



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, JANUARY 21, 2020 -- 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Herman Robinson

PLEDGE OF ALLEGIANCE: led by Commissioner Scott Maxwell

AGENDA - Additions / Deletions / Reordering:

PRESENTATIONS: (there is no public comment on Presentation items)

- A. Update by the Library Board

COMMISSION LIAISON REPORTS AND COMMENTS:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

- A. [Approve Task Order # 8 with Wantman Group, Inc. for professional services for parking study phase two.](#)

- B. [Work Order No. 5 with Globaltech, Inc. for design-build services for miscellaneous improvements at the master lift station](#)

PUBLIC HEARINGS:

- A. [Ordinance No. 2020-01 Second Reading – An ordinance amending Chapter 2, Article XIX “Chronic Nuisance Property Code”, Division 1 “Chronic nuisance services,” by repealing ordinance 2017-12 and replacing it with a new ordinance to insert provisions unintentionally removed from Ordinance 2017-12 and providing for additional nuisance activities](#)

NEW BUSINESS:

- A. [Resolution No. 03-2020 - adopting the Lake Worth Beach Opportunity Zone Master Plan](#)

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

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)

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: January 21, 2020

DEPARTMENT: City Manager's Office

TITLE:

Approve Task Order # 8 with Wantman Group, Inc. for professional services for parking study phase two.

SUMMARY:

Task Order # 8 authorizes the Wantman group, Inc. to provide professional consultant services to provide phase two of the City's Parking Study for \$45,500.

BACKGROUND AND JUSTIFICATION:

The City has recognized the importance of moving forward with implementing a parking program, as recommended in the 2018 Downtown Parking Study performed by WGI. Creating a parking system is necessary to manage the on and off-street public parking to address the variety of current parking challenges. Equally as important, is to plan for creating additional parking capacity including a potential parking structure. The goal of the program is to manage capacity so patrons are confident they can visit downtown and find available parking. Access to parking will help promote the continued development of Downtown.

MOTION:

Move to approve/disapprove Task Order #8 with Wantman Group, Inc. for phase 2 of the parking study.

ATTACHMENT(S):

Fiscal Impact Analysis
Task Order 8

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	0	0	0	0	0
Operating Expenditures	45,500.00	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Department Fiscal Review:_____

TASK ORDER NO. 8

CITY OF LAKE WORTH BEACH DOWNTOWN PARKING STUDY UPDATE

THIS TASK ORDER No. 8 FOR PROFESSIONAL CONSULTING SERVICES ("Task Order" hereafter) is made on the ____ day of _____, 2020, between the **City of Lake Worth Beach**, a Florida municipal corporation located at 7 North Dixie Highway, Lake Worth Beach, Florida 33460 ("City" hereafter) and WGI, a Florida corporation, whose local business address is 2035 Vista Parkway, West Palm Beach, FL 33411, ("Consultant" hereafter).

1.0 Project Description:

The City desires the Consultant to provide those services as identified herein for the Project. The Project is described in the Consultant's Proposal, dated December 20, 2019, and attached hereto as Exhibit "A" and incorporated herein.

2.0 Scope

Under this Task Order, the Consultant will provide the City of Lake Worth Beach those services identified in Exhibit "A".

3.0 Schedule

The services to be provided under this Task Order shall be completed within 120 days from written notice to proceed by the City.

4.0 Compensation

This Task Order is issued for a not to exceed amount of \$45,500. Exhibit "A" identifies all costs and expenses, the Consultant shall be solely responsible for any and all amounts which exceed those stated in Exhibit "A" unless approved in writing by the City.

5.0 Authorization

This Task Order is issued in compliance with the Consultant's contract with the City of Lake Worth Beach, entitled Professional Services Agreement effective as of July 1, 2014 ("Agreement" hereafter). This Task Order shall be subject to all terms and conditions set forth in the Agreement. If there are any conflicts between the Agreement and Exhibit "A", the Agreement shall prevail.

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IN WITNESS WHEREOF, the parties hereto have made and executed this Task Order for _____ on day set forth above.

CITY OF LAKE WORTH BEACH

By: _____
Michael Bornstein, City Manager

ATTEST:

Deborah Andrea, City Clerk

Approved as to form and legal sufficiency:

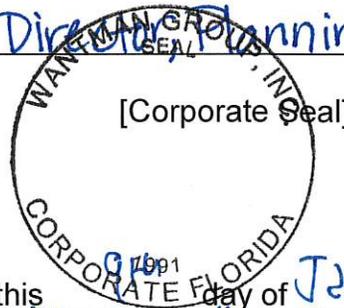
Christy Goddeau, City Attorney

Consultant:

By: Lindsay Libes

Print Name: Lindsay Libes

Print Title: Director, Planning



STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this _____ day of January, 2020, by WGI Lindsay Libes as Planning Director of _____, a Florida corporation, and who is personally known to me or who has produced the following _____ as identification.

Cyndy Little

Notary Public

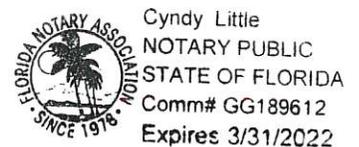


EXHIBIT "A"

CONSULTANT'S PROPOSAL – DECEMBER 20, 2019 CITY OF LAKE WORTH BEACH DOWNTOWN PARKING STUDY – PHASE 2 IMPLEMENTATION PLAN

The City has recognized the importance of studying the feasibility of downtown paid parking, as recommended in the 2018 Downtown Parking Study performed by WGI. Creating a parking program is necessary to manage the on and off-street public parking with a high level of patron satisfaction. It is also important to plan for creating additional parking capacity including a potential parking structure. The goal of the program is to manage capacity so patrons are confident they can visit downtown and find available parking. Access to parking will help promote the continued development of Downtown.

