



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, NOVEMBER 05, 2025 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- A. [October 1, 2025 Meeting Minutes](#)

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [732 S. Dixie Hwy](#)
[2209 7th Ave N](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [Ordinance 2025-26: Consideration of an ordinance amending Chapter 23 "Land Development Regulations" related to the affordable housing workforce housing program.](#)
- B. [Ordinance 2025-24: Consideration of an ordinance amending multiple sections of Chapter 23 "Land Development Regulations" related to recovery residences](#)
- C. [PZB 24-00500003 & 24-01400012: A Major Site Plan, Conditional Use Permit, Waiver, and Variances to allow a street wall to encroach into the front and side street build-to-line and for the construction and expansion of the existing minor vehicular repair use at 732 South Dixie Highway. The property is zoned Mixed-Use Dixie Highway \(MU-DH\) and has a Mixed-Use East \(MU-E\) future land use designation.](#)
- D. [PZB 25-01400013: A Major Site Plan, Conditional Use Permit and Sustainable Bonus Incentive request to construct a high intensity cold storage use at 2209 7th Avenue North. The Sustainable bonus incentive program request is for an additional five \(5\) feet in height. The subject site is zoned Industrial Park of Commerce \(IPOC\) and has an Industrial \(I\) future land use \(FLU\) designation.](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

A. Update on consideration of a Resolution Adopting the Open Space and Recreation Master Plan

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 MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 01, 2025 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chair; Mark Humm, Henry Pawski; Daniel Walesky, Vice-Chair. Absent: Dave Mathews. Also present were: Karina Maldonado, Senior Community Planner; Annie Greening, Principal Planner; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. September 3, 2025 Regular Meeting Minutes

Motion: D. Walesky moved to approve the September minutes as presented; H. Pawski 2nd.

Vote: Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION – Included in the meeting packet.

- 1) 732 S Dixie Hwy
1617 North Lakeside Dr
Ordinance 2025-15

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. PZB Project Number 25-01500004:** Consideration of a variance request for 1617 North Lakeside Drive to allow a boat and boat trailer to be parked in front of the front building line. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Staff: K. Maldonado presents case findings and analysis. The parking of the recreational vessel forward of the front building line resulted in a Code violation. The violation was cured in May with the removal of the vessel, at the same time the property owner applied for a variance. The applicant is proposing to

park and store the vessel forward of the front building line with additional screening on the north side as well as adding an additional parking space.

Staff analysis shows the site is constrained due to the narrow side yard resulting in insufficient room to park a boat and trailer alongside the home; lack of access through the rear alley as well as a pool in the back yard; the front setback is inadequate to allow the vessel in the front yard behind the front building line. **Criteria #1 is met.**

Criteria #2 is not met as the home continues to remain fully functional as a single-family home, recreational boat storage is a convenience not a fundamental component of reasonable residential use.

Criteria #3 is not met as it is within the same vein as above; the granting of the variance is not required to utilize the home as a residence regardless of the size of the request.

Criteria #4 is met as the proposal as put forth by the applicant would not be unduly injurious to contiguous properties or be detrimental to the public welfare. The proposal includes measures to mitigate impacts with a defined parking area on site reducing burden on neighbors with less on-street parking; meeting all front yard landscape requirements, including installation of a landscape screen; and meeting impervious surface requirements.

Staff received one public comment (Michael Anderson and Cristina Steinhaus- 1531 N. Palmway) in opposition to the request as they did not believe a precedent should be set. Should the Board choose to approve the request, there are Conditions to be met.

Board Attorney: The Variance “may” be approved if they fully meet the criteria.

Board: D. Walesky is generally in favor of property rights. Typically variances are related to buildings/structures. M. Humm queries if the impermeable requirements will be met. It is a luxury item. The criteria cannot be met.

Applicant: Previous owner had a boat in the driveway, it seems similar uses are in the neighborhood and does not see how it affects the appearance of the neighborhood.

Board member recalls a previous request from a property owner fronting on Federal Hwy for a boat variance, it was also denied so the precedence has been set.

Motion: D. Walesky moves to disapprove PZB 25-01500004 as it does not meet the criteria based on the data and analysis in the staff report; M. Humm 2nd.

Vote: Ayes all, unanimous.

B. Ordinance 2025-15: City-initiated request for Text Amendments to the City of Lake Worth Beach Comprehensive Plan to update the Future Land Use (FLU) table by incorporating the Neighborhood Commercial (NC) Zoning District into the Artisanal Mixed Use Land Use Designation (Table 1, Future Land Use Element), and by incorporating the Single-Family Residential (SFR) Zoning District into the Medium Density Residential (MDR) Land Use Designation.

Board Attorney reads the Ordinance Title

Staff: This is a text amendment to the Future Land Use table. SFR zoning is being put under MDR Future Land Use designation and Neighborhood Commercial under Artisanal Mixed Use (AMU) Land Use designation.

Board: H. Pawski expresses concern that the inclusion of Single Family Residential zoning district to be included in MDR Land Use would be changing the focus from quality of life and neighborhood feeling by allowing for a higher density. D. Walesky explains with the Medium Density Land Use the density doesn't go low enough to allow Single-Family zoning. Requests staff to elaborate on the impacted areas.

Staff: For instance, on the south side of the City, the Arms of Hope, a rather large business/structure that is not permitted in the zoning district. This is the area that prompted the review. The zoning is not changing, only the underlying land use designation. This is not reflected in the table but exists in reality. Medium density (MDR) would include development of Single Family Residential properties. An example

would be if SFR zoning district is included in MDR land use, it wouldn't allow for the construction of a duplex.

Lance Lilly-Chen Moore and Associates- The intent is to include a broader range of Single Family Residential (SFR) uses in the MDR. Regarding Neighborhood Commercial (NC) there are properties already zoned NC but the table is not consistent. Only a rezoning would allow a parcel to change from SFR to SF-TF 14 or MF-20.

Board Attorney: Medium Density Land Use – The City currently has a Medium Density Land Use with SF-TF14, MF 20, and NC zoning districts within that Land Use. City also has many SFR neighborhoods with MDR Land Use. It is ok to be less dense. SFR will remain less dense. The zoning district is not changing and within that zoning district, the regulations must be met. The Ordinance is bringing consistency to the Land Use and Zoning for the area in compliance with the Comprehensive Plan.

Board: Concerns are that this would be the first step towards a rezoning to increase density, there must be something prompting the fix besides a table cleanup. It seems like a down cycling to SFR. Single family does not include everything that MD allows. With this change the Medium Density Land Use would allow things that Single Family would not. Board generally concurs that SF-TF 14 is the only appropriate single-family zoning district for MDR land use. Despite all the existing uses in the area, it's not the way to change it.

The "fix" shouldn't be to allow inconsistencies. The fix should be to change the land use or change the zoning to match and how it was envisioned and adopted. Shouldn't just fix it because a mistake was made years ago.

Neighborhood Commercial

Board: What additional uses would be allowed, Board sees it as a first step to rezoning and they are cautious.

Staff: The Artisanal Mixed Use (AMU) only incorporates the Artisanal Industrial (AI) zoning district; there are parcels that are zoned Neighborhood Commercial (NC) with the underlying land use as AMU. This ordinance would bring that zoning district (NC) into conformity with that Land Use by including it in AMU Land Use.

Board Attorney: Artisanal Industrial (AI) district includes low intensity commercial office, retail, industrial cultural and artisanal arts, personal services and allows Mixed- Use office, retail and residential. Neighborhood commercial is a much less intense use that could also be more appropriate in the AI Zoning district that allows for more intense uses. The question for both changes is does Board want to allow a less dense use than what is currently allowed? Neighborhood Commercial zoning is more similar to the AI zoning uses in the AMU Land Use areas.

Board: Non-conformities eventually get torn down. Recommendation for staff to initiate a rezoning in both areas to make them consistent with the Future Land Use.

Board Attorney: Advises the Board may recommend a portion of the Ordinance.

Motion: D. Walesky moved to recommend denial of Ordinance 2025-15 to the City Commission; H. Pawski 2nd.

Vote: Ayes all, unanimous.

C. Ordinance 2025-17: Consideration of an ordinance amending Chapter 23, Article 6, Section 23.6-1(p) "Penalties for tree abuse and removal without a permit."

Staff: A. Greening – changing the re-ordering and text to read more clearly. Currently, as written, it is not clear to customers, the fees are not changing. It clarifies the process.

Motion: H. Pawski moves to recommend approval of Ordinance 2025-17 to the City Commission; M. Humm 2nd.

Board Attorney: Does not change anything with regard to Florida Statutes.

Vote: Ayes all, unanimous.

PLANNING ISSUES: October 15 a special meeting is scheduled to hear a single item. A quorum was ascertained at this time.

PUBLIC COMMENTS (3 minute limit) Glen Bear 1711 N Lakeside Dr.- Mistakenly thought the variance tonight would be about the variance for the side setback that was previously heard and denied. Questioned if they re-applied?

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:17 pm



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PZB 24-00500003 & 24-01400012

Consideration of a Major Site Plan, Conditional Use Permit, Waiver, and Variances to allow a street wall to encroach into the front and side street by a two-story addition and expansion of the existing minor vehicular repair use at 732 South Dixie Highway.

Wed, Oct 22, 2025

[object Object]

Quasi-judicial Hearings - Lake Worth Beach

Wed, Oct 22, 2025, 10:12 a.m. EDT

[PZB 24-00500003 - Legal Ad](#)

scoale@lakeworthbeachfl.gov

Yes

[PZB 24-00500003 & 24-01400012](#)

[object Object]



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PZB 25-01400013

Consideration of a Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program requests to construct a high intensity cold s

Wed, Oct 22, 2025

[object Object]

Quasi-judicial Hearings - Lake Worth Beach

Wed, Oct 22, 2025, 10:16 a.m. EDT

[PZB 25-01400013 - Legal Ad](#)

scoale@lakeworthbeachfl.gov

Yes

[PZB 25-01400013](#)

[object Object]



City Of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North · Lake Worth · Florida 33461 · Phone: 561-586-1687

DATE: October 30, 2025

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

FROM: William Waters, Director of Community Sustainability

MEETING: November 5 and November 12, 2025

SUBJECT: **Ordinance 2025-26**: Consideration of an ordinance amending Chapter 23 “Land Development Regulations” related to the affordable housing workforce housing program

PROPOSAL / BACKGROUND/ ANALYSIS:

The proposed LDR amendments were requested by non-profit affordable housing providers, the CRA, and Commissioners to help facilitate affordable housing in the City.

The proposed amendments will create the following new subsection of the City’s Land Development Regulations:

- Article 2 – Section 23.2-39(m): Credits

The proposed amendments will allow projects providing voluntary affordable or workforce housing (beyond any minimally-required affordable units) to request site-specific financial credits toward existing city fines, liens, or penalties on the property.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2025-26.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2025-26.

