



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 18, 2024 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [August 7, 2024 Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

WITHDRAWALS / POSTPONEMENTS

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

- A. [PZB Project # 24-01500006: 1724 North Lakeside Drive Additional information requested by the PZB at the August 7, 2024, meeting on a Variance to allow the placement of a standby generator between the principal structure and the right-of-way.](#)
- B. [PZB Project Number 24-00500007: A Conditional Use permit request for a ±3,600 square foot Minor Vehicular Service and Repair use located at 1969 10th Avenue North. This item is a continuation from the July 17, 2024, PZB meeting.](#)

NEW BUSINESS:

- A. [Ordinance 2024-15: Consideration of an ordinance amending Chapter 23 "Land Development Regulations," Article 7 "Floodplain Management" to adopt the new FEMA Floodplain maps and required language.](#)
- B. [Ordinance 2024-13: Consideration of an ordinance amending multiple sections of Chapter 23 "Land Development Regulations" to address several housekeeping items and minor changes for clarity.](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 07, 2024 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were- Juan Contin, Chair; Daniel Walesky, Vice-Chair; Mark Humm; Zade Shamsi-Basha; Dave Mathews; Henry Pawski. Absent: Evelin Urcuyo. Also present were: Karina Campos, Senior Community Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. July 17, 2024 Regular Meeting Minutes

Motion: M. Humm moves to accept July 17, 2024 meeting minutes as presented; D. Mathews 2nd.

Vote: Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION Provided in the meeting packet.

1) a.714 Barnett Dr

b.1724 N Lakeside Dr

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. PZB Project Number 24-01500006: Consideration of a variance to allow the placement of a standby generator between the principal structure and the right of way at 1724 North Lakeside Drive. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Staff: K. Campos provides brief synopsis of ongoing activities at the location. According to current code (Section 23.4-17) generators may be located in the side and rear setbacks although limited by height, setbacks, screened from view, and not in an alley . The proposal is to install in the front yard.

Of the four variance criteria, staff has concluded that only one of four criteria has been met: The granting of the variance would not be unduly injurious to the contiguous property, surrounding neighborhood or detrimental to public welfare.

All other criteria are not met.

1. There is no special circumstance or condition peculiar to the parcel that does not exist on other properties and not created by the action of the applicant. The generator can be placed on the southeast area.
2. The strict application of the LDR's will not deprive the applicant of continued use of the land as a Single-Family residence. The generator may be placed in a different location.
3. The variance proposed is the minimum which makes possible the reasonable use of the land; the southeast area appears to be a suitable location where no variance would be required.

Applicant/owner – Barbara Campbell- The generator cannot be located elsewhere on the property. The Southeast corner of the property, as proposed by staff would be in an area with combustible material nearby i.e. hedge and fence; contends it would not be readily accessible to first responders; to set it in the rear of the property, there would be a height issue with a two (2) foot pad and 29-inch high generator. The strict application does preclude reasonable use of the property for medicare age persons. Believes the southeast location would be injurious to neighboring properties.

Board: Data shows with base flood elevation the generator would not sit as high as suggested, there would not be a height issue (as the pool will also meet base flood elevation).

Applicant states it's hard to get electric there.

Board: Hard but not impossible, just more costly. The elevation would be higher in the front and lower in the back. There seems to be plenty of room on the southeast side and sufficient distance from the property line. The A/C is already in the front yard and not in the setback.

Discussion with respect to the current base flood elevations versus forthcoming FEMA flood elevations; definitions of front yard, rear yard outside of setbacks and what structures can be permitted and inclusionary code.

Board Attorney: In SFR zoning district –Accessory structures shall be allowed in rear or side yards. (double frontage lots and corner lots being different), between main structure and street provided minimum setback is maintained. Otherwise not permitted in the front yard between the road and house, in the front yard or front setback. But it can go in the setbacks of the side and rear.

Board: Distinction or lack of distinction between Mechanical equipment and accessory structures.

Motion: D. Walesky moves to continue to September 4, 2024 meeting (next meeting); H. Pawski 2nd.

Vote: Ayes all, unanimous.

B. PZB Project Number 24-00500004: A Blanket Conditional Use request for multiple uses as provided for in LDR Section 23.3-6 for LZC Holdings, LLC, an existing industrial development at 714 Barnett Drive. The property is zoned Industrial - Park of Commerce (I-POC) and has an Industrial (I) Future Land Use (FLU) designation.

Staff: S. Rodriguez provides analysis of request for uses on the site. Three auto repair businesses with current up-to-date business licensing. One current tenant does not meet that requirement. Those businesses that are non-conforming with current up-to-date business licensing may continue to operate provided they maintain licensing.