UPDATE KEY AREAS OF 2018 DOWNTOWN PARKING STUDY

- A. Due diligence review of parking study information including:
 - 1. Confirm parking inventory.
 - 2. Work with the City to identify new ownership of certain parcels and the possible effect on the private parking supply open to the public.

- B. Review and revise financial pro-forma model,
 - 1. Consult with the City to refine and update the study's proposed parking structure financial pro-forma including hourly rates and hours of operation.
 - 2. Adjust financial pro-forma to include the most recent parking structure concept site requirements and conditions for development.
 - 3. Create a version of the pro-forma model with variable fields for hours of operation, days of operation and rates. The goal is to understand the potential impact of operating hours and rates as they relate to overall parking system financial status. This will help the City broadly understand whether the parking system would be self-funded or need a subsidy from the City depending on the hours, rates, days and operational methods chosen.

- C. Expand boundary for study area west from Federal Highway to the railroad tracks. The original Downtown Core study area reviewed was between Federal Highway and Dixie Highway.
 - 1. Adjust parking study inventory to include on and off-street public parking supply.
 - 2. Site visit to conduct a windshield review of current demand for inventory added to the study.
- D. Determine a pay parking implementation area considering Lake Ave. and Lucerne Ave. from the railroad tracks to Golfview Road, and the few blocks north and south.
- E. Develop a procedural outline for the Residential and Employee Permit programs.
 - 1. Determine geographical boundaries for residential parking permit program by collecting utilization data through observations and consultation with City staff.
 - 2. Develop an online survey to gather information from downtown associations and businesses defining their needs for employee parking.
 - 3. Create procedures for the program including eligibility criteria, cost, application and approval process, and enforcement.
- F. Update Parking Structure Site Concepts
 - 1. WGI will provide parking structure concept layouts and related functional information for the selected site.
 - a. Conceptual site plan showing location and relationship to existing buildings
 - b. Parking space layout and vehicle circulation
 - c. Number of parking spaces
 - d. Entry / Exit lane locations
 - e. Pedestrian linkage to buildings
 - f. Potential for occupied office / retail / public space
 - g. Relationship to the peripheral road system and destinations
 - h. Estimate of probable construction costs. Estimates will be based on a "cost per square foot" and "cost per parking space" basis.
 - 2. WGI will utilize a local architect to develop architectural renderings to show mass, relationship to downtown and surround buildings, and potential architectural treatment. Renderings will be available in electronic format for presentation, but also can be printed for demonstration boards and public presentations.



PROJECT SCHEDULE

WGI is available to begin project upon approval by the City of Lake Worth Beach.

PROPOSED FEES

Lump Sum Fee of \$45,500. Printed materials, boards and other promotional items will be reimbursed at cost.

- *Parking study update and revised financial proforma*
- *Outline of Residential and Employee Permit program*
- *Updating the parking concepts and developing architectural renderings*
- *Three on-site meetings with City Staff / stakeholders*

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: January 21, 2020

DEPARTMENT: Water Utilities

TITLE:

Work Order No. 5 with Globaltech, Inc. for design-build services for miscellaneous improvements at the master lift station

SUMMARY:

Work Order No. 5 authorizes Globaltech to provide design-build services for miscellaneous improvements to the master lift station in the amount of \$122,260.36

BACKGROUND AND JUSTIFICATION:

The Project includes replacement of four (4) sets of submersible pump rails and lateral support and omitting the need for rail splices at the wastewater Master Pump Station. It also includes repair and replacement of existing FRP secondary fall protection grating supports, hinges and latches beneath the wetwell hatches, cast-in-place pipe supports to cover the emergency by-pass main, as well as isolation valves. Conduit and instrument and control improvements are also included.

Work Order No. 5 authorizes Globaltech to complete design, permitting, and construction services for the Master Pump Station Miscellaneous Improvements

MOTION:

Move to approve/disapprove Work Order No. 5 of the Agreement (RFQ 17-304) with Globaltech Inc. for design-build services for miscellaneous improvements to the master lift station in the amount of \$122,260.36

ATTACHMENT(S):

Fiscal Impact Analysis

Work Order No. 5

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	\$122,260.36	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
 Net Fiscal Impact	 \$122,260.36	 0	 0	 0	 0
 No. of Addn'l Full-Time Employee Positions	 0	 0	 0	 0	 0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The funds have been identified in the FY2020 Regional Sewer Buildings/Structures & Improvements budget from account 406-7490-535.62-20

Account Number	Account Description	Project Number	FY20 Budget	Current Balance	Agenda Expenditure	Balance
406-7490-535.62-20	Buildings/Structures and Improvements	RS 1701			\$122,260.36	

C. Department Fiscal Review: _____

Brian Shields – Director
 Candace Dale – Finance
 Christy Goddeau – City Attorney
 Michael Bornstein – City Manager

**DESIGN-BUILD FOR MASTER LIFT STATION FY2020 MISCELLANEOUS
IMPROVEMENTS
WORK ORDER NO. 5**

THIS WORK ORDER FOR CONSTRUCTION SERVICES ("Work Order" hereafter) is made on the ____ day of _____, 2020, between the **City of Lake Worth Beach**, a Florida municipal corporation located at 7 North Dixie Highway, Lake Worth, Florida 33460 ("City" hereafter) and **Globaltech, Inc.**, a Florida corporation ("Contractor" hereafter).

1.0 Project Description:

The City desires the Contractor to provide those design-build services and work as identified herein related to the Master Lift Station generally described as: **Master Lift Station FY2020 Miscellaneous Improvements** (the "Project"). The Project is more specifically described in the Design-Build Criteria prepared by City of Lake Worth Beach, dated December 5, 2017, and which are incorporated herein by reference.