Attachments

- A. Draft Ordinance 2025-26

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ORDINANCE 2025-26 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS”, ARTICLE 2 “ADMINISTRATION,” DIVISION 3 “PERMITS,” SECTION 23.2-39 – AFFORDABLE/WORKFORCE HOUSING PROGRAM, BY ADDING THERETO A NEW SUBSECTION M “CREDITS,” RELATED TO CREDITS THAT MAY BE APPLIED TOWARD CITY FINES, LIENS, AND PENALTIES; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

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

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

WHEREAS, the City wishes to amend Chapter 23, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-39 – “Affordable/workforce housing program,” adding a new subsection m “Credits,” to provide the opportunity for additional affordable housing to generate a credit that may be applied toward City fines, liens, and penalties; and

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

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

WHEREAS, the City Commission has considered the proposed amendments at a duly advertised public hearing and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

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

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

Section 2: Chapter 23 “Land Development Regulations, Article 2 “Administration,” Division 3 “Permits,” Section 23.2-39 “Affordable/workforce housing program,” is hereby amended by adding thereto a new subsection m “Credits” to read as follows:

- m) *Credits.* Projects that provide qualifying affordable/workforce housing that is otherwise not required by this section may, upon request, be afforded site-specific financial credits that

51 may be applied toward fines, liens and penalties that have been imposed on the site where
52 the affordable/workforce housing is to be provided and are owed to the city.

53 1. The financial credit shall be a one-time credit of twenty-five dollars (\$25) or 0.03125%
54 of the area median income, whichever is greater, per gross conditioned, enclosed
55 square foot of a residence meeting the requirements of this section.

56
57 2. The financial credit shall only apply to qualifying square footage that is not utilized as a
58 development match to meet the requirements of the city’s sustainable bonus incentive
59 program, or any other city program.

60
61 3. If requested by the applicant or property owner, the financial credit shall be applied at
62 the time of development approval. The financial credit is not available at any other time.

63
64 4. The financial credit may be applied to the following:
65 i. City code compliance fines and liens, excluding administrative costs;
66 ii. Tree abuse and removal penalties; and
67 iii. Tree mitigation costs (fee-in-lieu) above a tree for tree replacement.

68
69

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

74
75 **Section 4:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
76 herewith are hereby repealed to the extent of such conflict.

77
78 **Section 5:** Codification. The sections of the ordinance may be made a part of the City
79 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
80 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

81
82 **Section 6:** Effective Date. This ordinance shall become effective 10 days after
83 passage.

84
85 The passage of this ordinance on first reading was moved by _____,
86 seconded by _____, and upon being put to a vote, the vote was as follows:
87

- 88 Mayor Betty Resch
- 89 Vice Mayor Sarah Malega
- 90 Commissioner Christopher McVoy
- 91 Commissioner Mimi May
- 92 Commissioner Anthony Segrich

93
94 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
95 day of _____, 2025.

96
97
98 The passage of this ordinance on second reading was moved by _____,
99 seconded by _____, and upon being put to a vote, the vote was as follows:

- 100 Mayor Betty Resch
- 101

102 Vice Mayor Sarah Malega
103 Commissioner Christopher McVoy
104 Commissioner Mimi May
105 Commissioner Anthony Segrich
106

107 The Mayor thereupon declared this ordinance duly passed on the _____ day of
108 _____, 2025.

110 LAKE WORTH BEACH CITY COMMISSION

113 By: _____
114 Betty Resch, Mayor

117 ATTEST:

118
119
120 _____
121 Melissa Ann Coyne, MMC, City Clerk



DATE: October 29, 2025

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

FROM: William Waters, Director of Community Sustainability

MEETING: November 5 and November 12, 2025

SUBJECT: **Ordinance 2025-24**: Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” related to recovery residences

PROPOSAL / BACKGROUND/ ANALYSIS:

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

- Article 1 – Section 23.1-12: Definitions
- Article 2 – Section 23.2-27: Waiver
- Article 2 – Section 23.2-34: Request for Reasonable Accommodation for Disability
- Article 3 – Section 23.3-6: Use Tables

The proposed amendments will also create the following new section of the City’s Land Development Regulations:

- Article 4 – Section 23.4-27: Recovery Residences

Senate Bill 954, which was approved in the most recent legislative session, requires municipalities to adopt an ordinance by January 1, 2026, establishing procedures for the review and approval of certified recovery residences within their jurisdiction, including a process for requesting reasonable accommodations from local land use regulations. Ordinance 2025-04 will bring the City into compliance with this requirement as well as further clarify the process for establishing recovery residence uses within the City.

Proposed amendments include:

- **Definition:** Creating a definition for “recovery residence”
- **Waivers:**
 - Establishing a distance waiver process for recovery residences to mirror the existing community residence waiver
 - Clarifying requirements as to how long a waiver shall remain valid
 - Creating specific waiver criteria for recovery residences and community residences
 - Detailing causes for revocation of a waiver
- **Reasonable Accommodations:**
 - Clarifying language regarding who may apply for/request a reasonable accommodation
 - Detailing minimum application requirements for a reasonable accommodation
 - Revising language and timeframes regarding the notice of determination and requests for additional information to comply with SB 954
 - Detailing causes for revocation of a granted reasonable accommodation
- **Use Table:** Adding recovery residences to the residential section of the use table

- **Development Standards:** Creating development standards for recovery residences within the City, including:
 - Distance radius requirements from existing recovery residences
 - Zoning district regulations
 - Business license application requirements
 - Certification and licensure requirements
 - Clarification regarding operation as the functional equivalent of a family and minimum length of stay at the recovery residence
 - Minimum housing code requirements
 - Parking requirements
 - Signage requirements
 - Reasonable accommodations and waivers

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2025-24.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2025-24.

Attachments

- A. Draft Ordinance 2025-24
- B. Exhibit D – Use Table

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ORDINANCE 2025-24 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS”, ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 2 “DEFINITIONS,” SECTION 23.1-12 DEFINITIONS; ARTICLE 2 “ADMINISTRATION,” DIVISION 3 “PERMITS,” SECTION 23.2-27 WAIVER AND SECTION 23.2-34 REQUEST FOR REASONABLE ACCOMMODATION FOR DISABILITY; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 1, “GENERALLY,” SECTION 23.3-6 USE TABLES; ARTICLE 4 “DEVELOPMENT STANDARDS,” ADDING A NEW SECTION 23.4-27 RECOVERY RESIDENCES; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, the City recognizes that the Fair Housing Act as amended (42 U.S.C. §3601) provides protections for persons with disabilities; and

WHEREAS, the Fair Housing Act does not preempt local zoning laws or preclude the adoption, amendment or enforcement of zoning regulations by the City of Lake Worth Beach pursuant to its local police powers as long as the zoning regulations are consistent with state and federal laws, including the Fair Housing Act as amended; and

WHEREAS, the legislative history of the Fair Housing Amendments Act of 1988 cautions that local zoning regulations are prohibited that result “from false or over-protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose.” H.R. Rep. No. 711, 100th Cong. 2D Session, Reprinted in 1988 U.S.C.C.A.N. 2173, 2192 (1988); and

WHEREAS, zoning regulation of residences for people with disabilities should seek to achieve legitimate government interests, actually achieve those legitimate government interests, and be the least drastic means of actually achieving those legitimate government interests; and

WHEREAS, the Fair Housing Act does not provide for local land use policies or actions that treat groups of persons with certain disabilities differently than groups of people with other disabilities; and

WHEREAS, clustering of community and/or recovery residences on a block and neighborhood reduces their efficiency by obstructing their ability to foster normalization and community integration, which is one of the essential purposes of a community or recovery residence for people with disabilities; and

WHEREAS, for residents of those recovery residences to achieve long-term sobriety, it is critical to establish regulations and procedures that assure a proper family-like living environment free of drugs and alcohol, avoid incompetent, unethical, or unscrupulous operators, and protect this vulnerable population from abuse, mistreatment, exploitation, enslavement, and theft; and

WHEREAS, community residences for people with disabilities and recovery residences are similar in function and performance to multi-family uses; and

52 **WHEREAS**, like all residential uses, the overcrowding provisions in the City’s adopted
53 housing code determines the maximum number of occupants of a residence for people with
54 disabilities no matter how many the zoning code would allow, with or without a reasonable
55 accommodation request; and

56
57 **WHEREAS**, the Fair Housing Act affords no protections to individuals with or without
58 disabilities who present a direct threat to the persons or property of others, provided however,
59 that determining whether someone poses such a direct threat must be made on an individualized
60 basis, and cannot be based on general assumptions or speculation about the nature of a disability;
61 and

62 **WHEREAS**, community residences for people with disabilities and recovery residences
63 constitute a different type of land use than vacation rentals or other transient lodging that warrants
64 different zoning treatments within the context of the Florida Statutes; and

65
66 **WHEREAS**, the State of Florida in F.S. 397.487(15) requires the City to adopt an
67 ordinance establishing procedures for review and approval of recovery residences, including a
68 process for requesting reasonable accommodations, by January 1, 2026; and

69
70 **WHEREAS**, the City has prepared and reviewed an amendment to the Land Development
71 Regulations in accordance with F.S. 397.487(15) and (16) as well as further clarifying processes
72 for establishing recovery residence uses within the City; and

73
74 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,
75 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 hearing; and

79
80 **WHEREAS**, the City Commission has reviewed the proposed amendments, held a public
81 hearing, and has determined that it is in the best interest of the public health, safety, and general
82 welfare of the City to adopt this ordinance.

83
84 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
85 **LAKE WORTH BEACH, FLORIDA, that:**

86
87 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being
88 true and correct and are made a specific part of this ordinance as if set forth herein.

89
90 **Section 2:** Chapter 23 “Land Development Regulations, Article 1 “General
91 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by adding
92 the words shown in underline type as indicated in **Exhibit A**.

93
94 **Section 3:** Chapter 23 “Land Development Regulations, Article 2 “Administration,”
95 Division 3 “Permits,” Section 23.2-27 “Waiver,” is hereby amended by adding the words shown in
96 underline type and deleting the words struck through as indicated in **Exhibit B**.

97
98 **Section 4:** Chapter 23 “Land Development Regulations, Article 2 “Administration,”
99 Division 3 “Permits,” Section 23.2-34 “Request for reasonable accommodation for disability,” is
100 hereby amended by adding the words shown in underline type and deleting the words struck
101 through as indicated in **Exhibit C**.

103 **Section 5:** Chapter 23 “Land Development Regulations, Article 3 “Zoning Districts,”
104 Division 1 “Generally,” Section 23.3-6 “Use tables,” is hereby amended by adding the words
105 shown in underline type as indicated in **Exhibit D**.
106

107 **Section 6:** Chapter 23 “Land Development Regulations, Article 4 “Development
108 Standards,” is hereby amended by adding thereto a new Section 23.4-27 “Recovery residences,”
109 to read as shown in underline type in **Exhibit E**.
110

111 **Section 7:** Severability. If any section, subsection, sentence, clause, phrase or portion
112 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
113 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
114 such holding shall not affect the validity of the remaining portions thereof.
115

116 **Section 8:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
117 herewith are hereby repealed to the extent of such conflict.
118

119 **Section 9:** Codification. The sections of the ordinance may be made a part of the City
120 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
121 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.
122

123 **Section 10:** Effective Date. This ordinance shall become effective 10 days after
124 passage.
125

126 The passage of this ordinance on first reading was moved by _____,
127 seconded by _____, and upon being put to a vote, the vote was as follows:
128

- 129 Mayor Betty Resch
- 130 Vice Mayor Sarah Malega
- 131 Commissioner Christopher McVoy
- 132 Commissioner Mimi May
- 133 Commissioner Anthony Segrich

134
135 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
136 day of _____, 2025.
137

138
139 The passage of this ordinance on second reading was moved by _____,
140 seconded by _____, and upon being put to a vote, the vote was as follows:
141

- 142 Mayor Betty Resch
- 143 Vice Mayor Sarah Malega
- 144 Commissioner Christopher McVoy
- 145 Commissioner Mimi May
- 146 Commissioner Anthony Segrich

147
148 The Mayor thereupon declared this ordinance duly passed on the _____ day of
149 _____, 2025.
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By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

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EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.1-12. – Definitions.