Board: Please discuss the lien and why the one business was operating without a business license.

Staff: Those are Code Compliance issues.

Motion: D. Walesky moves to approve PZB 24-00500004 with staff recommended Conditions of Approval base upon competent substantial evidence provided in the staff report and testimony at the public hearing; D. Mathews 2nd.

Vote: Ayes all, unanimous.

C. Ordinance 2024-11: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-25 “Micro-units” to provide minor changes to the development standards for Micro-Units.

Board Attorney reads Ordinance Title.

Staff: This is a revision to the previous Ordinance. Line 59 reduction in percentage to 15% and an exception on page 2 line 103. Private sector parties would like to see additional flexibility.

Board: The exception (conversion of existing structures) provides small housing and exterior common space, which could be seen as a nuisance. If designed correctly, it can be nice, it is easier than a 20-unit design. The definition of a micro-unit size is 250-750 square feet with a fully functional kitchen and bath.

Motion: D. Walesky recommends approval of Ordinance 2024-11 to the City Commission subject to H. Exception shall require a minimum 10% interior common space and 5% exterior; H. Pawski 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS:

Staff inquired about quorum for September 4, 2024 meeting. It may be a busy meeting with possibly three Land Development Regulation changes in addition to two continuances.

Several members state September 18 would be a preferred date.

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:30 PM



MEMORANDUM DATE: September 11, 2024

AGENDA DATE: September 18, 2024

TO: Chair and Members of the Planning and Zoning Board

RE: **PZB Project # 24-01500006 | 1724 North Lakeside Drive |** Additional information requested by the PZB at the August 7, 2024, meeting on a variance to allow the placement of a standby generator between the principal structure and the right of way.

FROM: Karina Campos, Senior Community Planner
Department for Community Sustainability

PROJECT UPDATE

On August 7, 2024, the Planning and Zoning Board discussed Project # 24-01500006, a variance request to allow the placement of a standby generator between the principal structure and the right of way at 1724 North Lakeside Drive. The Planning and Zoning Board continued the item to the next PZB meeting with a request for additional information from staff. Specifically, the Planning and Zoning Board requested that staff provide additional code language that supports the validity of a variance requirement for the proposed location of a standby generator. The Planning and Zoning Board also requested that the City's Building Official and Fire Department re-review the staff-recommended location to determine feasibility of the generator placement in regard to National Fire Protection Agency (NFPA 37) and elevation requirements.

Below includes code language cited by staff in the staff report:

Staff-Cited Code Language

Required by Code

LDR Section 23.4-17(a): Property owners are permitted to have generators as an accessory use subject to the following requirements:

- 1. May be located in the side setbacks with a maximum height of thirty (30) inches including the concrete pad. If located in a side yard, a landscape plan must be submitted indicating the landscape or screening used to prevent visibility from the right-of-way.*
- 2. May be located in the rear setback if the property is not located on an alley.*
- 3. A standby generator located in a side or rear setback requires a minimum three-foot separation from the property line.*

Staff concludes that the installation of a standby generator in the front setback or between a principal structure and the public right-of-way is not permitted per Section 23.4-17, which identifies the only locations where generators are permitted.

Additional Code Language

The Planning and Zoning Board requested additional code language that supports the validity of a variance requirement for the proposed location of a standby generator. Below includes additional code language:

Required by Code

LDR Section 23.4-16: Mechanical systems/equipment for existing residential structures.

For existing residential structures, placement of mechanical equipment shall be allowed in the rear or side setback and/or between the main structure and a public street if there is insufficient space to locate the equipment outside of the setbacks.

However, in no case shall mechanical equipment be located less than eighteen (18) inches from a property line to allow for its maintenance. Equipment located in the rear or side setback must meet requirements of the landscape code and the equipment must be screened from view of the right-of-way. In addition, product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line. Mechanical systems/equipment are not permitted to be located in the front setback of any property.

As cited above, LDR Section 23.4-16 allows mechanical equipment to be placed between the main structure and a public street only if there is insufficient space to locate the equipment outside of the setbacks.

The site plan provided by the applicant indicates that the standby generator may be placed at the southeast corner of the existing structure as it is set back approximately 15 feet from the side property line. Therefore, because there is sufficient space to place the standby generator outside of the side setback, a variance is required to allow the proposed standby generator between the main structure and right-of-way.

Additional Information from Palm Beach County Fire

At the August 7, 2024, Planning and Zoning Board meeting, the applicant presented a justification statement indicating the placement of the standby generator in the southeast corner of the existing structure would not be National Fire Protection Agency (NFPA 37) compliant.