2.0 Scope

Under this Work Order, the Contractor will provide the City of Lake Worth Beach with design-build services for the Project as specified in the **Contractor's proposal attached hereto and incorporated herein as "Exhibit 1" Scope of Services and "Exhibit 2" Cost Breakdown.**

3.0 Schedule and Liquidated Damages

Substantial completion of all services and work under this Work Order shall be within **120 calendar days** from the Effective Date of this Work Order. Final completion of all services and work (and all punch-list items (if any)) under this Work Order shall be within **150 calendar days** from the Effective Date of this Work Order. The Effective Date of this Work Order is the date following the parties' execution of this Work Order and the City's delivery of a Notice to Proceed to the Contractor via e-mail, facsimile or other form of delivery as documented by the City. Substantial completion occurs when the services and work has progressed to the point where, in the opinion of the City, the work is sufficiently complete in accordance with the Contract Documents and this Work Order, so that the Project can be utilized for the purposes for which it is intended. Final completion occurs when all services and work (including punch-list items) has been completed and the project becomes fully operational and accepted by the City.

Liquidated Damages. The City and Contractor recognize that time is of the essence under this Work Order and the Contract Documents, and that the City will suffer financial loss if the services and work described in this Work Order and the Contract Documents are not completed within the times specified in this Work Order. The City and Contractor recognize, agree and acknowledge that it would be impractical and extremely difficult to ascertain and fix the actual damages that the City would suffer in the event Contractor neglects, refuses, or otherwise fails to complete the services and work within the time specified. Accordingly, instead of requiring any such proof, the City and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay the City five hundred dollars (\$500.00) for each day that expires after the time specified in this Work Order.

4.0 Compensation and Direct Purchases

This Work Order is issued for a lump sum, not to exceed amount of **\$122,260.36 (one hundred twenty-two thousand, two hundred sixty dollars and thirty-six cents)**. The attached **Exhibit 2** identifies all costs and expenses included in the lump sum, not to exceed amount.

The following Direct Purchases are to be made under this Work Order by the City:

To be determined at the 60% design milestone.

5.0 Project Manager

The Project Manager for the Contractor is **Paul Gandy**, phone: **561-239-5381**; email: **pgandy@globaltechdb.com** and, the Project Manager for the City is **Giles Rhoads**, phone: **561-586-1640**; email: **grhoads@lakeworthbeachfl.org**.

6.0 Progress Meetings

The Contractor shall schedule periodic progress review meetings with the City Project Manager as necessary but every 30 days as a minimum.

7.0 Contractor's Representations

In order to induce the City to enter into this Work Order, the Contractor makes the following representations:

7.1 Contractor has familiarized itself with the nature and extent of the Design-Build criteria, Contract Documents including this Work Order, work, site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or furnishing of the work.

7.2 Contractor has obtained at his/her own expense and carefully studied, or assumes responsibility for obtaining and carefully studying, available soil investigations, explorations, and test reports which pertain to the subsurface conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the work as Contractor considers necessary for the performance or furnishing of the work at the stated work order price within the Work Order stated time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of the RFQ; and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or is deemed necessary by Contractor for such purposes unless specifically included in the Scope of Services.

7.3 Contractor has reviewed and checked all information and data shown or indicated in the Design-Build criteria and in the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities prior to commencing work. If required, additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or is deemed necessary by the Contractor in order to perform and furnish the work under the cost shall be included in the Work Order price, within the Work Order time and in accordance with the other terms and conditions of the Contract Documents.

7.4 Contractor will correlate the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

7.5 Contractor has given the City's Contract Administrator written notice of all conflicts, errors or discrepancies that he or she has discovered in the Contract Documents and the written resolution thereof by City or its designee is acceptable to the Contractor.

8.0 Warranty

The Contractor warrants and guarantees to the City that all services and work provided under this Work Order will be in accordance with this Work Order and the other Contract Documents. The Contractor warrants that (a) all materials and parts supplied under this Work Order shall be free from defects for one (1) year from the final completion of all work (unless a longer manufacturer warranty applies); (b) all services and work performed under this Work Order will be free from defects for one (1) year from the final completion of all work and the project shall be fully operational without unreasonable downtime or failures; and (c) that the services and work will conform to the requirements of the Contract Documents. If, at any time prior to the expiration of the one (1) year warranty period, the City discovers any failure or breach of the Contractor's warranties or the Contractor discovers any failure or breach of the Contractor's warranties, the Contractor will, upon written notice from City or of its own accord, at the Contractor's sole cost and expense, promptly correct such failure or breach (which corrective action must include, without limitation, any necessary removal, disassembly, reinstallation, repair, replacement, reassembly, retesting, and/or re-inspection of any part or portion of the work and any other property damaged or affected by such failure, breach, or corrective action). The Contractor will remedy any such failure or breach so, to the extent possible, to avoid unnecessary disruptions to the operations of City or its systems. In the event the Contractor fails to initiate and diligently pursue corrective action within five (5) days of the Contractor's receipt of the City's notice or the Contractor's discovery of the same, the City may undertake such corrective action at the Contractor's expense.

9.0 Authorization

This Work Order is issued pursuant to the Design-Build Contract for Water System Ground Storage Tanks and Related Improvements between the City of Lake Worth Beach and the Contractor, dated December 5, 2017 ("Contract" hereafter). If there are any conflicts between the terms and conditions of this Work Order and the Contract, the terms and conditions of the Contract shall prevail.

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SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF the parties hereto have made and executed this Agreement to the Construction Services on the day and year first above written.

CITY OF LAKE WORTH BEACH, FLORIDA

ATTEST:

By: _____
Deborah M. Andrea, City Clerk

By: _____
Pam Triolo, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

APPROVED FOR FINANCIAL
SUFFICIENCY

By: _____
Glen J. Torcivia, City Attorney
/mpa

By: _____
Bruce T. Miller, Financial Services Director

*PAJ
11.12.20*

CONTRACTOR: Globaltech, Inc.

