from the Traffic Performance Standards of Palm Beach County. **Meets Criterion.**

2. 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.

**Staff Analysis:** The I-POC zoning district allows for the establishment of industrial uses without restriction on traffic generating characteristics. As stated in the above criterion, only uses under 2,500 square feet are permitted by right in the I-POC zoning district. If these uses were developed individually on separate lots over time to an intensity equal in square footage to the proposed project, they would generate traffic in excess of the traffic generated by the proposed use. The site will not be open to the general public and will only be open to customers picking up rental equipment. There is no showroom or retail store. Therefore, the traffic generated from the proposed mixed-use development will not be significantly greater than that of adjacent uses and other anticipated uses in this area. **Meets Criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

**Staff Analysis:** The mixed-use project is not anticipated to produce significant air pollution emissions that are greater than that of a development permitted by right. The applicant states that no manufacturing or fabrication will occur on-site. The repair and maintenance of rented equipment will be done indoors. The proposed use of a distribution facility and repair and maintenance do not pose a pollution hazard to the nearby properties. **Meets Criterion.**

4. 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.

**Staff Analysis:** The project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

5. 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.

**Staff Analysis:** The project will be utilizing the existing City utility lines installed in late 1980s/early 1990s. The sewer main is considered maximum size for an industrial area. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

**Staff Analysis:** The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. In attempt to reduce the crime potential at this location, the application proposes controlling access to the site through the use of security gates that will restrict access to the site. **Meets Criterion.**

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

**Staff Analysis:** Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

Based on the uses being proposed, the project is conditioned to prohibit generating noise levels that exceed Section 15.24. **Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

**Staff Analysis:** The proposed project will not generate light or glare that would negatively impact the surrounding properties. Based on the photometric plan submitted, the proposed development complies with LDR Section 23.4-3, Exterior Lighting. **Meets Criterion.**

### **Section 23.4-19: Outdoor Storage**

1. Outdoor storage in residential districts. Outdoor storage in residential districts for residential purposes shall be limited to domestic equipment and normal supplies necessary for residents. Storage shall not be permitted in any front yard.

**Staff Analysis:** This project is not located in a residential district, therefore this criterion does not apply.

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

**Staff Analysis:** The outdoor storage as part of this proposal is accessory to the distribution facility and repair and maintenance uses seeking approval through this Conditional Use Permit. The outdoor storage areas are screened from the residential areas to the south and west, and conditions of approval have been added to ensure the areas are screened from all rights-of-ways in accordance with this section and Section 23.4-4. **Meets Criterion.**

3. Outdoor storage in planned development and mixed use districts. Outdoor storage facilities shall be limited to the following:

- a. Outdoor storage of merchandise for sale within the establishment located on the site shall be limited to the area located between the front façade and the public right-of-way and shall only be outside of the building during hours of operation. However, this does not apply to the outdoor display of vehicles for sale or rent.
- b. In any commercial planned development, all outdoor storage shall be expressly approved by the city commission as part of the ordinance adopting the commercial planned development.
- c. Approval of outdoor storage in a commercial planned development or mixed use district shall include mitigation measures to protect adjacent properties from the impacts of the outdoor storage.

**Staff Analysis:** The proposed project is not located within a planned development or mixed-use district, therefore this criterion does not apply.

4. The outdoor storage of all licensed vehicles that are being repaired must be screened from all public rights-of-way or stored completely within an enclosed structure. There shall be no storage of junk or unlicensed vehicles within the public right-of way at any time.

**Staff Analysis:** There are no vehicle repair uses associated with the operations of the site, therefore this criterion does not apply.

5. The outdoor storage of unlicensed vehicles and/or junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles is prohibited, except in approved junk yards or the temporary storage of such vehicles on a lot or parcel approved and containing an active business license for vehicle towing.

**Staff Analysis:** There will be no unlicensed and/or junked vehicles stored on-site, therefore this criterion does not apply.  
**Meets Criterion.**

**Public Support/Opposition:**

Staff has received five letters opposing the petition. Mr. Daniel Hiatt, who is a property owner within 400 feet of the subject property, has requested to be an affected party.

**CONCLUSION:**

The proposed request for a Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive is consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas as subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board recommend approval of the proposed request with the conditions below:

**CONDITIONS OF APPROVAL:**

**Electric:**

1. Prior to the issuance of a certificate of occupancy:
  - a. The 10-ft-wide electric easement will be needed and recorded prior to the issuance of a Certificate of Occupancy.
  - b. The customer will be responsible for installing Lake Worth Beach's two 4" schedule-40 gray electric conduits at a minimum of 42" deep.
2. Prior to the issuance of a building permit:

- a. The electrical riser diagram and the load calculations will be needed.

**Planning:**

1. Prior to the issuance of a building permit, all fencing on-site shall meet the applicable requirements of Sections 23.4-4 and Section 23.4-19.
2. The project is prohibited from generating noise levels that exceed regulations found in Section 15.24.

**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. Prior to the issuance of a building permit:
  - a. the applicant shall 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, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
  - b. the Applicant shall contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
  - c. the applicant shall provide architectural details for the dumpster enclosure to confirm the enclosure meets the standards of the Public Works Dept.
3. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application
4. Prior to the issuance of a Certificate of Occupancy:
  - a. All conditions of approval must be satisfied under jurisdiction of the Department of Public Works
  - b. The Applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction
  - c. The applicant shall fine grade and sod all disturbed areas with bahia sod
  - d. The applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity
  - e. The applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind
  - f. The trench patch for the utility crossing on 7th Ave North shall be restored in accordance with the construction standards of the Public Works Dept.