Recovery residence: A dwelling unit for the exclusive residential use of individuals enrolled in an off-premises clinical program that is licensed by the Department of Children and Families to provide substance abuse services to individuals in recovery. The recovery residence provides a living environment for unrelated residents who operate as the functional equivalent of a family with mutual support furnished by other residents of the recovery residence and supportive staff as may be necessary; the recovery residence seeks to emulate a biological family to normalize its residents and integrate them into the surrounding community.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

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

Sec. 23.2-27 – Waiver.

- a) *Community residence or recovery residence.* An applicant ~~for a permit~~ for a community residence or recovery residence may request that the planning and zoning board or the historic resources preservation board, as applicable, grant it a waiver from the distance requirements of these LDRs. See article 4 of these LDRs.
1. An application for a waiver shall be made in writing upon and application form approved by the department for community sustainability, and shall be accompanied by applicable fees. City staff shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed waiver, including whether the application complies with the standards for granting a waiver.
 2. Notice of the public hearing before the appropriate board shall be by publication, mail and posting pursuant to the provisions in section 23.2-15. The applicant must provide substantial competent evidence to the board that a waiver is required in order to prevent practical difficulties in the siting of its community residence or recovery residence, and that it otherwise meets the requirements of the zoning district in which it is located. The board may grant the waiver, grant it with conditions, or deny the waiver.
 3. The applicant and any affected party may appeal the decision of the board to the city commission pursuant to section 23.2-17.
 4. A waiver becomes null and void and of no effect if the related building permit and/or business license has not been issued within twelve (12) months from and after the date of its final approval. A waiver shall only be valid so long as the business license for the use remains active under the operator for whom it was issued. A change in use and/or operator shall render the waiver null and void and of no effect.
- b) *Historic district or landmark property.* A waiver of land development regulations may be granted as part of a certificate of appropriateness for a property within a designated historic district or landmark property. See section 23.5-4 of these LDRs.
- c) A waiver of limited land development regulations relating to site development requirements only, and excluding use regulations, may be requested to certain sections or subsections of Chapter 23 - Land Development Regulations where it is expressly stated in that section or subsection that a waiver may be requested to specified provisions for approval by the applicable review board. A variance per section 23.2-26 shall be required for all other sections or subsections of Chapter 23 where ~~it is~~ not clearly indicated that a waiver or an administrative adjustment per section 23.2-28 may be requested.
- d) The waiver shall meet the following review criteria:
1. The waiver requested is the smallest or minimum modification necessary.
 2. The waiver request shall not negatively impact adjacent property owners or protected land uses as described in section 23.1-12.

- 236 3. The applicable review board has determined that the waiver is appropriate in massing,
237 scale, visual impact and does not create noise, light or other impacts greater than
238 similar improvements permitted in the immediate area.
- 239 4. The waiver request supports the goals, objectives and policies of the City's
240 Comprehensive Plan.
- 241 5. The waiver request is supportive of currently permitted uses, and shall not create or
242 increase a nonconformity with regards to use as described in section 23.5-3.
- 243 6. For community residences and recovery residences, the waiver shall also meet the
244 following criteria:
 - 245 A. The proposed community residence or recovery residence will not interfere with the
246 normalization and community integration of the residents of any existing
247 community residence or recovery residence, and that the presence of other
248 community residences or recovery residences will not interfere with the
249 normalization and community integration of the residents of the proposed
250 community residence or recovery residence.
 - 251 B. The proposed community residence or recovery residence in combination with any
252 existing community residences or recovery residences will not alter the residential
253 and/or mixed-use character of the surrounding neighborhood by creating an
254 institutional atmosphere or by creating or intensifying a de facto social service
255 district by concentrating community residences or recovery residences on a block
256 or in a neighborhood.
 - 257 C. The applicant and/or the proposed community residence has been licensed by the
258 State of Florida as required per Section 23.1-12 and will meet the city's
259 requirements for a community residence.
 - 260 D. The applicant and/or the proposed recovery residence has been certified through
261 the Florida Association of Recovery Residences (FARR) and will meet the city's
262 requirements for a community residence.
- 263
- 264 e) Revocation. A granted waiver may be revoked for cause, including but not limited to:
 - 265 1. General:
 - 266 A. Violation of the conditions of approval for the waiver.
 - 267 2. Recovery residences and community residences:
 - 268 A. Lapse, revocation, or failure to maintain the certification or licensure provided in the
269 waiver application, if not reinstated within 180 days; and/or
 - 270 B. Change of occupants or ownership such that the qualified person(s) with disabilities
271 or qualified entity no longer reside at, own, operate, or utilize the property for which
272 the waiver was granted.
- 273
- 274

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

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

Sec. 23.2-34. – Request for Reasonable Accommodation for Disability.

a) Purpose. The purpose of this section is to implement a procedure for processing requests for reasonable accommodation to the City's Code of Ordinances, regulations, rules, policies, practices, services, programs and activities for qualified persons with disabilities as required by the Federal Fair Housing Act ("FHA"), Americans with Disabilities Act ("ADA") and Rehabilitation Act ("RA"). ~~Any qualified person with disabilities may request a~~ A reasonable accommodation may be requested for any qualified person(s) with disabilities or qualifying entity with respect to the City's Code of Ordinances, regulations, rules, policies, practices, services, programs or activities, or LDRs, pursuant to the procedures set out in this section.

b) Definitions.

1. "Qualified person with disabilities" means an individual that meets the definition of a "qualified individual with a disability" under the ADA (42 U.S.C. 12131); "individual with a disability" under the RA (29 U.S.C. 705); a person with a "handicap" under the FHA (42 U.S.C. 3602); or, a "qualifying entity" under this section.
2. "Qualifying entity" includes but is not limited to an entity that meets the definition of a sponsoring agency pursuant to F.S. § 419.001.

c) Application.

- ~~1. A request by a qualified person with disabilities for reasonable accommodation for a~~ qualified person(s) with disabilities or qualifying entity under this section, including in relation to an existing or proposed certified recovery residence, shall be made by completion of a reasonable accommodation application available from the city's community sustainability department.
- ~~2. The reasonable accommodation application shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request-, including but not limited to:~~
 - a. The name and contact information of the applicant and/or the applicant's authorized representative;
 - b. The name and contact information of the owner of the property at which the reasonable accommodation is requested;
 - c. The property address and parcel control number of the property at which the reasonable accommodation is requested;
 - d. A description of the accommodation requested, the specific regulation or policy from which relief is sought, and a justification statement describing why the requested accommodation is necessary in order for person(s) with disabilities to live in the dwelling; and
 - e. The type of license and or certificate for the property issued by the State of Florida or other credentialing entity, including the license or certificate number and a copy of the license or certificate, if applicable. Recovery residences

325 requesting a reasonable accommodation must be certified by the Florida
326 Association of Recovery Residences.

327 3. The City shall date-stamp the reasonable accommodation application upon receipt.
328

329 d) Fee. There shall be no fee imposed by the city in connection with a request for reasonable
330 accommodation under this section. The city shall have no obligation to pay an applicant's
331 attorney's fees or costs in connection with the request.
332

333 e) Findings for reasonable accommodation. In determining whether the reasonable
334 accommodation request shall be granted or denied, the requesting party shall be required
335 to:

- 336 1. Establish that ~~he~~ the individual(s) is protected under the FHA, ADA or RA by
337 demonstrating that ~~he~~ the individual(s) meets the definition of a qualified person with
338 disabilities under the ADA or RA or a person with a handicap under the FHA or that
339 he meets the definition of a qualifying entity under this section.
- 340 2. Demonstrate that the reasonable accommodation being sought is both reasonable and
341 necessary.
342

343 f) Notice of determination. City staff shall have the authority to consider and act on requests
344 for reasonable accommodation based on the information provided on the reasonable
345 accommodation application. City staff shall issue a written notice of determination ~~by~~
346 ~~certified mail, return receipt requested, within forty-five (45) sixty (60) days~~ of the date of
347 receipt of a completed reasonable accommodation application, and may, in accordance
348 with federal law:

- 349 1. Grant the accommodation requested, with or without conditions of approval;
- 350 2. Grant a portion and deny a portion of the accommodation requested, with or without
351 conditions of approval; or
- 352 3. Deny the accommodation requested in writing, stating the specific, objective, and
353 evidence-based grounds for the denial and identifying any deficiencies or actions
354 necessary for reconsideration.
355

356 If a final written determination, including a notice of abandonment as described in
357 subsection (g), is not issued within sixty (60) days after receipt of a completed
358 application, the request shall be deemed approved unless the parties agree in writing
359 to a reasonable extension of time.
360

361 g) Additional information. If reasonably necessary to reach a determination on the request for
362 reasonable accommodation, city staff may, ~~prior to end of the forty-five-day period~~ within
363 thirty (30) days after receipt of the application, request additional information from the
364 requesting party, specifying in sufficient detail what information is required. The requesting
365 party shall have ~~fifteen (15)~~ thirty (30) days after the date of the request for additional
366 information to provide the requested information. In the event that a request for additional
367 information is made, the ~~forty-five~~ sixty-day period to issue a written notice of
368 determination shall no longer be applicable and city staff shall issue a written notice of
369 determination within thirty (30) days after receipt of the additional information. If the
370 requesting party fails to provide the requested additional information within said ~~fifteen~~
371 thirty-day period, city staff shall issue a written notice advising the requesting party that
372 their reasonable accommodation application has been deemed abandoned due to their
373 failure to timely submit the additional information requested. No further action shall be
374 made by city staff with regard to abandoned requests for reasonable accommodation.
375

376 h) Stay of enforcement. While the application for reasonable accommodation is pending, the
377 city will not enforce the subject ordinance, regulation, rule, policy, or practice against the
378 requesting party.

379
380 i) Revocation. A granted reasonable accommodation may be revoked for cause, including but
381 not limited to:

- 382 1. Violation of the conditions of approval for the reasonable accommodation;
383 2. Lapse, revocation, or failure to maintain the certification or licensure provided in the
384 reasonable accommodation application, if not reinstated within 180 days; and/or
385 3. Change of occupants or ownership such that the qualified person(s) with disabilities or
386 qualified entity no longer reside at, own, operate, or utilize the property for which the
387 reasonable accommodation was granted.
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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts" Division 1, "Generally"

Sec. 23.3-6. – Use Tables.