By: *[Signature]*

[Corporate Seal]

Print Name: Bernard P. Gandy
Title: CEO/President

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 10th day of January, 2020 by Bernard P. Gandy, as CEO/President (title), of Globaltech, Inc. a Florida Corporation authorized to do business in the State of Florida, and who is personally known to me or who has produced the following _____ as identification.

Notary Public

[Signature]
Print Name: Rachael Stolpman
My commission expires: June 7, 2021



“EXHIBIT 1”

Detailed Scope of Services Master Lift Station FY2020 Miscellaneous Improvements

1. Prepare engineering calculations, studies, drawings and submittals as required to depict work and products, obtain building department permits, and prepare record drawings. Engineering services shall include the following:
 - a. Engineering project management activities to include project and progress meetings, permit applications, project correspondence, and status reports.
 - b. Issuance of purchase specifications and solicitation of vendor quotations where needed.
 - c. Design and construct the following improvements:
 - i. Replacement of four (4) sets of submersible pump rails and lateral supports. To be replaced with pumps in place. Design intent is to omit the need for rail splices in the wetwell
 - ii. Repair and replacement of existing FRP secondary fall protection grating supports, hinges, and latches beneath the wetwell hatches. Existing supports in some locations are loose and/or corroding.
 - iii. Construct concrete cast-in-place supports with 316 SS tie-down straps for the recently installed HDPE emergency diesel pump discharge piping routed on grade.
 - iv. Provide and install a new in-line 16-inch isolation gate valve, above grade, at the HDPE discharge piping/tee interface to allow staff to more readily divert flows during emergencies rather than relying on the aging existing underground isolation valve
 - v. Install emergency diesel pump float and transducer signal wiring in permanent conduit and above ground TJB to protect conductors and sensor wiring and to give staff access to conductors during service
 - vi. Provide new conduit and conductors between remote control terminal junction box at diesel emergency pump to station PLC cabinet for the purpose of providing access to local and SCADA monitoring and control of pump during testing and emergencies
 - d. Prepare preliminary design to 60% level for the purpose of:
 - i. Refining and presenting the project elements and costs for review with City of Lake Worth Beach staff
 - ii. Finalize items for Owner direct purchase
 - iii. Adjust the GMP based on 60% review
 - iv. Finalize project schedule
 - e. Provide review sets to City of Lake Worth Beach at 60% and 90% stage for review.
 - f. Obtain building department permits as required.
 - g. Prepare and review of submittals and RFI's as needed.
 - h. Site visits to review construction progress and compliance.
 - i. Startup services as required.
 - j. Consolidated O&M manuals for vendor supplied equipment as required.
 - k. Prepare record drawings.

The following specific construction activities and services will be performed:

By Divisions:

Div 1 General Requirements:

- A. Project management for all design-build activities including project meetings, preparation of agendas and meeting minutes, management of crew and site resources, procurement oversight, coordination of activities with Owner's operations.
- B. Preparation of project progress schedules in Primavera P6 format with monthly updates

Div 2 Sitework

- A. Mobilization
- B. Waste management and hauling of demolition debris
- C. Demolition to include:
 1. Removal of existing asphalt paving at discharge pipe support locations
 2. Cutouts or concrete cores in the clearwell and building walls as required for conduit access
- D. Level and compact grade for cast-in-place HDPE piping supports

Div 3 Concrete

- A. Form and pour steel reinforced, cast-in-place concrete supports at approximately ten (10) locations as needed for support of HDPE discharge piping.

Div 5 Miscellaneous Metals

1. 316 SS pipe straps, approximately ten (10) required
2. 316 SS anchors and fasteners
3. 316 SS hinges, supports and fasteners for the FRP secondary fall protection hatches, eight (8) locations

Div 9 Coatings and Finishes

1. Concrete sealer and paint to match existing at wall and deck penetrations

Div 11 Equipment

- A. Four (4) new sets of submersible pump rails and lateral supports to replace existing. The intent is to remove and replace the rails and supports with the submersible pumps in place. Removal of the pumps is not anticipated for this work. The FIRM will endeavor to purchase or fabricate replacement rails which do not require intermediate splice points. Crane services will be required for lift access and length of rails contemplated.

Div 15 - Mechanical

- A. Provide and install a new, in-line 16-inch isolation gate valve at the diesel pump HDPE discharge connection to the above ground effluent tee for ease of access and confirmation of open/closed status by staff
- B. Modify existing HDPE piping at the tee connection to account for laying length of the new gate valve

Div 16/17 Electrical/I&C

- A. Install conduit and conductors as follows for connecting the diesel emergency pump to the local and SCADA network:
 - a. Furnish and install a 1 ¼" aluminum conduit with (8) TSP and (1) ethernet cable.
 - b. Furnish and install 316 SS supports.
 - c. Terminate conductors with Lake Worth techs direction
- B. Install current emergency diesel pump float and sensor control cables in permanent conduit:
 - a. Furnish and install 1-1/2" Sch 80 PVC conduit and 316 SS supports
 - b. Furnish and install 316 SS terminal junction box at clearwell entrance location
 - c. Extend and couple existing mfr supplied sensor and control cables, pull to wetwell location, and re-terminate and pump control panel

Assumptions

- A. All permits fees are to be paid by the City of Lake Worth Beach.