The City of Lake Worth Beach utilizes the Palm Beach County Fire Department to review site plans on behalf of the City. Staff initially routed the applicant's submittal to the Palm Beach County Fire Department for review, to which the Fire Department responded that there were no comments. Staff then requested the Fire Department review the staff-recommended placement of the standby generator at the southeast corner of the existing structure to verify NFPA 37 compliance (Attachment A).

The Palm Beach County Fire Department responded with the following: *"The Florida Fire Prevention Code is not enforceable on single family homes, so fire rescue does not have any jurisdiction to enforce the requirements of NFPA 37. This enforcement would fall upon the Building Official.*

Fire rescue would prefer the generator to be located near the front (west) of the home so we can readily access and shut off the generator in the event of a structure fire at the home; however, if the generator is located at another location and is in compliance with NFPA 37 we are good with this too.”

In summary, the Palm Beach County Fire Department confirmed that the Building Official would determine if the standby generator location would be NFPA 37 compliant. Further, the Palm Beach County Fire Department indicated that the ideal location of the standby generator would be the front (west side) of the property between the principal structure and the right-of-way for accessibility but that the staff-recommended location at the southeast corner of the existing structure would also be sufficient.

Additional Information from the City of Lake Worth Beach Building Official

Staff requested the Building Official determine if the staff-recommended location of the standby generator will meet NFPA 37 requirements, as the Palm Beach County Fire Department confirmed that the Building Official has the authority to confirm NFPA 37 compliance (Attachment B).

Based on the generator specifications installation guidelines, the Building Official confirmed that the standby generator must be set back at least 5 feet from operable windows and doors, must have an 18-inch clearance from existing walls, and have a minimum setback of 3 feet from fencing and landscaping. The Building Official has indicated that the proposed standby generator can be installed at the southeast corner of the existing structure and meet NFPA 37 requirements.

The Planning and Zoning Board also requested that the height of the generator and required concrete pad to be confirmed. Based on the current FEMA flood maps, if the generator is placed in the applicant’s requested location at the front (west) of the property, the concrete pad for the standby generator must be at least one foot tall; the proposed standby generator is 29 inches tall, and therefore the overall height with the concrete pad and generator would be 3 feet 5 inches.

The staff report provided to the Planning and Zoning Board on August 7, 2024, cited pending FEMA Base Flood Elevation maps figures that are not effective until December 2024. As such, in December 2024, the pending FEMA Base Flood Elevation map changes would require a standby generator in the front (west) of the property to be placed on a concrete pad at least four feet tall and would therefore have an overall height of 6.5 feet, which includes the concrete pad and generator. If a building permit is issued prior to the pending FEMA Base Flood Elevation map changes in December 2024, the applicant is not required to meet the pending FEMA Base Flood Elevation height requirements and may provide a 1-foot-thick concrete pad versus a 4-foot-thick concrete pad.

Further, the Building Official confirmed that if the standby generator is placed in the staff-recommended location at the southeast corner of the existing structure, the standby generator would not need any additional elevation to meet the current FEMA Base Flood Elevation Maps and would require an 8.5-inch concrete pad if they were to use the pending FEMA Base Flood Elevation Maps.

Conclusion and Recommendation

The additional code language provided in LDR Section 23.4-16 for mechanical systems/equipment for existing residential structures further clarifies that placement of mechanical equipment shall be allowed between the main structure and a public street only if there is insufficient space to locate the equipment outside of the setbacks. As the site plan identifies sufficient space at the southeast corner of the existing structure while remaining outside of the side setback, the applicant must seek a variance to allow a generator to be placed between the main structure and public street. Further, the Building Official also confirmed that the staff-recommended placement of the standby generator will meet National Fire Protection Agency (NFPA 37) requirements and is a feasible location to place the standby generator.

Variance requests are required to be reviewed for consistency with all of the criteria set forth in LDR Section 23.2-26(b). Based on data and analysis in the August 7, 2024, staff report and this memo, the variance request meets one out of the four variance criteria. Therefore, staff does not recommend approval of the requested variance. If the Planning and Zoning Board moves to approve the variance request, staff have drafted conditions of approval including requiring visual screening and noise limitations for the standby generator; these conditions are listed in the August 7th staff report, which is included in Attachment D.

ATTACHMENTS

- A. Palm Beach County Fire Department Email
- B. Building Official Email
- C. Staff Report and Attachments from August 7, 2024, PZB Meeting

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500007: A conditional use permit request for a ±3,600 square foot Minor Vehicular Service and Repair use located at 1969 10th Avenue North. The subject property is zoned Mixed Use West (MU-W) and has a Mixed-Use West (MU-W) future land use designation.