**Water & Sewer:**

1. Water & Sewer Utility Plan:
2. Prior to the issuance of a building permit:
  - a. Center the 15-foot-wide easement over the water main.
  - b. Add or move the in-line valve at the edge of the easement for the fire line. This will delineate the private/utility ownership.
  - c. Provide a valve at the southern watermain connection.
  - d. Note to engineer: The proposed watermain has been installed in 7th Ave N, the utility department will have the as-built plan shortly. If practical, the actual utility location should be referenced.
  - e. Move the water service parallel to the fire line or propose a location that minimize the easement extension and path under asphalt. Near the entrance or tapping the main off of 7th Ave N is an option since the meter can be set close to the property line.



- f. Adjust the water main and/or slope of bank at the lake to provide a minimum of 10 feet flat space for maintenance access. Consider vehicles and equipment having to navigate around the lake bank at the southeast corner.
- g. Capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.
- h. The site shall permit through LWDD and/or SFWMD for the stormwater management and provide a copy to Water Utilities.
- i. The following shall be provided:
  - i. At time of engineering submittal, provide a full drawing set including any updated drainage calculations, and any permits or permitting information from SFWMD and LWDD.
  - ii. Add all structure and utility conflict information on the plans.
  - iii. Complete water, sewer and drainage plans showing proposed pipe sizes, materials, structure sizes, utility crossing elevations, hydrants, manholes, as well as all pertinent site elevations.
  - iv. Permits from the PBC Health Department for the Watermain extension and the private lift station connection
  - v. If applicable, show irrigation service line/s up the meter and backflow RPZ device/s.
  - vi. Show water & sewer services, drainage structures, and storm mains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
  - vii. Fireflow calculations based on a recent hydrant test. Contact Pedro Segovia with Palm Beach County at psegovia@pbcgov.com
  - viii. Signed and sealed Drainage Calculations including a drainage statement from the engineer regarding floodplain management provisions for water quality and quantity shall be provided to the City.
  - ix. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
  - x. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
  - xi. Engineering plans shall include cross-sections along each property line and with grading showing the design storm (3 yr, 1 hour (2.6")) runoff being maintained on site.
  - xii. Provide existing and proposed site grades.
  - xiii. Indicate vertical datum on all plan drawings with grades.
  - xiv. All applicable City of Lake Worth details.

Lake Worth Drainage District:

1. This project will require a drainage outfall connection permit from this District if they will be draining to the E-4 Canal.

**Board Actions:**

I MOVE TO APPROVE OF PZB PROJECT NUMBER 20-01400035 with staff recommended **conditions** for a Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive to construct a +/-47,000 square foot distribution facility and repair and maintenance uses commonly referred to as "Umdasch/Doka" and located at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO DENY PZB PROJECT NUMBER 20-01400035 for a Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive to construct a +/-47,000 square foot distribution facility and repair and maintenance uses commonly referred to as "Umdasch/Doka" and located at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

**Consequent Action:**

The Planning & Zoning Board's decision will be final for the Major Site Plan, Sustainable Bonus, and Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.

**ATTACHMENTS:**

- A. Site Plan Package
- B. Supplemental Supporting Documents





DATE: November 10, 2020

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

FROM: William Waters, Director Community Sustainability

MEETING: November 18, 2020 & January 6, 2021

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

---

**BACKGROUND/ PROPOSAL:**

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

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

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

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

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

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

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

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

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

**STAFF RECOMMENDATION:**

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

**POTENTIAL MOTION:**

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

Attachments

- A. Draft Ordinance 2020-20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

149  
150

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

154

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

159

160 The Mayor thereupon declared this ordinance duly passed on first reading on the  
161 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

162

163

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

167

- 168 Mayor Pam Triolo
- 169 Vice Mayor Andy Amoroso
- 170 Commissioner Scott Maxwell
- 171 Commissioner Herman Robinson

172

173

174 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
175 \_\_\_\_\_, 2020.

176

LAKE WORTH BEACH CITY COMMISSION

178

179

180

By: \_\_\_\_\_

181

Pam Triolo, Mayor

182

183

ATTEST:

184

185

186

187

\_\_\_\_\_  
Deborah Andrea, CMC, City Clerk

188

**EXHIBIT A**

**Chapter 18**

**CODE OF ORDINANCES ARTICLE 7 "STORMWATER UTILITY"**

\*\*\*

**Sec. 18-103. - On site drainage.**

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

\*\*\*

**EXHIBIT B**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

*Division 3 Permits*

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

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



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

**EXHIBIT C**

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Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Division 1 "Generally"*

\*\*\*

**Sec. 23-3.6 – Use Tables.**

*Under separate cover*

**EXHIBIT D**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

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

\*\*\*

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

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

\*\*\*

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

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

**EXHIBIT E**

**Chapter 23**

**LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"**

**Sec. 23.4-6. - Home occupations.**

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

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

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

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

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

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

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

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

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

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

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

482

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

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

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

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

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

A. *Residential uses:*

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

\*\*\*

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

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

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

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

\*\*\*

**EXHIBIT G**

**Chapter 23**

**LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”**

**[NEW SECTION] Section 23.4-22 - TEMPORARY USES**

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

a. Temporary Uses by District.

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

b. Temporary Use Requirements.

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

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



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

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

**EXHIBIT H**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTARY  
REGULATIONS"

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

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