“EXHIBIT 2”

Cost Breakdown



Exhibit 2 Cost Breakdown

12/19/19

City of Lake Worth
172199 Master Lift Station FY2020 Miscellaneous Improvements

Assembly#	Description	Unit	Quantity	Cost	Ext. Cost	Ext. Price
Job: 172199 Master Lift Station FY2020 Miscellaneous Improvements						
Bid Item: 1 General Requirements						
3	General Conditions	LOT				
	Submittal Labor	HR	4.00	101.00	404.00	404.00
	O&M Manual	HR	4.00	101.00	404.00	404.00
	Progress Meetings	HR	4.00	156.00	624.00	624.00
	Construction Scheduler	HR	6.00	94.00	564.00	564.00
	Construction PM 2	HR	40.00	101.00	4,040.00	4,040.00
	Construction Superintendent	HR	20.00	94.00	1,880.00	1,880.00
	Purchasing & Subcontract	HR	12.00	129.00	1,548.00	1,548.00
	Construction Assistant	HR	20.00	90.00	1,800.00	1,800.00
Bid Item Totals:					11,264.00	11,264.00
Bid Item: 2 Sitework						
2003	MOB/DEMOB	LOT				
	Construction PM 3	HR	4.00	129.00	516.00	516.00
	Construction Superintendent	HR	4.00	94.00	376.00	376.00
	3-Man Crew	CR-D	1.00	1,480.00	1,480.00	1,480.00
	Cut, Excavate & Prep (Pipe Supports)	CR-D	2.00	1,800.00	3,600.00	3,600.00
	Waste Hauling	LOT	2.00	800.00	1,600.00	1,968.80
	Asphalt Restoration	LOT	1.00	350.00	350.00	430.68
	Installation	CR-D	1.00	1,800.00	1,800.00	1,926.00
	Startup Crew	CR-D	0.50	1,800.00	900.00	900.00
	Punch Out Crew	CR-D	0.50	1,800.00	900.00	900.00

Continued...

Assembly#	Description	Unit	Quantity	Cost	Ext. Cost	Ext. Price
				Bid Item Totals:	11,522.00	12,097.48
Bid Item: 3	Concrete					
	Pipe Supports					
	Form & Materials	LOT	1.00	950.00	950.00	1,168.98
	Cast In Place Concrete (2 YD + Short Load Fee)	YD	2.00	180.00	360.00	442.98
	Concrete Pump	LOT	1.00	700.00	700.00	861.35
	Installation	CR-D	5.00	1,800.00	9,000.00	9,000.00
	Concrete Core	EA	1.00	500.00	500.00	615.25
				Bid Item Totals:	11,510.00	12,088.56
Bid Item: 5	Metals					
	SS Unistrut 316 (DEEP)	Ea	2.00	120.00	240.00	295.32
	SS Unistrut Pipe Clamp	LOT	1.00	150.00	150.00	184.58
	SS Unistrut Hardware	LOT	1.00	150.00	150.00	184.58
	Pipe Support Strap	EA	10.0	350.00	3,500.00	4,306.75
	Misc Metals & Fasteners	LOT	1.00	750.00	750.00	922.88
	Pump Guide Rails	LOT	1.00	15,750.00	15,750.00	19,380.38
	Installation	CR-D	2.00	1,800.00	3,600.00	3,600.00
	Fall Protection Grating Under Access Hatch-QTY 8 (Allo	LOT	1.00	16,000.00	16,000.00	16,000.00
				Bid Item Totals:	40,140.00	44,874.49
Bid Item: 9	Finishes					
	Misc Coatings	LOT	1.00	150.00	150.00	184.58
	Installation	CR-D	0.50	1,800.00	900.00	900.00
				Bid Item Totals:	1,050.00	1,084.58
Bid Item: 26	Electrical					
	Electrical Sub	LOT	1.00	5,400.00	5,400.00	5,940.00
	Permanent Conduit - Pump Float & Sensor	LOT	1.00	2,500.00	2,500.00	2,750.00
	Electrical PM	HR	10.0	110.00	1,100.00	1,100.00

Takeoff Worksheet

12/19/19

Continued...

Assembly#	Description	Unit	Quantity	Cost	Ext. Cost	Ext. Price
				Bid Item Totals:	9,000.00	9,790.00
Bid Item: 40	Process Interconnections					
	16" Gate Valve	EA	1.00	5,550.00	5,550.00	6,829.28
	HDPE Modification	LOT	1.00	1,500.00	1,500.00	1,845.75
	Flange Kits & Misc Materials	LOT	1.00	350.00	350.00	430.68
	Installation	CR-D	2.00	1,800.00	3,600.00	3,600.00
				Bid Item Totals:	11,000.00	12,705.71
Bid Item: 41	Material Processing & Handling					
	Lull	Week	1.00	2,400.00	2,400.00	2,953.20
	Compactor	WEEK	1.00	450.00	450.00	553.73
	Crane	Hr	10.0	205.00	2,050.00	2,522.53
	Skid Steer	WEEK	1.00	1,500.00	1,500.00	1,845.75
	Equipment Fuel	GAL	20.0	6.90	138.00	138.00
	Safety	HR	2.00	156.00	312.00	312.00
	Misc Tools & Equipment	LOT	1.00	750.00	750.00	922.88
	Equipment Delivery & Pickup	EA	2.00	450.00	900.00	1,107.45
				Bid Item Totals:	8,500.00	10,355.54
Bid Item: 100	Engineering					
	Engineering	LOT	1.00	8,000.00	8,000.00	8,000.00
				Bid Item Totals:	8,000.00	8,000.00
				Grand Totals:	111,986.00	122,260.36

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: – January 21, 2020

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2020-01 Second Reading – An ordinance amending Chapter 2, Article XIX “Chronic Nuisance Property Code”, Division 1 “Chronic nuisance services,” by repealing ordinance 2017-12 and replacing it with a new ordinance to insert provisions unintentionally removed from Ordinance 2017-12 and providing for additional nuisance activities

SUMMARY:

It was discovered that between the first and second reading of Ordinance 2017-12, the wrong ordinance was brought forward and adopted on second reading. Ordinance 2020-01 will add back in the amendments that were unintentionally removed and also provide for two additional cases that can result in a chronic nuisance case. They are repeat code violations and repeat property remediation cases.