Under separate cover.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-27. – Recovery residences.

a) General provisions. Recovery residences, as defined in Section 23.1-12, may be permitted in multi-family and mixed use zoning districts.

1. Recovery residences shall be allowed in multi-family and mixed use zoning districts, provided such residences are not located within a radius of one thousand (1,000) feet of another recovery residence so that the proposed recovery residence does not lessen nor interfere with the normalization and community integration of the residents of existing recovery residences or combine with any existing recovery residences to contribute to the creation or intensification of a de facto social service district.

2. Recovery residences shall follow all regulations of their subject zoning district, including maximum permitted number of dwelling units.

3. Recovery residences shall be considered a residential use and shall not be considered transit public lodging, regardless of whether an individual resident's time at the property totals less than sixty (60) days.

4. Documentation that a subject recovery residence meets the standards in this section shall be submitted as part of the City of Lake Worth Beach business license application.

b) Certification and licensure. Recovery residences shall have and maintain certification through the Florida Association of Recovery Residences (FARR). Administrators of recovery residences shall have and maintain Certified Recovery Residence Administrator (CCRA) certification through the Florida Certification Board.

1. Documentation of FARR and CCRA certifications shall be submitted annually as part of the recovery residence's City of Lake Worth Beach business license application and/or business license renewal.

2. Lapse, revocation, or failure to maintain the certification or licensure required in this section shall be cause to not issue, not renew, suspend, and/or revoke the subject property's City of Lake Worth Beach business license.

c) Design and performance standards.

1. Unrelated residents. Residents within a recovery residence shall operate as the functional equivalent of a family; therefore, recovery residences shall be exempt from the maximum the number of unrelated residents in a dwelling unit as defined in Section 23.1-12, and shall be regulated by the city's minimum housing code.

2. Recovery residences shall comply with the city's established minimum housing code requirements, including but not limited to occupancy limitations, light requirements, and ventilation requirements.

A. A dimensioned floor plan shall be submitted as part of the business license application, demonstrating how the proposed recovery residence complies with the minimum bedroom and living area requirements in Section 2-75.6.3.

B. The number of persons occupying a residential unit shall not create conditions that endanger the life, health, safety or welfare of the occupants or that otherwise violate the provisions of the "occupancy limitations" subsection (Section 2-75.6.3). Should the building official determine through a use and occupancy inspection that

452 the number of residents approved through the business license process need to
453 be reduced, then that determination shall take precedence over the business
454 license approval for the maximum number of residents permitted.

455 3. Parking. Parking requirements for a recovery residence shall comply with the equivalent
456 residential parking requirements.

457 A. If a proposed recovery residence cannot meet the minimum parking requirements,
458 the recovery residence shall be required to provide at least fifty percent (50%) of
459 the required parking spaces on-site and shall pay a fee-in-lieu for each space that
460 is not provided to the city in the amount as specified in the city's annual schedule
461 of fees and charges for services.

462 4. Signs. All signage shall be regulated according to the district in which the recovery
463 residence is located and Section 23.5-1, Signs.

464
465 d. *Reasonable accommodation.* Reasonable accommodation from any of these requirements,
466 except zoning district and density requirements, may be requested. Requests for
467 reasonable accommodation(s) for recovery residences shall follow the procedures
468 established in Section 23.2-34.

469
470 e. *Waiver.* A waiver to the distance radius requirement may be requested through the
471 provisions in Section 23.2-37.

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473

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500003 & 24-01400012: A Major Site Plan, Conditional Use Permit, Waiver, and Variances to allow a street wall to encroach into the front and side street build-to-line and for the construction of a two-story addition and expansion of the existing minor vehicular repair use at 732 South Dixie Highway. The property is zoned Mixed-Use Dixie Highway (MU-DH) and has a Mixed-Use East (MU-E) future land use designation.

Property Owner: 732 S DIXIE LLC

Applicant: Keith Chambers/ KCA Design Group Inc.

Address: 732 South Dixie Highway

PCN: 38-43-44-21-15-221-0010

Size: ± 0.43 acres

General Location: East of South Dixie Highway between 7th Avenue South and 8th Avenue South

Existing Land Use: Retail, and vehicular use (Auto Repair/Vehicle cleaning)

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

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

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed **Major Site Plan, Conditional Use Permit, Street Wall Waiver, and Variances** requested are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, the staff **recommends approval with conditions**. The conditions are located on pages 10-12 of this report.

PROJECT DESCRIPTION

The applicant, Keith Chambers, is requesting approval for the expansion of an existing vehicular repair service located at 732 South Dixie Highway. The proposal involves the addition of a two-story structure and associated site improvements. The request includes the following applications:

- **Major Site Plan** – to construct a two-story addition totaling approximately 5,192 square feet of new floor area, along with related site improvements including additional parking and enhanced landscaping.
- **Conditional Use Permit (CUP)** – to allow a high-intensity Minor Vehicle Service and Repair use (use area exceeding 7,500 square feet), representing an expansion of the existing use.
- **Street Wall Waiver** – to permit the construction of an alternative street wall in lieu of meeting the building's build-to-line requirements.
- **Two (2) Variances** – to allow the proposed street wall in front of the front and side street build-to-line areas.

The existing business, Discount Tire & Auto Repair, operates as a minor vehicle service and repair facility. According to the applicant's justification statement, the proposed expansion will provide essential storage space for tire inventory and will include an elevator to transport tires to the second floor. The first floor will include two additional tire bays to accommodate service demand. The hours of operation for the expanded use are daily from 7:00 a.m. to 8:00 p.m.

The subject property currently contains an existing $\pm 2,314$ -square foot building. The applicant proposes to construct a two-story addition that expands the first floor by $\pm 2,168$ square feet and the second floor by $\pm 3,024$ square feet, resulting in a total increase of 5,192 square feet of total use area. The project also includes the addition of new parking spaces utilizing semi-pervious asphalt to improve stormwater management.

The new addition is required to meet a 10-foot front and street side build-to-line. Due to existing site constraints, the applicant is requesting a Street Wall Waiver to permit the construction of an alternative street wall with living vegetation, in lieu of meeting the build-to-line requirements. Lastly, the applicant is requesting two variances from the front and side street build-to-line requirements to allow the street wall to be located approximately 3'-5" from the front property line and 5' from the street side property line rather than at the 10' front and side street build-to-line.

COMMUNITY OUTREACH

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

BACKGROUND

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

Construction: The existing structure was constructed in 1967.

Use: There are a total of two active business licenses for the subject site. Discount Tire & Auto Repair has had an active business license for Minor Auto Repair (3 to 4 employees) since 2007 and a Retail Stock license since 2008. Manny's Food Store has also had an active business license for Retail Stock since 2006.

Code Compliance: The subject site does not have any open code compliance cases. However, the site recently had a code violation for outdoor storage of tires. The proposed addition will allow the site to maintain tire storage indoors.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per policy 1.1.1.5, The Mixed Use – East category is *intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed Use – East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts.* The proposed project is seeking to add an addition to expand an existing commercial vehicular use and will provide additional landscape buffering.

Analysis: 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. Pillars IV.A, IV.D, and IV.E of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, influence the supply and expansion of jobs ensure facility placement, construction and development that anticipates and embraces the future. The proposed site improvements will add to the City's tax base and sustain or increase jobs as recommended under Pillar's IV.A, IV.D, and IV.E.

Based on the analysis above, the proposed Major Site Plan Conditional Use Permit, requested, are consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan. However, the proposal does not meet all requirements for a waiver or all criteria of a variance. The applicant must receive approval of a waiver and variance to proceed with the project.

Consistency with the Land Development Regulations

Mixed Use – Dixie Highway (MU-DH): Per LDR Section 23.3-16(a), *the "MU-DH - mixed use-Dixie Highway" district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed use land use category of the Lake Worth Comprehensive Plan.*

Analysis: The subject property has maintained an active business license for minor vehicle service and repair use since 2007. The request proposes to expand the existing minor vehicle service and repair use and is required to meet existing Mixed Use Dixie Highway (MU-DH) zoning district requirements. The existing building was originally built with a ±59' front setback and a ±65' side street setback and is considered a nonconforming structure as the MU-DH zoning district requires the existing structure to have been built 10' from the front property line and 10' from the street side (8th Avenue South) property line. The applicant is requesting a 2-story addition to expand the existing building but will not meet the build-to-line requirements. To address this, the applicant proposes to construct a street wall with living vegetation on it, located approximately 3'-5" from the front property line and 5' from the street side property line, bringing the project closer to compliance with the required build-to-line. However, to accommodate on-site parking and maneuvering space, the applicant is requesting two variances to allow the street wall to encroach into the required build-to-line areas.

The analysis for the major site plan is provided in this section below and as consistent with the review criteria located in Attachment A.

The table and topic area analysis below evaluate the proposed site features and the project's compliance with the Code:

Development Standard		Mixed Use Dixie Highway (MU-DH)	Provided
Lot Size (min) In square feet (sf)		6,500 sf	18,475 sf
Lot Width (min) East side of Dixie Hwy		50'-0"	100'
Setbacks	Front (min build-to line)	10' build-to-line	Street Wall – 3'-5 ½" * Building – 59'-3 ½"
	Rear (min)	15 ft. or 10% of lot depth when next to residential zoning district. 10 ft. in general. (15 feet required)	10' **
	Street Side – South	10'	Street Wall – 5'-0" * Building – 65'-7 ¼"
	Interior Side – North	0'	Street Wall – 1'-10" Building – 4'-9 ½"
Impermeable Surface Coverage (maximum)		65%	65%
Structure Coverage (max)		45%	24%
Building Height (max)		30'	30'
Maximum Wall Height at Side Setback		30'-0" wall height at setback.	Staff Review - Street Wall: 9'-6" Applicant Provided: 6' & 9'-6" **
Floor Area Ratio (FAR) (max)		0.90	0.40
Parking		23 spaces 1 space per 300 sf of non-service area 1 space per 250 sf of single destination retail use area	Provided: 22 spaces ** (see full parking analysis on pages 4 - 5)

***Does not meet build-to-line requirements, part of the waiver and variance requests.**

**** Staff have added conditions of approval to address inconsistencies.**

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

Analysis: The site has an existing dumpster enclosure located at the southeast corner of the site; modifications to the dumpster enclosure are not proposed. The existing dumpster location was reviewed by Public Works Division. The existing dumpster enclosure also complies with Code Section 12-7, *Dumpster requirements*.

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

Analysis: Exterior lighting is not part of the proposal. However, a condition of approval has been added to require a photometric plan if exterior lighting is proposed in the future. Any new exterior lighting must demonstrate compliance with the exterior lighting requirements in Section 23.4-3 and any proposed lighting must comply with Dark Skies lighting recommendations. Proposed lighting fixtures are also required to have a warm tone setting of 3000K or less and must be architecturally compatible with the building.