Meeting Date: September 18, 2024
 (continued from July 17, 2024)

Property Owner: Balestrate LLC

Applicant: Maurizio Finazzo – Romano
 Enterprises Group LLC

Address: 1969 10th Avenue North

PCNs: 38-43-44-21-43-000-0130

Size: ±4.37-acre lot / ±3,600 square feet of
 business use area

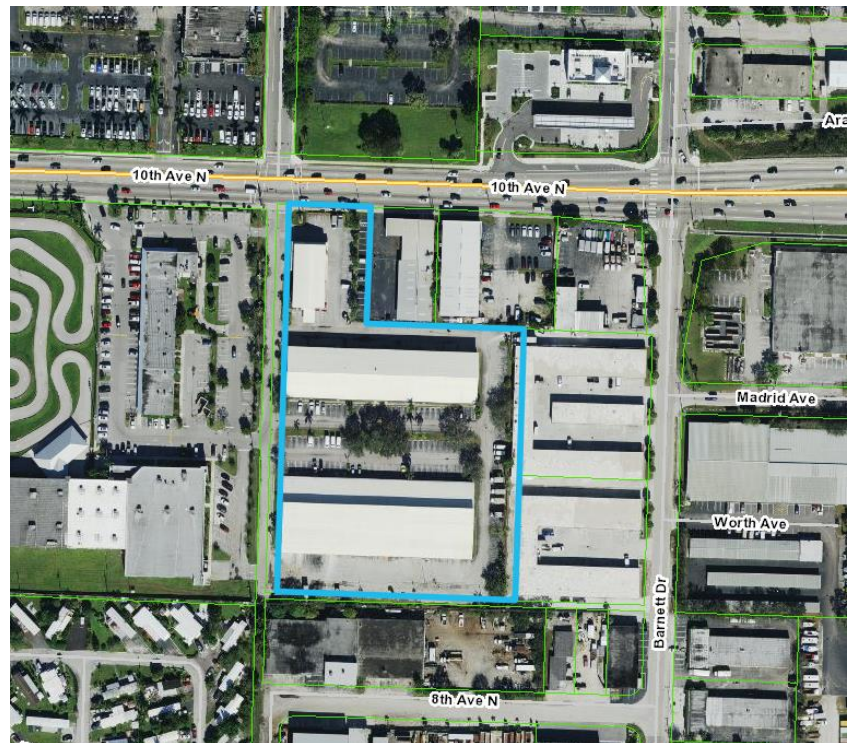
General Location: The southeast corner of
 10th Avenue North and Detroit Street

Existing Land Use: Merchant Inventory –
 Wholesale/Distribution

Current Future Land Use Designation: Mixed
 Use West (MU-W)

Zoning District: Mixed Use West (MU-W)

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. Staff recommends that the Planning and Zoning Board approve the proposed Conditional Use Permit (CUP) as it meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided on pages 5 through 7 of this report.

PROJECT DESCRIPTION

The applicant, Maurizio Finazzo on behalf of Romano Enterprises Group LLC, is requesting a **Conditional Use Permit (CUP)** to establish a Minor Vehicular Service and Repair use ($\pm 3,600$ square feet) in the Mixed Use West (MU-W) zoning district located at 1969 10th Avenue North. Romano Enterprises Group LLC has an existing tire wholesale business at the subject site. The applicant is proposing to expand vehicular services by providing tire installations, balancing, alignments, brake replacements, shock absorber replacements, and suspension repairs on cars, trucks and SUVs. The business hours of operation will be 8:30 AM to 7:30 PM. The subject site is located on the corner of 10th Avenue North and Detroit Street.

COMMUNITY OUTREACH

At the time of publication, staff have 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 overall site is ± 4.37 acres and has three (3) structures that were constructed in 1985. There are a total of 21 bays at the site; each bay has its own parcel number and is individually owned.

Use: Within the three (3) structures at the site, there are various uses including commercial and industrial uses. The applicant, Romano Enterprises Group LLC, currently has an active business license at 1969 10th Avenue North for a tire wholesale business.

Code Compliance: At the time of publication, City records indicate there are no active code cases associated with 1969 10th Avenue North.

Continuance: On July 17, 2024, the project was scheduled to be considered by the Planning and Zoning Board (PZB). The HOA of the property requested a continuance as a potential affected party but failed to request within the required time frame. The applicant also requested a continuance for additional conversation between the HOA of the property and applicant. The Board voted to continue the item to the September PZB Meeting.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use West (MU-W). Per Policy 1.1.1.6, *the MU-W FLU is intended to provide a mixture of residential, office, service, and commercial retail uses within specific areas west of I-95. The distinguishing characteristic of the Mixed Use West land use area is that it allows higher-intensity uses as well as higher height limits along the City's western thoroughfares. 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 West 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-W sites adjacent to residential zoning districts. The implementing zoning district is MU-W.