BACKGROUND AND JUSTIFICATION:

The City passed Ordinance 2017-12 on August 1, 2017, which amended Chapter 2, Article XIX “Chronic Nuisance Property Code”, Division 1 “Chronic nuisance services” of the Code of Ordinances that, among other things, expanded activities that are nuisance activities to include properties where there are calls for service to assist individuals displaying symptoms of overdosing on a controlled substance, and in instances where there has been a failure to correct code violations on properties more than thirty (30) days after the special magistrate entered an order regarding the same. Although the correct ordinance was passed on first reading, the incorrect version was inadvertently adopted on second reading.

This ordinance repeals Ordinance 2017-12 adopted on second reading and adopts a new version which includes the changes approved on first reading of Ordinance 2017-12 with additional changes that also makes repeat code violations and repeat property remediation cases chronic nuisances.

MOTION:

Move to approve/disapprove Ordinance 2020-01 to repeal and replace Ordinance 2017-12.

ATTACHMENT(S):

Fiscal Impact Analysis - N/A
Ordinance 2020-01

ORDINANCE NO. 2020-01 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, REPEALING ORDINANCE 2017-12 WHICH AMENDED DIVISION 1 "CHRONIC NUISANCE SERVICES" OF CHAPTER 2 "ADMINISTRATION", ARTICLE XIX "CHRONIC NUISANCE PROPERTY CODE", TO PROVIDE FOR ADDITIONAL VIOLATIONS RELATING TO OVERDOSING AND CODE ENFORCEMENT, POSTING NOTICES, ENTERING INTO AGREEMENTS WITH PROPERTY OWNERS, AND ADDITIONAL PENALTIES AND REPLACING IT WITH A NEW ORDINANCE TO INSERT PROVISIONS UNINTENTIONALLY REMOVED FROM ORDINANCE 2017-12 AND PROVIDING FOR ADDITIONAL NUISANCE ACTIVITY; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the City passed Ordinance 2017-12 on August 1, 2017, which amended Chapter 2, Article XIX "Chronic Nuisance Property Code", Division 1 "Chronic nuisance services" of the Code of Ordinances that, among other things, expanded activities that are nuisance activities to include properties where there are calls for service to assist individuals displaying symptoms of overdosing on a controlled substance, and in instances where there has been a failure to correct code violations on properties more than thirty (30) days after the special magistrate entered an order regarding the same; and

WHEREAS, although the correct ordinance was passed on first reading, the incorrect version was inadvertently adopted on second reading; and

WHEREAS, this ordinance repeals Ordinance 2017-12 adopted on second reading and adopts a new version which includes the changes approved on first reading of Ordinance 2017-12 with additional changes that makes repeat code violations and repeat property remediation chronic nuisances; and

WHEREAS, the City Commission has reviewed the recommended revisions 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 true and correct and are hereby ratified and confirmed by the City Commission.

47 Section 2. Ordinance 2017-12, is hereby REPEALED in its entirety and is REPLACED
48 with a new ordinance as follows.

49
50 Section 3. Chapter 2 “Administration”, Article XIX, “Chronic Nuisance Property Code”,
51 Division 1 “Chronic Nuisance Services”, is hereby amended as follows (deleting is
52 ~~stricken through~~ and adding is underlined):

53
54 **Sec. 2-201 – Pattern of nuisance activity.**

55
56 (a) *Nuisance activity.* Nuisance activity means any activities relating to the following
57 violations, whenever engaged in by property owner, agent, tenant, or invitee of the
58 property owner or tenant:

- 59
60 (1) Chapter 5 – Alcoholic beverages.
61 (2) Chapter 15, article I, sections 15-24 through 15-24.10 – Noise Control
62 regulations.
63 (3) Chapter 15, article V - Sexual offenders’ & sexual predators’ residence.
64 (4) F.S. § 767.12—Dangerous dogs.
65 (5) F.S. § 784.03—Battery; felony battery.
66 (6) F.S. § 784.041—Felony battery.
67 (7) F.S. § 784.045—Aggravated battery.
68 (8) F.S. § 790.01—Carrying concealed weapons.
69 (9) F.S. § 790.10—Improper exhibition of dangerous weapons or firearms.
70 (10) F.S. § 790.15(1)—Discharging firearm in public.
71 (11) F.S. § 796.06—Renting space to be used for prostitution.
72 (12) F.S. § 796.07—Prostitution.
73 (13) F.S. § 800.03—Exposure of sexual organs.
74 (14) F.S. § 806.13—Criminal mischief.
75 (15) F.S. § 810.08—Trespass in structure or conveyance.
76 (16) F.S. § 810.09—Trespass on property other than structure or conveyance.
77 (17) F.S. § 812.014—Theft.
78 (18) F.S. § 812.019—Dealing in stolen property.
79 (19) F.S. § 812.173—Conveyance business security.
80 (20) F.S. § ~~824~~823.01—Nuisance.
81 (21) F.S. § 828.12—Cruelty to animals.
82 (22) F.S. § 843.01—Resisting officer with violence.
83 (23) F.S. § 843.02—Resisting officer without violence.
84 (24) F.S. § 856.011—Disorderly intoxication.
85 (25) F.S. § 856.015—Open house parties.
86 (26) F.S. § 856.021—Loitering or prowling.
87 (27) F.S. § 856.022—Loitering or prowling in close proximity to children.
88 (28) F.S. § 870.01—Affrays and riots.

89 (29) F.S. ch. 874—Criminal gang enforcement and prevention.

90 (30) F.S. § 877.03—Breach of the peace; disorderly conduct.

91 (31) F.S. ch. 893—Any offense under the Florida Comprehensive Drug Abuse
92 Prevention and Control Act.

93 (32) Any other offense under state or federal law that is punishable by a term of
94 imprisonment exceeding one (1) year.

95 (33) A call for service to property for law enforcement, fire, medic, or other
96 emergency personnel to assist an individual who displays the symptoms of an
97 overdose of a controlled substance.