Section 23.4-10. - Off-street parking and Section 23.4-13 – Vehicle service and repair facilities minimum parking requirements: *These sections establish the general provisions and minimum parking standards applicable “to all new buildings, new uses, additions, enlargements, or changes” to existing developments. Vehicle-related uses are also subject to specific supplemental standards outlined in Section 23.4-13, which include detailed parking requirements for service bays and non-service areas.*

Analysis: According to Section 23.4-13, vehicle service and repair facilities are required to provide 3 parking spaces per service bay, in addition to 1 parking space for every 300 square feet of non-service enclosed area. The proposed development includes 5 service bays, which require a total of 15 parking spaces. The first floor contains approximately 400 square feet of non-service area, requiring an additional 2 spaces. The second floor includes 3,024 square feet of storage area/ non-service area, resulting in a requirement of 10 parking spaces. In addition, the existing retail component on the first floor requires 3 parking spaces. Based on these calculations, the total parking requirement prior to any reduction is 30 spaces.

In accordance with Section 23.4-10, properties with multiple uses may aggregate parking requirements by use category and apply a 25% reduction to the total. Applying this reduction, the required number of parking spaces for the site is 23. However, the submitted site plan contains discrepancies. While the plan indicates that only 16 parking spaces are required, it also shows a total of 23 spaces provided. Upon review, staff identified only 22 on-site parking spaces including 1 parking alternative (bike rack), 1 ADA space, 5 spaces within the service bay, and 15 exterior standard parking spaces. Per Section 23.4-10(l), alternative parking spaces, such as bicycle racks, may account for up to 25% of the total on-site parking required. In this case, the bike rack may count as one parking space toward the required total.

While the proposal generally aligns with the intent of the LDRs, the parking calculation must be corrected to accurately reflect the requirements, and a minimum of 23 total parking spaces must be provided. To address this, staff has included a condition of approval requiring the applicant to submit a minor site plan amendment. This amendment must correct the parking calculation and incorporate at least 1 additional parking space to meet the minimum requirement.

Section 23.5-1- Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements.

Section 23.6-1. - Landscape regulations and Section 23.4-13(c)(1)(A)(4)(b)(iv) – Landscape requirements for vehicular uses: The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the City. Per Section 23.6-1(c)(2), “on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping.” Further supplemental standards for vehicular related uses also specify “*the site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area*”. The proposal does indicate compliance with section requirements including perimeter trees.

Analysis: The development generally provides adequate perimeter landscaping on all sides. However, the proposed street wall is located within the required 5’ landscape buffer. As currently designed, the street wall consists only of columns without a solid wall component. To ensure proper screening of vehicles, staff has added a condition of approval requiring the inclusion of a half wall between the columns. The applicant also proposes the use of living vegetation along the wall, which will contribute to meeting both the wall and landscape buffer requirements. The living vegetation on the street wall has also been added to the condition of approval to remain as part of the proposal. Perimeter landscaping will include shade trees, palm trees, and hedges/shrubs. Interior landscaping and vegetation will also be provided. The proposed landscaping is consistent with the City’s landscape regulations and the Major Thoroughfare Design Guidelines. Tree species include Gumbo Limbo and Green Buttonwood as well as Foxtail Palms. The proposal also includes native Cocoplum hedging. The proposed landscape also complies with the City’s requirement that 75% of all required plants be Florida native. The site currently has 3 existing Foxtail Palms that will remain, therefore tree mitigation and replacement is not required.

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

Site Design Qualitative Standards are intended to “promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards.” These qualitative standards are applicable to site plan applications as well as all conditional uses. The Major Thoroughfare Design Guidelines are an adopted component of these Site Design Qualitative Standards as per Section 23.2-31(j), which are applicable to properties adjacent to the City’s major thoroughfares inclusive of the subject site. Compliance determination with the applicable standards in Section 23.2-31 is provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A and in the Major Thoroughfare Design Guidelines.**

Site Design Qualitative Standards Analysis (including vehicular use areas) and Major Thoroughfare Design Guidelines: The proposed improvements to the site are generally consistent with the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the vision for the Major Thoroughfare Design Guidelines, providing for vibrant, diverse, safe, inviting, and sustainable features. The Applicant is proposing an expansion to an existing vehicular use as well as site improvements including additional parking, a street wall, and landscaping. The building façade visible from the Dixie Highway Major Thoroughfare will provide store front glass doors and additional glazed fenestration on the bottom and second floor. The street wall will include living vegetation and will provide a unique method to aesthetically enhance the site. Although the expansion will not correct the existing build-to-line requirements, the project attempts to mitigate the nonconformity with an attractive street wall. Therefore, the building, landscaping, and street wall are generally consistent with both the site design qualitative standards and the Major Thoroughfare Design Guidelines.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Mixed Use – East (MU-E)	Mixed Use – Dixie Highway (MU-DH)	Motel
South (Across 8 th Ave S)	Mixed Use – East (MU-E)	Mixed Use – Dixie Highway (MU-DH)	Commercial/office
East	Single-Family Residential (SFR)	Single-Family Residential (SFR)	Single-family and two-family residential
West (Across Dixie Hwy)	Mixed Use – East (MU-E)	Mixed Use – Dixie Highway (MU-DH)	Place of Worship

As conditioned, the proposed uses and site improvements will not negatively affect the existing surrounding properties and uses. The proposed changes are harmonious and compatible with the existing residential area. The applicant is proposing a 10-foot rear setback, however, since the rear is adjacent to the Single Family Residential (SFR) zoning district a 15’ rear setback is required. A condition of approval has been added to require a site plan application to address the required rear setback for MU-DH properties next to residential zoning districts.

Community Appearance Criteria:

The proposed multi-family development project includes an addition to the existing building, new landscaping, and associated site improvements that represent an enhancement in the general appearance of the property over the existing lot. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines, and the City’s Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned.

Conditional Use Findings (Attachment B)

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. **The project proposal includes a conditional use request to expand an existing minor vehicle service and repair use that will now be greater than 7,500 square feet.**

The proposed conditional use is not anticipated to impact the surrounding area greater than the existing minor vehicle service and repair use. The applicant is proposing to expand an existing use that is already served by existing municipal services, including water, sewer, refuse, fire and police. The proposed associated site improvements would provide new landscaping and landscape buffering, a street wall with living vegetation, and an improvements to the existing parking lot including semi-pervious asphalt material.

Section 23.2-27.c) – Waiver

Per LDR Section Sec. 23.2-31.1) *Street wall*, street walls shall not be utilized for new construction, except for inherently auto-centric uses. Utilization of a street wall in lieu of meeting front build-to line requirements shall require waiver approval as described in section 23.2-27.c.

Autocentric uses are those that are primarily designed to accommodate automobiles, such as vehicle service and repair uses where people drop off or wait for their vehicles to be serviced or repaired.

A waiver of limited land development regulations relating to site development requirements only, and excluding use regulations, may be requested to certain sections or subsections of Chapter 23 - Land Development Regulations where it is expressly stated in that section or subsection that a waiver may be requested to specified provisions for approval by the applicable review board. The waiver shall meet the following review criteria:

- 1) The waiver requested is the smallest or minimum modification necessary;

Analysis: The applicant is proposing a street wall on private property, along the South Dixie Highway and 8th Avenue South rights-of-way in lieu of meeting front build-to line requirements for the proposed addition. The waiver is the most minimal alteration that will still allow them to move forward, without seeking an excessive change to the existing site design.

- 2) The waiver request shall not negatively impact adjacent property owners or protected land uses as described in section 23.1-12;

Analysis: The street wall ensures a continuous building line along the street, allowing breaks only for pedestrian access, with no negative impact on adjacent properties. The street wall will consist of living green vegetation to further enhance the visual aesthetics of the property. Staff has added a condition of approval to further enhance the street wall to include a physical half wall to further screen the parking area with a combination of wall and landscaping.

- 3) The applicable review board has determined that the waiver is appropriate in massing, scale, visual impact and does not create noise, light or other impacts greater than similar improvements permitted in the immediate area;

Analysis: Staff is recommending that the PZB approve the street wall waiver. The waiver will not create noise, light, or other impacts greater than similar improvements to the immediate area including the existing site.

- 4) The waiver request supports the goals, objectives and policies of the City's Comprehensive Plan; and,

Analysis: The waiver request is supportive of the goals, objectives and policies of the City's Comprehensive Plan.

- 5) The waiver request is supportive of currently permitted uses, and shall not create or increase a nonconformity with regards to use as described in section 23.5-3.

Analysis: The existing site contains a nonconforming structure that does not meet the required build-to-line standards. The applicant proposes utilizing the existing structure by expanding the first floor and adding a second story to accommodate the operational needs of the building. The proposed street wall is intended to minimize the setback distance between the structure and the front and side street property lines, enhancing the site's relationship to the streetscape. However, to maintain adequate on-site circulation and parking, the applicant is requesting a variance to permit the street wall to encroach into the required front and side street build-to-lines. This request would result in the continuation of a nonconforming condition related to the build-to-line but will be supportive of the current uses of the site and must receive a variance to continue the nonconformity.

The proposed request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned but does not meet all requirements for a waiver, therefore the applicant must receive approval of a variance to proceed.

Section 23.2-26(b) Variances, Required findings for approval:

The Land Development Regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b). Staff has reviewed the requests against this section; as the two variance requests are all related to the construction of a street wall encroaching the front and side street build-to-line requirements, the two variance requests are analyzed together.

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

Analysis: The subject property, located at 732 South Dixie Highway, lies on the west side of the Dixie Highway major thoroughfare and is developed with an existing $\pm 2,314$ -square-foot building accommodating both a minor vehicular use and retail stock use. The existing structure was constructed with approximately a ± 59 -foot front setback and a ± 65 -foot side street setback, rendering it nonconforming under the current MU-DH zoning district standards, which require a 10-foot build-to-line along both the front and street side (8th Avenue South) property lines.

The applicant proposes to expand the existing building by adding a second story and extending the first floor. However, even with the proposed expansion, the building would continue to deviate from the required build-to-line. To partially mitigate this, the applicant proposes a street wall with living vegetation, to be located approximately 3'-5" from the front property line and 5' from the street side property line. This improvement would reduce, but not eliminate, the nonconformity. While the site's existing configuration, parking layout, and circulation patterns pose some limitations on achieving full compliance, these conditions are not unique to this property and are typical of other developed parcels in the City. The request for the variances arises primarily from the applicant's design approach rather than from any physical hardship or condition inherent to the land itself. Therefore, staff finds that no special circumstances or conditions exist that are peculiar to the property,
Does not meet criterion.