The MU-W FLU permits higher-intensity uses for sites west of I-95. The subject site is west of I-95 and is requesting to provide a medium intensity Minor Vehicular Service and Repair use service within an existing ±3,600 square foot bay.

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 and 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 Conditional Use Permit will allow for the establishment of a Minor Vehicular Service and Repair use that will add to the diversification of the economy. The proposed use may also promote economic and financial stability by creating a versatile tax base and by sustaining or increasing jobs, therefore the proposal is consistent with Pillar IV.A and Pillar IV.D.

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

Consistency with the City's Land Development Regulations

The Mixed Use West (MU-W) zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed use land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Conditional Use Permit for a Minor Vehicular Service and Repair use. Based on staff analysis, the proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The existing site is served by municipal services, including water, sewer, refuse, fire and police. The site is located on a local roadway. Therefore, no additional public expenditure is required to service the proposed use.

The proposed vehicular use is subject to City Use Table requirements within LDR Section 23.3-6. The Use Table identifies that a medium intensity (use area less than 7,500 square feet) Minor Vehicular Service and Repair use requires a Conditional Use Permit which is subject to additional supplemental regulations per LDR Section 23.4-13(c)(1)(A)(4), *Vehicular services and repair facilities – Major or minor, or repair and maintenance services – Major*. The proposed use, as conditioned, is consistent with the intent of the MU-W zoning district and supplemental regulations. The analysis for the Conditional Use Permit is provided in the section below and is consistent with the review criteria located in Attachment A. The Minor Vehicular Service and Repair use is also consistent with the additional supplemental regulations located in Attachment B.

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

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

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

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

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

Analysis: The three existing structures on the site were built in 1985. The existing site conditions do not conform to the current LDRs in regard to impermeable surfaces and landscape; therefore, the nonconformities section of the Land Development Regulations, LDR Section 23.5-3, is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed conditional use is consistent with the City's LDRs as conditioned based on the following data and analysis.**

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: Based on City records, the site currently has four (4) dumpsters. Per the recorded Declaration of Condominium of Gaslight Business Park, all units are to share the existing site dumpsters. The existing locations of the dumpster do not match the approved location for the dumpsters. A condition is proposed for the applicant to coordinate with Public Works on refuse service and location for the Minor Vehicular Service and Repair use.

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

Analysis: Vehicular service and repair facilities are subject to additional supplemental standards including the requirement to have three (3) parking spaces for each service bay, plus one parking space for each three hundred (300) square feet of non-service enclosed area. Therefore, the Minor Vehicular Service and Repair use requires a minimum of nine (9) parking spaces. Based on the recorded Declaration of Condominium of Gaslight Business Park documents, the site has shared parking for all 21 bays and their customers. City records, including a site plan from 1987, indicate the ±4.37-acre site was approved and required to have a minimum of 185 parking spaces. Aerial images from the Palm Beach County Property Appraisers website indicate that the parking strips for 32 parking spaces on the southern (rear) end of the property were removed. A condition is proposed to require a site plan amendment to restripe and restore the parking spaces, as well as to clarify which 9 spaces will be designated for the vehicular service and repair use.

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: *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” consistent with this section including a landscape strip ten (10) feet in depth.

Analysis: The existing nonconforming property exceeds the MU-W zoning district impermeable surface coverage allowance and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations*. Vehicle service and repair facilities are also subject to additional supplemental landscape standards including the requirement that 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.

Aerial images from the Palm Beach County Property Appraisers website indicate a landscape island of approximately 300 linear feet was removed from the southern (rear) end of the property. Staff are proposing a condition to require a site plan amendment to restore the removed landscape island and to add landscape to the perimeter (west and south sides of the property) to meet the supplemental regulations.

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: The proposed conditional use, as conditioned, is in general harmony with the surrounding area. The Minor Vehicular Service and Repair use is an anticipated use in the MU-W zoning district. The proposed use will not result in less public benefit, nor will it result in more intensive development than anticipated for the zoning district in the comprehensive plan.

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

Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The applicant, Romano Enterprises Group LLC, has an existing tire wholesale business at the subject site and is proposing to provide vehicular services. The services provided will include tire installations, balancing, alignments, brake replacements, shock absorber replacements, and suspension repairs on cars, trucks, and SUVs. The business hours of operation will be 8:30 AM to 7:30 PM. The site is already served by municipal services, including water, sewer, refuse, fire and police. The site is also located on a local roadway, 10th Avenue and Detroit Street. Therefore, no additional public expenditure is required to service the proposed use. Staff are proposing a condition to require all vehicular service repairs to remain indoor.