98 (34) Failure to comply with a code enforcement order entered by the special
99 magistrate.

100 (35) A repeat violation code enforcement order entered by the special magistrate.

101 (36) Chapter 12, Article II “Lots and Lands Constituting Nuisances”- repeated
102 abatement by the city of nuisances on property.

103
104 (b) *Pattern of nuisance activity.* Real property shall be deemed to exhibit a pattern of
105 nuisance activity if:

106 (1) The city's law enforcement has responded to three (3) or more nuisance
107 activities at the property within thirty (30) days;

108
109 (2) The city's law enforcement has responded to seven (7) or more nuisance
110 activities at the property within six (6) months;

111
112 (3) The city's law enforcement, fire, medic or other emergency personnel (or any
113 combination thereof) has responded to two (2) or more calls for service within thirty
114 (30) days or three (3) or more calls for service within six (6) months, to assist an
115 individual who displays the symptoms of an overdose of a controlled substance;

116
117 ~~(3)~~ (4) An alcoholic beverage establishment that employs private security is located
118 on the property and the city's law enforcement has responded to five (5) or more
119 nuisance activities at the property within thirty (30) days or twenty (20) or more
120 nuisance activities at the property within six (6) months; or

121
122 (5) There is a failure to correct code violations on the property thirty (30) days after
123 the date given by the special magistrate in any order entered pursuant to chapter
124 2, article VI of this code;

125
126 (6) There are two (2) or more repeat violations on the property within a three (3)
127 year period and the special magistrate has entered orders on the repeat violations;
128

129 (7) The city has remediated/abated a nuisance under Chapter 12, Article II “Lots
130 and Lands Constituting Nuisances” on more than two (2) occasions in a three (3)
131 year period; or

132
133 ~~(4)~~(8) As otherwise provided by this code.

134
135 (c) *Construction and application.* Pattern of nuisance activity shall not be construed
136 to include:

137 (1) A nuisance activity ~~where that does not arise from the conduct of the property~~
138 ~~owner, agent, tenant, or invitee of the property owner, agent or tenant~~ is the victim
139 of a crime and called for service; or

140
141 (2) A complaint or call for service to which the city’s law enforcement, fire, medic
142 and/or other emergency personnel responded and it was the city determined that
143 no violation was committed.

144
145 (d) *Separate occurrences.* For purposes of this article, ~~each day~~ every time that
146 law enforcement responds to a nuisance activity at the property shall be a separate
147 occurrence.

148
149 **Sec. 2-202 – Declaration of chronic nuisance property; action plan.**

150
151 (a) *Declaration of chronic nuisance property.* If a pattern of nuisance activity exists upon
152 real property, the city, through its code enforcement division or the city manager, may
153 declare the property to be a chronic nuisance. The city’s declaration of chronic
154 nuisance property shall constitute a notice of violation which, if unaddressed by
155 agreement as set forth herein, may be prosecuted by the city before the city’s special
156 magistrate. The city shall notify the property owner of the declaration of chronic
157 nuisance property in accordance with subsection 2-208(a). The declaration of chronic
158 nuisance property shall contain at least the following information:

159 (1) A reference to chapter 2, article XIX (the "City of Lake Worth Chronic Nuisance
160 Property Code");

161 (2) The address and parcel control number of the property;

162 (3) The dates that the nuisance activities occurred at the property;

163 (4) A description of the nuisance activities;

164 (5) A statement that the property owner is required to (a) enter into an agreement
165 with the city which will incorporate an action plan to address and eliminate the
166 nuisance activity on the property, hereinafter “Chronic Nuisance Abatement
167 Agreement” ~~the city with a written action plan outlining the specific measures that~~
168 ~~the property owner will take to curtail or eliminate the re-occurrence of nuisance~~
169 ~~activities on the property~~ or (b) request a hearing before the special magistrate
170 as set forth in section 2-204203 to challenge the declaration. The statement shall

171 give the property owner A statement that the action plan or the request for hearing
172 must be provided to the city's assigned contact, (the "contact"), as set forth in the
173 declaration, no later than fifteen (15) days from the date of the declaration of
174 chronic nuisance property to advise the City's assigned contact in writing of the
175 property owner's decision. The city's contact may include a representative from
176 the code compliance division, the city's attorney office or other designee;

177 (6) A statement that if the property owner fails to timely request a hearing, the
178 property owner shall be deemed to have waived the right to contest the
179 declaration of chronic nuisance property;

180 (7) A statement that failure to enter into a Chronic Nuisance Abatement Agreement
181 with the city provide the city with a written action plan may result in the entry of a
182 chronic nuisance service order by the special magistrate;

183 (8) A statement that the costs of any chronic nuisance services provided by the city
184 to a property that has been declared to be a chronic nuisance may be levied
185 against the property as a non-ad valorem assessment superior to all other private
186 rights, interests, liens, encumbrances, titles and claims upon the property and
187 equal in rank and dignity with a lien for ad valorem taxes; ~~and~~

188 (9) A statement that unpaid assessments may be certified to the tax collector for
189 collection pursuant to the uniform method provided in F.S. § 197.3632-; and

190 10) A warning statement that the notice posted pursuant to section 2-208 cannot be
191 removed except with written permission of the city.

192 (b) *Development of action plan.* The property owner shall enter into a Chronic Nuisance
193 Abatement Agreement with the city which will incorporate provide the city's contact
194 with a written action plan outlining the specific measures that the property owner will
195 take to curtail or eliminate the re-occurrence of nuisance activities at the property.
196 The Chronic Nuisance Abatement Agreement will contain a timetable for corrective
197 action and shall be executed by the property owner. The property owner shall provide
198 the Chronic Nuisance Abatement Agreement action plan to the city's contact no later
199 than ~~fifteen (15)~~ thirty (30) days from the date of the declaration of chronic nuisance
200 property. The Chronic Nuisance Abatement Agreement, once executed by the city
201 manager or designee on behalf of the city, shall be recorded in the official records of
202 Palm Beach County, Florida. Failure to enter into a Chronic Nuisance Abatement
203 Agreement with the city may result in the entry of a chronic nuisance service order
204 being issued by the special magistrate. provide the city's contact with a timely action
205 plan shall be a violation of this article.