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

Analysis: The applicant states that the existing nonconforming building was constructed prior to the adoption of the current zoning regulations. The property has maintained continuous operations with a Minor Auto Repair

license (3–4 employees) since 2007 and a Retail Stock license since 2006. The applicant proposes expanding the existing building to provide enclosed storage for tire inventory, addressing previous code violations related to outdoor storage and improving the overall functionality of the site. While the proposed building addition does not meet the current 10' front and street side build-to-line requirements, the Land Development Regulations allow for a street wall to be constructed at the required build-to-line in lieu of the building façade. To implement this, the applicant is requesting a variance to allow the proposed street wall to encroach into the required build-to-lines, rather than a variance for the building addition itself. The street wall, featuring living vegetation, is proposed to be located approximately 3'-5" from the front property line and 5' from the street side property line. Although the proposed street wall would enhance the site's appearance and move it closer to compliance with the MU-DH zoning district requirements, the applicant retains full reasonable use of the property without approval of the variance. Therefore, strict application of the Land Development Regulations would not deprive the applicant of reasonable use of the land or building. **Does not meet criterion.**

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

Analysis: As noted above, the applicant is requesting a variance to allow a street wall with living vegetation to encroach into the required 10' front and street side build-to-lines. The proposed street wall would be located approximately 3'-5" from the front property line and 5' from the street side property line. The variance is requested in conjunction with a proposed building addition to an existing nonconforming structure. The existing building was constructed prior to the adoption of the current zoning regulations and does not meet the required build-to-line standards. As the addition is being constructed off the existing nonconforming structure, it would be difficult to meet the current 10' build-to-line requirements. To comply fully with the build-to-line standards, the proposed addition would need to be relocated toward the opposite corner of the property (southwest corner), which would significantly disrupt the site's existing layout, parking, and circulation patterns. The applicant has instead proposed maintaining the existing building footprint and incorporating a street wall to better define the street frontage and move the project closer to compliance with the intent of the code. While the street wall improves the site's appearance and partially addresses the build-to-line intent, it is not essential and was not appropriately designed to meet the build-to-line requirements. The existing uses could still function without the variance. Therefore, the requested variance does not represent the minimum necessary to allow reasonable use of the land or building and. **Does not meet criterion.**

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

Analysis: The proposed street wall will enhance the visual character of the property without creating adverse impacts on neighboring properties. Its location within the front and side build-to-line areas helps define the street edge and provides a buffer between the building and the public realm, improving the pedestrian experience along the corridor. The street wall does not obstruct access, visibility, or circulation for adjacent properties and maintains the site's existing parking and traffic flow. The addition of living vegetation further softens the visual impact and creates an attractive streetscape feature. Therefore, the proposed street wall placement does not appear to be injurious to nearby properties or the public welfare. **Meets criterion.**

CONCLUSION AND CONDITIONS

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

mixed-use land use category of the Lake Worth Comprehensive Plan. Based on the data and analysis in this report and the supporting materials by the applicant, the Major Site Plan, Conditional Use Permit, Waiver, and Variances requested is not anticipated to negatively impact adjacent properties. As conditioned, the proposal meets the Major Site Plan and Conditional Use Permit criteria, however the requests do not meet all criteria for a waiver and variances. Therefore, staff recommend the Board to consider staff analysis and discuss waiver and variance requests. If the Board decides to approve, staff has added the following conditions of approval to consider:

Planning, Zoning, and Landscape Services

1. Prior to issuance of building permit, a site plan amendment shall be required to address the following:
 - a. Site data table shall be revised to address inconsistencies related to required and provided parking, wall height, setbacks, etc.
 - b. At least one additional parking space shall be provided and may include parking alternatives.
 - c. Rear setback shall be revised, the rear shall provide a minimum 15 foot setback as it is next to a residential zoned properties.
 - d. Street wall must include a physical half wall. The street wall shall also screen the parking area with a combination of a wall and landscaping improvements. A living green wall effect is required.
 - e. Update elevations to include the removal of the awnings that are not part of the proposal.
 - f. Update landscape plan to reflect changes to the site plan and street wall.
2. The minor vehicular service and repair is to be (per LDR Section 23.1-12): A business providing brake repairs, tire repair and installation, muffler replacement, and oil changes not including repairs to the drive train or requiring the removal of the engine block, drive train or other major engine components. This includes establishments engaged in the installation, maintenance and repair of motor vehicle parts or systems that require basic standard maintenance and shall include but not be limited to: air conditioning systems, audio systems, brakes, oil and fluid changes, shock absorbers, tune-ups, window tinting, washing and detailing, and wheel alignment and balancing for automobiles, trucks, and motorcycles. **Any minor vehicle service and repair use that requires outdoor storage or activities and overnight parking of vehicles being serviced will be considered a major vehicle service and repair use.**
3. No on-street parking of vehicles being serviced is permitted.
4. Major vehicular service and repair is prohibited, which includes repairs to transmissions.
5. The vehicular use shall comply with the following supplemental regulations per LDR Section 23.4-13(c)4:
 - a. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.
 - b. All pits and hydraulic hoists shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.
 - c. The site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.
6. Outdoor storage is not permitted.
7. If new exterior lighting is proposed, a photometric plan shall be provided and shall meet requirements of LDR Section 23.4-3: "Lighting shall be shielded and located so as not to allow light trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured on that property." Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
8. At building permit, documentation shall be submitted to demonstrate that the material utilized for the semi-pervious surface areas has a percolation rate of at least fifty (50) percent relative to the ground percolation rate.
9. A Palm Beach County Traffic Performance Statement (TPS) letter shall be provided prior to the issuance of the building permit.
10. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. If ground signage is desired at a later date, a minor site plan modification shall be required to amend both the site plan and landscape plans.

11. A video security system shall be required for the property.
12. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
13. Upon the Certificate of Occupancy (CO) or Certificate of Completion (CC), the business license shall be updated to reflect the updated square footage.
14. Prior to the issuance of an updated business license, the business shall contact the City Engineer's office to confirm if additional pollution prevention or other utility requirements are required. A copy of the PBCERM Affidavit shall be provided.
15. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
16. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
17. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the requested use(s).

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy or Certificate of Completion shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City.
4. Prior to the issuance of a Certificate of Occupancy or Certificate of Completion, 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. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
5. Prior to the issuance of a Certificate of Occupancy or Certificate of Completion, broom sweep all areas of the affected right of way and remove all silt and debris collected as a result of construction activity.
6. Prior to the issuance of a Certificate of Occupancy or Certificate of Completion, alleyway improvements consisting of new base, asphalt and header curbs shall be constructed from north property boundary to south property boundary, in compliance with the Public Works Construction Standards and Policy and Procedures Manual.

ATTACHMENTS

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

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards

Analysis

- | | |
|---|-------------------------------------|
| <p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p> | In compliance |
| <p>2. Preservation of natural conditions. The natural (refer to landscape code, article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in chapter 12, health and sanitation, article V, 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.</p> | Not Applicable |
| <p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p> | In compliance as conditioned |
| <p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p> | In compliance |
| <p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p> | In compliance |
| <p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p> | In compliance |
| <p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p> | In compliance |
| <p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p> | In compliance |
| <p>9. Coordination of on-site circulation with off-site circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of</p> | In compliance |

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.

10. Design of on-site public right-of-way (ROW). 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. **Not applicable**

11. Off-street parking, loading and vehicular circulation areas. Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

12. Refuse and service areas. Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

13. Protection of property values. The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property. **In compliance**

14. Transitional development. Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious and complementary transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, height, rhythm of openings and character. Special consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development. **In compliance**

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

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
<p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character, style, integrity and design. Their architectural style(s) shall be clearly expressed and detailed appropriately to vocabulary of the style(s) and be of high quality in terms of materials, craftsmanship and articulation. The relationship of building forms through the use, texture and color of material(s) shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale, height, setback, massing and location on the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p>	Not applicable
<p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony and compatibility with the surroundings as is possible under the circumstances. The overall building fenestration, orientation, rhythm, height, setback, mass and bulk of an existing streetscape shall be respected. If a building is built in an undeveloped area, nine (9) primary requirements shall be met, including honest design construction, proper design concepts, appropriate use of high-quality materials, compatibility with the overall character of the city, appreciation of location, respectful transition, activation of the streetscape, building form(s) following proposed function(s) and overall sustainability.</i></p>	In compliance

3. *All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building. Facades shall have visual breaks every 75 feet at a minimum. The breaks shall be setbacks of either eight (8) inches or twelve (12) inches or more to create reveal lines or step backs on the façade and to add rhythm. Buildings in Lake Worth Beach typically have facades arranged in twenty-five-foot or fifty-foot increments. Breaks in facades also may be achieved through the use of differing but complementary and harmonious architectural styles. The massing elements of each façade shall have a height to width ratio approximating the golden ratio of 1.618, either vertically or horizontally.* **In compliance**
4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, floor to floor height, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression.* **In compliance**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the reviewing entity, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the reviewing entity, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **Not applicable**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the reviewing entity. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **Not applicable**
7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance**
8. *Building surfaces, walls, fenestration and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not applicable**

12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **Not applicable**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance as conditioned**
15. *All buildings shall address both the public right-of-way and improve the overall pedestrian experience through the inclusion of the following components:* **In compliance**
- a. *Clearly articulated entrances,*
 - b. *Expanses of fenestration at the ground level,*
 - c. *Provision of shade through porches, awnings, galleries, arcades and/or loggias as well as other appropriate forms to the chosen architectural style(s),*
 - d. *Integrated signage,*
 - e. *Pedestrian scaled lighting,*
 - f. *Buildings that define at least fifty (50) percent of the street frontage, and*
 - g. *Openings that approximate a golden ratio of 1.618.*
16. *All new buildings of seven thousand five hundred (7,500) gross square feet or larger shall incorporate design principles, practices and performance standards to achieve the following through a project proforma description and analysis prepared by the developer and verified by an independent third party:* **Not applicable**
- a. *Overall ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards,*
 - b. *Overall ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards,*
 - c. *Overall twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards,*
 - d. *Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable,*
 - e. *Overall twenty (20) percent reduction in water usage during operation of the building as compared to industry standards,*
 - f. *Efficient use of natural resources through use reduction, reuse, reclamation, and recycling,*
 - g. *Incorporation of design features and uses that support multi-modal transportation options,*
 - h. *Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors,*
 - i. *Incorporation of amenities that are conducive to enhancing community pride and social interaction, and*
17. *In addition to the items enumerated above, all new planned developments shall strive to incorporate design elements, performance standards and/or specifications to enhance the public's awareness and appreciation of the community's commitment to the preservation and enhancement of the following sustainability qualities, values and principles:* **Not applicable**
- a. *Cultural resources,*
 - b. *Historical resources,*
 - c. *Ecological/natural resources,*
 - d. *Diversity and inclusion,*

- e. Social justice,
- f. Economic investment,
- g. Neighborhood vitality,
- h. Sense of place,
- i. Education, and
- j. Recreation.

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p>	In compliance as conditioned
<p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p>	In compliance as conditioned
<p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.</i></p>	In compliance
<p>4. <i>Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.</i></p>	In compliance as conditioned

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<p>1. <i>The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i></p>	In compliance
<p>2. <i>The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i></p>	In compliance

- 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.* **In compliance**
- 4. *The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.* **In compliance**

ATTACHMENT B - Findings for Granting Conditional Uses

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

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance

Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance as conditioned
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor</i>	In compliance

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.