Section 23.2-29.g) Additional requirements.

Analysis: As of the date of this report transmittal, there is no active code compliance case at 1969 10th Avenue North.

Section 23.4-13 Administrative Uses and Conditional Uses

The following use(s) have been determined to carry the potential for substantial adverse impacts on neighboring properties and, therefore, are subject to development standards and regulations in addition to those required for the zoning district.

Analysis: Per LDR Section 23.4-13.c.1(4) vehicle service and repair facilities are subject to design and performance standards. As outlined in Attachment B, the proposed use complies with the supplemental standards. Staff have included conditions of approval regarding hours of operation, equipment location, landscaping, and parking.

CONCLUSION AND CONDITIONS

The Mixed Use West (MU-W) zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic or have a negative impact on nearby residential areas or the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting documents provided by the applicant, the request for Minor Vehicular Service and Repair use is not anticipated to negatively impact adjacent properties as conditioned. The proposed Conditional Use Permit will be compatible with other commercial uses provided within the Mixed Use West (MU-W) zoning district. Therefore, a recommendation of approval is provided the Planning and Zoning Board with the following conditions:

Planning & Zoning, and Landscaping:

1. Prior to the issuance of a business license, a minor site plan amendment application shall be required to address refuse location(s), landscaping, and parking spaces as described below. The application and associated site improvements shall be approved and completed within one (1) year of the issuance of this CUP approval.
 - a. Restore and re-stripe parking spaces to the southern (rear) end of the property.
 - b. Designate nine (9) parking spaces for the proposed Minor Vehicular Service and Repair use.
 - c. Restore the landscape island to the southern (rear) end of the property.
 - d. Install a five-foot wide landscape buffer with shrubs and shade trees planted every twenty-five (25) linear feet along the west and south perimeter of the site.
 - e. Coordinate with Public Works on the location and screening of the refuse area(s). The location of the screened refuse area shall comply with LDR requirements and be approved by the Public Works Department
2. Based on City definition of vehicle service and repair, minor (LDR Section 23.1-12), the use may include the following: 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 is permitted for vehicles being serviced.
4. Major vehicular service and repair is prohibited, which includes repairs to transmissions, painting and body work, frame repair, upholstery, engine, air conditioning systems, electrical systems, operations systems, and drive trains.
5. The vehicular use shall comply with the following supplemental regulations per LDR Section 23.4-13(c)(1):
 - 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.
 - d. 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.
6. Outdoor storage is not permitted.

7. 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).
8. Prior to the issuance of the business license, the business shall submit a copy of the PBC ERM Affidavit (<https://discover.pbcgov.org/erm/Publications/wellfieldaffidavitnotification.pdf>) to the Palm Beach County Department of Environmental Resources Management (Jreiser@pbc.gov) and the City of Lake Worth Beach Planning and Zoning Division (Pzoning@lakeworthbeachfl.gov).
9. Prior to the issuance of a business license, the business shall contact the City Engineer's office (vhayduk@lakeworthbeachfl.gov and rchowdhury@lakeworthbeachfl.gov) to confirm if additional pollution prevention or other utility requirements are required.
10. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
11. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Lake Worth Beach Business License.
12. 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 uses.
13. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. Any changes to the existing monument/freestanding sign shall bring it into conformance with LDR Section 23.5-1.

Water Utilities

1. Prior to the issuance of the business license, either provide evidence that the site has an oil/water separator to the City Engineer's office (vhayduk@lakeworthbeachfl.gov and rchowdhury@lakeworthbeachfl.gov) or apply for a building permit for the installation of an oil/water separator.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 24-00500007 with staff recommended conditions for a **Conditional Use Permit** request to establish a Minor Vehicular Service and Repair use based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 24-00500007 for a **Conditional Use Permit** request to establish a Minor Vehicular Service and Repair use. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Findings for Conditional Uses
- B. Administrative Uses and Conditional Uses
- C. Application Package (Survey, Justification Statement, Supporting documents)

ATTACHMENT A - 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 enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

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**

ATTACHMENT B – Administrative Uses and Conditional Uses

Sec. 23.4-13(c)(1)(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. 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.</i>	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 as conditioned
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>	Not applicable
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 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.</i>	Not applicable

ORDINANCE 2024-15 - AN ORDINANCE BY THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 7 "FLOODPLAIN MANAGEMENT,"; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Lake Worth Beach participates in the National Flood Insurance Program and the City desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, with an effective date of December 20, 2024; and

WHEREAS, the City wishes to amend Chapter 23, "Land Development Regulations," Article 7 "Floodplain Management," Section 23.7-2 "Applicability" to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps; and

WHEREAS, the City wishes to amend Chapter 23, "Land Development Regulations," Article 7 "Floodplain Management," Section 23.7-7 "Variances and appeals" to correct the cited reference to the Florida Building Code; and

WHEREAS, the City has determined that it is in the public interest to amend Chapter 23, "Land Development Regulations," Article 7 "Floodplain Management," Section 23.7-10 "Definitions" to revise the definitions for historic structure, letter of map change, and market value; 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 reviewed the proposed amendments 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 7 "Floodplain Management," Division 1 "Administration," Section 23.7-2 "Applicability" is hereby amended by

52 adding the words shown in underline type and deleting the words struck through as indicated in
53 **Exhibit A.**

54
55 **Section 3:** Chapter 23 “Land Development Regulations,” Article 7 “Floodplain
56 Management,” Division 1 “Administration,” Section 23.7-7 “Variances and appeals” is hereby
57 amended by adding the words shown in underline type and deleting the words struck through as
58 indicated in **Exhibit B.**

59
60 **Section 4:** Chapter 23 “Land Development Regulations,” Article 7 “Floodplain
61 Management,” Division 2 “Definitions,” Section 23.7-10 “Definitions” is hereby amended by adding
62 the words shown in underline type and deleting the words struck through as indicated in **Exhibit**
63 **C.**

64
65 **Section 5:** Severability. If any section, subsection, sentence, clause, phrase or portion
66 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
67 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
68 such holding shall not affect the validity of the remaining portions thereof.

69
70 **Section 6:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
71 herewith are hereby repealed to the extent of such conflict.

72
73 **Section 7:** Codification. The sections of the ordinance may be made a part of the City
74 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
75 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

76
77 **Section 8:** Effective Date. This ordinance shall become effective 10 days after
78 passage.

79
80 The passage of this ordinance on first reading was moved by _____, seconded
81 by _____, and upon being put to a vote, the vote was as follows:

82
83 Mayor Betty Resch
84 Vice Mayor Sarah Malega
85 Commissioner Christopher McVoy
86 Commissioner Mimi May
87 Commissioner Reinaldo Diaz

88
89 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
90 day of _____, 2024.

91
92
93 The passage of this ordinance on second reading was moved by _____,
94 seconded by _____, and upon being put to a vote, the vote was as follows:

95
96 Mayor Betty Resch
97 Vice Mayor Sarah Malega
98 Commissioner Christopher McVoy
99 Commissioner Mimi May
100 Commissioner Reinaldo Diaz

102 The Mayor thereupon declared this ordinance duly passed on the _____ day of
103 _____, 2024.

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LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 7 "FLOODPLAIN MANAGEMENT"

Article 7, "Floodplain Management," Division 1, "Administration"

Sec. 23.7-2. Applicability.

c) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, dated ~~October 5, 2017~~ **December 20, 2024**, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Lake Worth City Hall, 7 North Dixie Highway, Lake Worth **Beach**, Florida 33460.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 7 "FLOODPLAIN MANAGEMENT"

Article 7, "Floodplain Management," Division 1, "Administration"

Sec. 23.7-7. Variances and appeals.

- d) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 44 **12** Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 7 "FLOODPLAIN MANAGEMENT"

Article 7, "Floodplain Management," Division 2, "Definitions"

Sec. 23.7-10. Definitions.

Historic structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 44 12 Historic Buildings.

Letter of map change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

- 1. Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- 2. Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- 3. Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- 4. Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Market value: ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts.~~ As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.



DATE: September 4, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: September 11 & September 18, 2024

SUBJECT: **Ordinance 2024-15**: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 7 “Floodplain Management” to adopt the new FEMA Floodplain maps and required language.

PROPOSAL / BACKGROUND/ ANALYSIS:

The City of Lake Worth Beach participates in the National Flood Insurance Program, which requires the City to meet the requirements of Title 44, Code of Federal Regulations. The Federal Emergency Management Agency (FEMA) has revised and reissued the Flood Insurance Study for Palm Beach County with an effective date of December 20, 2024. Ordinance 2024-15 would adopt the new FEMA Floodplain maps and amend required language in the Floodplain Management section of the Land Development Regulations.

The proposed ordinance would amend the following sections of Article 7 of the City’s Land Development Regulations:

- Division 1 “Administration,” Section 23.7-2 – Applicability
- Division 1 “Administration,” Section 23.7-7 – Variances and Appeals
- Division 2 “Definitions,” Section 23.7-10 – Definitions

Flood Insurance Study Date: Identifies the effective date of the new FEMA Flood Insurance Study and Flood Insurance Rate Maps.