- 6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **In compliance**
- 7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance as conditioned**
- 8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance as conditioned**

Sec. 23.4-13.(c)4. - Administrative uses and conditional uses/Standards/ Vehicle service and repair facilities—Major or minor, or repair and maintenance services—Major	Analysis
1. <i>Minimum lot frontage. Seventy-five (75) feet.</i>	In compliance
2. <i>Minimum site.</i> Minor - Site: Ten thousand (10,000) square feet; minimum area per business/tenant on a multiple tenant/business site: One thousand (1,000) square feet.	In compliance
3. <i>Location of equipment, facilities and services. All pits and hydraulic hoist shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.</i>	In compliance
4. <i>Landscape requirements. The site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.</i>	In compliance as conditioned
5. <i>Buffering/screening. A masonry wall shall be erected to a height of not less than six (6) feet where the proposed site is within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined above. Said wall shall be finished with a graffiti-resistant paint.</i>	In compliance
6. <i>Minimum parking requirements. Three (3) parking spaces for each service bay (if applicable) plus one parking space for each three hundred (300) square feet of non-service enclosed area. Applicable parking requirements in section 23.4-10 apply to all other use areas. All vehicles shall be parked in designated storage areas, except for vehicles dropped off by customers or placed for temporary customer pick-up in parking spaces designated on an approved site plan not visible from the public right-of-way. These vehicles may be temporarily parked in these designated parking spaces, not to exceed a maximum of one twenty-four-hour period.</i>	In compliance as conditioned
7. <i>Hours. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.</i>	In compliance as conditioned
8. <i>Outdoor storage may be permitted as accessory to vehicle service and repair-major and repair and maintenance services-major in I-POC only, provided the outdoor storage area is fully</i>	In compliance

screened from any public rights-of-way and adjacent properties as consistent with section 23.4-19, outdoor storage, and all equipment, parts and vehicles are stored on an impermeable paved surface.

PLANNING AND ZONING BOARD REPORT

PZB Project Number 25-01400013: A major site plan, conditional use permit, and sustainable bonus incentive program request to construct a high intensity cold storage use at 2209 7th Avenue North. The sustainable bonus incentive program request is for an additional five (5) feet in height. The subject site is zoned Industrial Park of Commerce (IPOC) and has an Industrial (I) future land use (FLU) designation.

Meeting Date: November 5, 2025

Property Owner: Umdasch Real Estate USA LTD

Applicant: Wes Blackman/ CWB Associates

Address: 2209 7th Ave North

PCN: 38-43-44-20-01-066-0010

Size: ±9.79 acres/426,520 square feet
(use area: ±88,019 square foot warehouse)

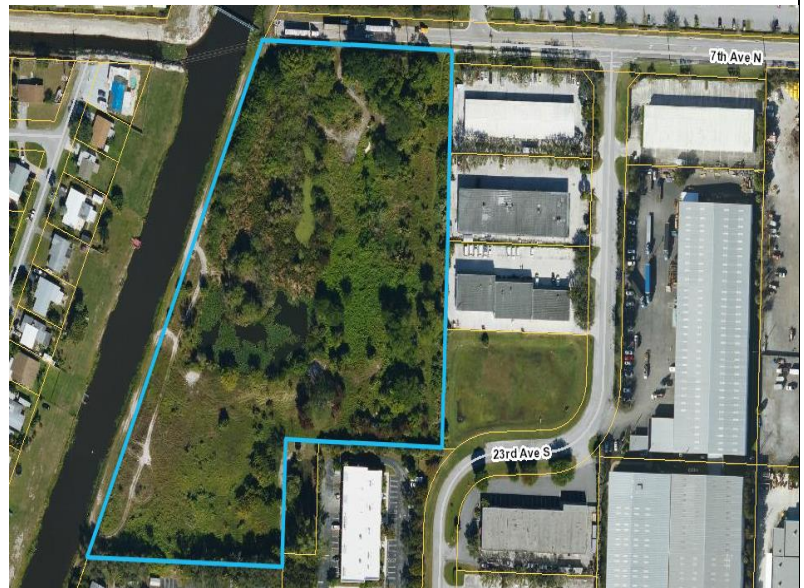
General Location: On the corner of 7th Avenue North, east of the E-4/Keller Canal

Existing Land Use: Vacant

Current Future Land Use Designation: Industrial (I).

Zoning District: I-POC- Industrial Park of Commerce

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Major Site Plan, Sustainable Bonus Incentive Program (SBIP), and Conditional Use Permit (CUP) requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 8 – 10 of this report.

PROJECT DESCRIPTION

The applicant, Wes Blackman, on behalf of Umdasch Real Estate USA LTD, is requesting approval of the development known as UCS Cold Storage Facility located at 2209 7th Avenue North:

- A **Major Site Plan** for the development of a high intensity cold storage use and additional site improvements.
- A **Conditional Use Permit (CUP)** to establish high intensity cold storage use greater than 7,500 square feet.
- A **Sustainable Bonus** request for a bonus height of five (5) feet.

The applicant proposes to develop an approximately 88,019-square-foot cold storage warehouse facility consisting of 12 tenant bays. Each bay will operate independently in accordance with applicable regulations. The facility will provide employment opportunities for local residents and serve as a resource for businesses requiring freezer storage for food service, floral, and similar operations. The site plan demonstrates compliance with parking requirements and provides adequate spaces for passenger vehicles, semis, and box trucks.

COMMUNITY OUTREACH

As of the date of this publication, staff has not received any public comment letters of support or opposition for this application. However, there are three separate requests for affected party status and will be subject to the provisions set forth in [LDR Section 23.2-16](#), *Quasi-judicial procedures*.

Per LDR Section 23.2-20, Public Neighborhood Meeting, a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored **new construction projects** along the City's major thoroughfares as well as those **utilizing the City's Sustainable Bonus Incentive Program**, Transfer of Development Rights Program and/or Economic Investment Incentives.

On July 23, 2025, the applicant held a neighborhood meeting from 6:00pm-8:00pm at The Hatch located at 1121 Lucerne Avenue. Notices were mailed to all property owners within 400 feet of the project on July 7, 2025, and signs were placed on the property on July 7, 2025. There were zero attendees at the meeting.

BACKGROUND

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

Construction: The subject site has never been constructed on.

Use: The property is currently vacant.

Code Compliance: The subject site does not have any open code compliance cases.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). The Industrial FLU is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be

incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed project is seeking to develop an industrial facility to accommodate high intensity cold storage uses.

The City’s Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. The proposed industrial building and site improvements will allow for the accommodation of the high intensity cold storage use within the zoning district, which will contribute towards the City’s tax base and sustain or increase jobs as recommended under Pillar IV.A and Pillar IV.D.

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

Consistency with the Land Development Regulations

The Industrial Park of Commerce (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 industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas.

Analysis: The proposed high intensity cold storage use is consistent with the intent of the I-POC zoning district as conditioned. No waivers or exceptions to the land development regulations are being requested. The project development meets all land development requirements with no waivers, exceptions and/or variances. The analysis for both the conditional use permit and the major site plan is provided in this section below and as consistent with the review criteria located in Attachments A & B.

The table and topic area analysis below evaluate the proposed site features and the project’s compliance with the Code, including factoring in the Sustainable Bonus incentives and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Industrial Park of Commerce (I-POC)	I-POC w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		13,000 sf	6,500 sf	±419,467 sf
Lot Width (min) East side of Dixie Hwy		100’	50’	±400’
Setbacks	Front (min build-to line)	20 ft. minimum not to exceed 32 ft.	Additional front setback of between 8’ and 12’ to the minimum required front setback (required: 28’-32’)	37.4’ *
	Rear (min)	15 ft. or 10% of lot depth when next to residential zoning district Where the property is adjacent to a residential	Additional rear setback of 8’ to 12’ to the minimum required rear setback	136.8’

		use, all setbacks shall be twenty (20) feet (required: 12.5')	(required: min. 20.5')	
	Side (West)	20'	0'	45'
	Side (East)	0'	0'	146.5'
Impermeable Surface Coverage (maximum)		65%	65%	52.9% (221,692 sf)
Structure Coverage (max)		55%	55%	19.2% (80,423 sf)
Building Height (max)		30' (max. 2 stories)	Additional 15 ft. of height under Sustainable Bonus Incentive Program (not to exceed 4 stories) 45'-0" total height	35'
Maximum Wall Height at Side Setback		30' wall height at setback	45'-0" wall height with sustainable incentive	34'
Floor Area Ratio (FAR) (max)		1.10	2.2 (Additional 1.10 of FAR shall be granted for Sustainable Bonus Incentive Program).	0.21
Parking		(See full parking analysis on page 5)		
Is property in flood plain or Wellfield Zone? Yes/No		Yes. Wellfield Zone 4.		

***The front setback shall be between 28'-32' as buildings in excess of thirty (30) feet in height in addition to sustainable incentive shall provide an additional front and rear setback of between eight (8) and twelve (12) feet to the minimum required front setback of 20'. Building front setbacks shall not exceed 32'. A condition of approval has been added to correct front setback.**

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

Analysis: The applicant is proposing a dumpster enclosure located at the southeast corner of the subject site. Although, the proposed landscape plan shows the proposed enclosure is adequately screened, the proposed site plan is not showing specifications of the required per [LDR Section 12-7](#) for dumpsters. Staff will propose a condition requiring a minor site plan process to address compliance with Section 12-7 and to coordinate with the Public Works Department for compliance.

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

Analysis: The applicant shall submit a photometric plan at building permit depicting compliance with the exterior lighting requirements in Section 23.4-3. A condition of approval has been provided requiring the proposed lighting to comply with Dark Sky lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000 K or less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

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

Analysis: The required parking for the proposed office use is 89 spaces. Per [LDR Section 23.4-10](#), parking spaces were calculated at one (1) space per one thousand (1,000) gross square feet of space (89 spaces for 88,019 sf).

The applicant is providing a total of 91 parking spaces (including a mix of six (6) ADA spaces and 22 trailer spaces). Per LDR Section 23.4-22(b)(2)(A) commercial business or service vehicle parking shall be depicted on the site plan and shall not exceed twenty-five (25) percent of required parking. The site requires 89 parking spaces; the proposal includes 67 car parking spaces and 22 trailer parking spaces, of which 22 (25% of 89) of the trailer parking spaces may account for the overall required parking. The remaining 18 trailer parking spaces (40 – 22) shall count as outdoor storage and shall meet outdoor storage requirements identified in LDR Section 23.4-22 and Section 23.4-19.

Section 23.4-9, Off-Street Loading Regulations: *Retail operations, wholesale operations and industrial operations, with gross floor area of less than ten thousand (10,000) square feet, shall provide sufficient space (not necessarily a full berth) so as not to hinder the free movements of vehicles and pedestrians over a sidewalk, street or alley. Where site conditions allow, loading areas shall be screened and buffered from public view.*

Analysis: The project is required to provide nine (9) loading spaces as required by the LDRs. The applicant is proposing 24 loading areas designated on the east side of the building.

Section 23.5-1- Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. The proposed signage will be reviewed at building permit for consistency with these requirements.

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

Analysis: The proposed development includes perimeter landscaping and shade trees consistent with the City’s landscape regulations. The landscape plan incorporates a diverse mix of tree species, including Orange Geiger, Bald Cypress, Silver Buttonwood, Dahoon Holly, a Hong Kong Orchid, Red Florida Maple, a Mahogany, Live Oak, and Sabal Palm. In total, the site will feature over 400 trees and 150 palms, complemented by a variety of native shrubs, Spartina grass, and Bahia sod within both the perimeter and interior landscaped areas.