Historic Buildings: Corrects the Florida Building Code reference in the Historic Building definition and in the section regarding variances and appeals for repair, improvement or rehabilitation to Historic Buildings in the floodplain.

Letter of Map Change: Revises the definition to properly categorize Letter of Map Amendment, Letter of Map Revision, Letter of Map Revision Based on Fill, and Conditional Letter of Map Revision as subtypes of a Letter of Map Change.

Market Value: Revises the language defining Market Value.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-15.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2024-15.

Attachments

- A. Draft Ordinance 2024-15



DATE: September 4, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: September 11 & September 18, 2024

SUBJECT: **Ordinance 2024-13**: Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping items and minor changes for clarity.

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 23.2-19.1: Public Neighborhood Meeting
- Article 3 – Section 23.3-6: Use Tables
- Article 3 – Section 23.3-7: Single-Family Residential (SF-R)
- Article 3 – Section 23.3-8: Single-Family and Two-Family Residential (SF-TF 14)
- Article 3 – Section 23.3-10: Multi-Family Residential (MF-20)
- Article 3 – Section 23.3-11: Medium Density Multi-Family Residential (MF-30)
- Article 3 – Section 23.3-12: High Density Multi-Family Residential (MF-40)
- Article 3 – Section 23.3-13: Mixed Use – East (MU-E)
- Article 3 – Section 23.3-14: Downtown (DT)
- Article 3 – Section 23.3-16: Mixed Use – Federal Highway (MU-FH)
- Article 3 – Section 23.3-17: Mixed Use – Dixie Highway (MU-DH)
- Article 3 – Section 23.3-18: Mixed Use – West (MU-W)
- Article 3 – Section 23.3-19: Transit Oriented Development East (TOD-E)
- Article 3 – Section 23.3-20: Transit Oriented Development West (TOD-W)
- Article 3 – Section 23.3-21: Neighborhood Commercial (NC)
- Article 3 – Section 23.3-23: Artisanal Industrial (AI)
- Article 3 – Section 23.3-24: Industrial Park of Commerce (I-POC)
- Article 4 – Section 23.4-4: Fence, Walls, and Gates
- Article 4 – Section 23.4-10: Off-Street Parking
- Article 4 – Section 23.4-13: Administrative Uses and Conditional Uses
- Article 4 – Section 23.4-26: Pools
- Article 5 – Section 23.5-1: Signs
- Article 5 – Section 23.5-3: Nonconformities

Accessory Indoor Storage: Adding a definition for accessory storage, including clarifications to the maximum use area, and revising definitions to contractor showroom and low-intensity office uses to allow accessory indoor storage.

Use Table: Revising the single family dwelling use to match the text of the Mixed Use – East zoning district, removing a redundant listing of low-intensity take-out establishments, revising the specialty brewery/distillery use to be permitted with an Administrative Use Permit (AUP) in the Transit Oriented Development East and Artisanal Industrial zoning districts, revising the wholesale use to permitted with an AUP in the Artisanal Industrial zoning district, creating a low-intensity indoor storage use permitted by right in the industrial zoning districts, creating a high-intensity place of worship use, and revising the institutional uses to allow for museums and environmental nature centers in multiple zoning districts.

Public Neighborhood Meeting: Require neighborhood meetings to include an in-person component

Roof Overhang Encroachment: Revising language in multiple zoning districts to correct and clarify the maximum two-foot encroachment of a roof overhang into a side setback.

Build-To Line: Amending language in the Mixed Use – Dixie Highway and Transit Oriented Development East zoning districts to clarify the requirement for a street side build-to line.

Fences and Gates: Clarifying permitted fence height for industrial uses as well as revising and clarifying permitted gate heights and locations for residential, commercial, and industrial uses.

Parking: Creating a definition and standards for ribbon driveways, clarifying the requirement for an access aisle to an ADA parking space, and creating standard dimensions for motorcycle parking spaces.

Pools: Creating a new section to clarify and establish supplementary development standards for residential pools, including setbacks, distance from easements, pool decks, and pool enclosures.

Housekeeping Items: Revising the definition of holistic health care facilities to allow for singular or multiple services within one facility, revising the definition for semi-pervious surface to clarify the minimum setback requirement, correcting the use approval review processes for places of worship, clarifying the maximum sign area requirements for multi-tenant buildings, and clarifying the requirements for a nonconforming lot of record.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-13.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2024-13.

Attachments

- A. Draft Ordinance 2024-13
- B. Exhibit C – Use Table