Further, the refuse enclosure is appropriately screened with landscaping to minimize visual impacts. Overall, the proposed landscape design meets the intent and requirements of Section 23.6-1, providing adequate visual buffering and aesthetic enhancement of vehicular use areas. However, staff notes that the northern façade, which faces the street, lacks sufficient visual interest and landscape treatment. To address this, staff recommends a condition of approval requiring either architectural enhancement of the northern façade or the installation of additional dense, tiered landscaping along this frontage to achieve compliance with the City’s standards and design objectives.

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

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

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Industrial (I)	Industrial Park of Commerce (I-POC)	Distribution Warehouse, Office (Boutwell Business Center)
South	Industrial (I)/Mixed Use – West (MU-W)	I-POC/ MU-W	Warehouse (Marlin Commerce Center)/Multi-Family Residential
East	Industrial (I)	I-POC	Warehouse/Storage
West (Unincorporated PBC)	Residential High Density	Medium Density Residential	LWDD ROW and Single-Family Residences

The proposed uses and site improvements will not negatively affect the existing surrounding properties and uses. The proposed changes are harmonious and compatible with the existing mixed-use area.

Community Appearance Criteria:

The proposed industrial facility project includes new construction, new landscaping, and associated site improvements that represent an enhancement in the general appearance of the property over the existing vacant lot. The proposed contemporary architectural style of the building is appropriate and in harmony with the surrounding residential and nonresidential area. The proposed design includes contemporary architectural features, such as flat roofs, large windows, use of multiple exterior wall finishes, decorative eyebrows, and an asymmetrical layout. The contemporary building will improve the aesthetic of the surrounding neighborhood. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan and the City’s Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned.

Per LDR Section 23.2-31(d)(16), all new buildings of 7,500 square feet or larger are required to incorporate sustainability and design performance measures, verified by an independent third-party review. These standards include reducing greenhouse gas emissions and overall carbon footprint by 10 percent, reducing construction and operational refuse by 20 percent, incorporating a minimum of 20 percent recycled or recyclable materials, and achieving a 20 percent reduction in water use. Projects must also demonstrate efficient use of natural resources through reduction, reuse, and recycling practices. In addition, building design should support multi-modal transportation options, include safety features that ensure occupant and visitor security, and provide community-oriented amenities that promote pride and social interaction. Staff is proposing a condition that prior to the issuance of a certificate of occupancy, documentation shall be submitted by an independent third party to the Department of Community Sustainability that the project fulfills the City’s project performance standards listed in LDR Section 23.2-31.

Section 23.2-29 - Conditional Use Permit (CUP) (Attachment B)

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The museum and multi-family residential uses were reviewed for consistency with the required conditional use findings (Attachment B).

The proposed conditional uses are anticipated uses in the I-POC zoning district. The buildings will be served by existing municipal services, including water, sewer, refuse, fire and police. The proposed associated site improvements would improve the condition of existing parcels while providing new housing options, a new art museum, and public amenities such as the art walk and community art space. The applicant has also provided a PBC Traffic Performance Standards approval letter from Palm Beach County. In summary, the high intensity cold storage use is not anticipated to negatively impact the surrounding areas with traffic, noise, and air pollution more than uses that are permitted by right in the I-POC zoning district.

Section 23.2-33(c) - Sustainable Bonus Incentive Program (SBIP)

The City of Lake Worth Beach 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 for increased height and FAR in exchange for the incorporation of sustainable design features, community-based improvements, and overall design excellence as part of a development proposal.

Per Policy 1.2.3.4 of the City's Comprehensive Plan, *"incorporation of Sustainable features is required for developments over two stories, which allows for increases in density, height and intensity over base line maximums. Annually, the City Commission shall establish base line sustainable bonus values required to participate in the program."* The applicant is asking for a bonus height which is less than the maximum allowances that can be permitted for height through a sustainable bonus incentive in a I-POC zoning district.

Because the project is located within an industrial zoning district, the applicable in-lieu fee is subject to the established incentive rate for the Industrial Park of Commerce, which differs from the standard rate of \$7.50 to \$15.00 per square foot. Per the FY 2026 fee schedule, the industrial development incentive rate for industrial in I-POC is \$3.00 per square foot. All collected fees are deposited into the Sustainability Bonus Incentive Trust Account and used exclusively for capital projects that enhance community sustainability, as determined annually by City Commission resolution.

The total square footage of the bonus area above the second floor is ±53,565 square feet. Therefore, the value of required improvements for the SBIP bonus areas is \$160,695 (53,565 square feet x \$3.00 per square foot). Fifty percent (50%) of the incentive award value is \$80,347.50, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$80,347.50), the applicant may propose qualified on-site improvements or provide additional payment to the City. Conditions of approval are proposed to address the sustainable bonus fees.

CONCLUSION AND CONDITIONS

Based on the data and analysis in this report and the supporting materials by the applicant, the proposed site plan, building design, landscaping, and site circulation are appropriate and consistent with the City's Comprehensive Plan, Strategic Plan, and Land Development Regulations. The proposed development application and site improvements are anticipated to minimize and/or mitigate any impacts of the high intensity cold storage use proposal on the adjacent and proximate uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent of the sustainable bonus fee shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall provide qualifying sustainable bonus features equal to fifty percent of the sustainable bonus fee, or shall be required to pay the remaining incentive value in its entirety prior to the issuance of a certificate of occupancy.
3. Prior to the issuance of a building permit, a site plan application shall be submitted to the address:
 - a. Address the front setback requirement by providing a front setback of 28'-32'.
 - b. The north elevation facing the street shall provide additional architectural treatment or dense, tiered landscaping.
4. The proposed project shall comply with Palm Beach County's Unified Land Development Best Management Practices for Wellfield Protection.
5. A photometric plan shall be submitted. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
6. Prior to the issuance of a certificate of occupancy, documentation shall be submitted by an independent third party to the Department of Community Sustainability that the project fulfills the City's project performance standards listed in LDR Section 23.2-31.
7. A minor site plan process may be required to address any landscape or site plan revisions prior to issuance of a building permit.

Public Works

8. 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.
9. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under the jurisdiction of the Department of Public Works.
10. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
11. Prior to the issuance of a certificate of occupancy, 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. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
12. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree on garbage bin storage location and screening, garbage bid pickup location, and number of bins required. Solid Waste and Recycling can be contacted by email at Solidwasteinfo@lakeworthbeachfl.gov. The agreed upon refuse location and enclosure (if applicable) shall be depicted on the site plan.
13. Prior to issuance of a building permit, a location shall be designated on the site plan for the storage of refuse carts and/or dumpsters on non-collection days. Plans shall also indicate how the refuse carts/dumpsters will be screened from public view on non-collection days.
14. Prior to the issuance of a Building Permit, the dumpster enclosure design shall meet the specifications of the Public Works Dept for size, type and material.
15. Prior to performing work in the City Right-of-Way (ROW), apply for and receive issuance of a "Right of Way/Utility Permit" application.

16. Prior to the issuance of a Certificate of Occupancy, 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.

Utilities – Electric

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram.
2. Developer must show the Electric Room in site plan.
3. Electric Utility required the transformer locations must be at north of the property at the green space in north of the building 10' away from the structure.
4. The transformer must be accessible to our vehicles and must have 10-ft minimum clearance in front of them and 5-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure. We have three (3) phases available in this location.
5. Electric Utility required 10' feet easement to bury the primary cable from the pole located on the east side of the main entrance of the development to the underground transformer extended to the power pole at southeast corner of the development.
6. If any meter is over 320 amps for single phase, or over 200 amps for 3-phase, a CT cabinet and CT meter will need to be installed. All meters and CT cabinets will require a minimum of 36" (36in) clearance in front for installation of the meter.

Utilities – Water & Sewer

17. Since the site is larger than one (1) acre, NPDES ERP and CGP permits are needed.
18. During the building permit application:
 - a. Please provide the design calculations (prepared by a registered professional engineer), details, and maintenance agreement for the private lift station.
 - b. Please provide datum information on the grading and drainage plan.
 - c. Please call out the pipe materials, size and slope for the proposed sewer line. Please note that the classes of PVC pipes (such as PVC C-900, C-905 etc.) need to be called out.
 - d. Please call out the horizontal distance between the proposed sewer and water lines inside the property.
 - e. Please provide a drainage calculation report prepared by a registered professional engineer showing the calculation for the proposed exfiltration trenches, finished floor elevations, property berm, dry, and wet retention areas.
 - f. Please provide a geo-tech report showing the K value.
 - g. Please provide information on the LWDD, SFWMD, FDEP, PBC Health Department permitting.
 - h. Please provide a fire-flow calculation report based on a recent hydrant test.
 - i. Please provide an erosion control plan with applicable details/specifications.
 - j. Please provide all the city applicable details/specifications for the water and sewer utilities.
 - k. Please identify and provide all the utility crossings/conflicts between the water, sewer, and storm utilities and show the conflict elevations while satisfying the minimum separation criteria.
 - l. Please provide the cross-sections for the eastern and southern sites of the property showing how the stormwater will be stopped from flowing to the neighborhood properties.

- m. Please provide details/specifications for the proposed exfiltration trenches.
 - n. If the landscape drawing is to be submitted, please include all the existing water, sewer, and storm utilities in the drawing showing the minimum clearances between the trees and the utilities. If the minimum clearance is not possible, please provide Public Service Details-23 (Typical Tree with Root Barrier) in the landscape details.
19. Prior to the entitlement, please pay the site plan review fees in full for the water, sewer, and storm.

Lake Worth Drainage District (LWDD)

1. Prior to building permit issuance, the applicant shall remove the proposed 20-foot road right-of-way dedication from the Lake Worth Drainage District's (LWDD) 20-foot canal easement on all plans. LWDD has indicated that it objects to project certification until this issue is resolved.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the major site plan, conditional use permit, and sustainable bonus incentive program request to construct a high intensity cold storage use at 2209 7th Avenue North based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the major site plan, conditional use permit, and sustainable bonus incentive program request to construct a high intensity cold storage use at 2209 7th Avenue North. The project does not meet the criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board's decision will be the final decision for the major site plan and sustainable bonus incentive program request. The Applicant may appeal the Board's decision directly to the City Commission.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Site Plan and Civils
- D. Architectural Plan
- E. Landscape Plan
- F. Survey
- G. Supporting Documentation

ATTACHMENT A – Qualitative Development Standards

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

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

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
<p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p>	Not Applicable
<p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</i></p>	In compliance

3. *All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.* **In compliance**
4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.* **In compliance**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **Not Applicable**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **Not Applicable**
7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance as conditioned**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not Applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not Applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **Not Applicable**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**

14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance as conditioned**

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p>	In compliance
<p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p>	In compliance
<p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.</i></p>	In compliance
<p>4. <i>Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.</i></p>	In compliance as conditioned

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<p>1. <i>The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i></p>	In compliance
<p>2. <i>The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i></p>	In compliance

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.* **In compliance**

4. *The proposed structure or project is in compliance with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.* **In compliance**

ATTACHMENT B - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance

Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor</i>	In compliance

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.

6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **In compliance**
7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance, as conditioned**