206 (c) ~~Adequacy and implementation of action plan.~~ If the city determines that the action
207 plan is adequate to curtail or eliminate the re-occurrence of nuisance activities on the
208 property, the city shall notify the property owner by first class mail. The city shall
209 establish a reasonable time period not exceeding ~~forty-five (45)~~ days from the date
210 that the action plan is determined to be adequate to implement the action plan. The
211 city may extend the time period beyond the ~~forty-five (45)~~ days if additional time is
212 necessary to implement the action plan. Failure to implement the action plan within
213 the time period established by the city shall be a violation of this article. If the property

214 owner implements the action plan within the time period established by the city, the
215 declaration of chronic nuisance will be closed and no further action shall be required,
216 except that the city may require the property owner to revise the action plan in the
217 event that a nuisance activity re-occurs within twelve (12) months of the date of the
218 declaration, and the special magistrate shall be deemed to have continuing
219 jurisdiction over the property.

220 (d) ~~Revision of inadequate action plan. If the city determines that the action plan is not~~
221 ~~adequate to curtail or eliminate the re-occurrence of nuisance activities on the~~
222 ~~property, the city may require the property owner to revise the action plan. The~~
223 ~~property owner shall provide the revised action plan to the city no later than ten (10)~~
224 ~~days from the date that the action plan is determined to be inadequate. Failure to~~
225 ~~revise the action plan or not provide the city with a timely revised action plan shall be~~
226 ~~a violation of this article. The provision of an inadequate action plan on two (2)~~
227 ~~consecutive occasions shall be a violation of this article and may result in a chronic~~
228 ~~nuisance service order against the property.~~

229 (c) ~~(e) Factors determining adequacy of The action plan. The type of abatement action~~
230 ~~shall depend on the type of criminal activity occurring at the property. Types of~~
231 ~~abatement action to be considered in determining the adequacy of an action plan, to~~
232 ~~be incorporated into a Chronic Nuisance Abatement Agreement may include, but~~
233 ~~shall not be limited to:~~

- 234 (1) Commencement of an eviction action pursuant to F.S. ch. 83, to remove those
235 individuals engaged in the nuisance activity from the property;
- 236 (2) Implementation of crime prevention through environmental design (CPTED)
237 measures;
- 238 (3) Frequency of site visits and inspections at various times of both day and night;
- 239 (4) Hiring of property management;
- 240 (5) Hiring of private security;
- 241 (6) Installation of security cameras with recording capabilities;
- 242 (7) Use of a written lease agreement;
- 243 (8) Criminal background checks for prospective tenants and lease renewals;
- 244 (9) Posting of "no trespassing" signs at the property;
- 245 (10) Written documentation of all efforts to curtail or eliminate the re-occurrence of
246 nuisance activities on the property;
- 247 (11) Any other action that the city determines is reasonably sufficient to curtail or
248 eliminate the re-occurrence of nuisance activities on the property.

249 (d) Modification of the action plan. The city will periodically monitor the property to
250 assure compliance for a period of one (1) year following execution of the Chronic
251 Nuisance Abatement Agreement. During that time, the parties may agree to modify the
252 Chronic Nuisance Abatement Agreement when it is demonstrated by either party that (a)
253 modification will improve the action plan or (b) the action plan is not adequate to curtail

254 or eliminate the re-occurrence of nuisance activities on the property. If the property owner
255 refuses to modify the Chronic Nuisance Abatement Agreement requested by the city, then
256 the city may refer the matter to the special magistrate for entry of a chronic nuisance
257 service order.

258
259 (e) *Termination of the action plan.* If the property owner complies with the Chronic
260 Nuisance Abatement Agreement as determined by the city, and the nuisance has been
261 abated, the city will issue and record a notice of compliance, and no further action shall
262 be required from the property owner. The city may require the property owner to enter
263 into a new agreement if a nuisance activity re-occurs on the property.

264
265 **Sec. 2-203. - Notice of violation.**

266
267 ~~If the property owner fails to satisfy any requirement of this article, the city shall notify~~
268 ~~the property owner in accordance with subsection 2-208(a). The notice of violation~~
269 ~~shall contain at least the following information:~~

270 ~~(1) The address and parcel control number of the property;~~

271

272 ~~(2) A description of the facts constituting a violation of this article;~~

273

274 ~~(3) A statement that the property has been declared to be a chronic nuisance;~~

275

276 ~~(4) Time to comply and the date, time, and location of a hearing should the~~
277 ~~owner fail to timely comply with the notice;~~

278

279 ~~(5) A statement that unless the property owner timely complies with this article~~
280 ~~or attends the hearing before the special magistrate, the property owner~~
281 ~~shall be deemed to have waived the right to contest the notice of violation~~
282 ~~and a chronic nuisance service order may be entered against the property;~~

283

284 ~~(6) A statement that the cost of any unpaid chronic nuisance services provided~~
285 ~~by the city may be levied against the property as a non-ad valorem~~
286 ~~assessment superior to all other private rights, interests, liens,~~
287 ~~encumbrances, title land claims upon the property and equal in rank and~~
288 ~~dignity with alien for ad valorem taxes; and~~

289

290 ~~(7) A statement that unpaid assessments may be certified to the tax collector~~
291 ~~for collection pursuant to the uniform method provided in F.S. § 197.3632.~~

292

293 **Sec. 2-204203 – Hearings; waiver.**

294

295 (a) Request for hearing. If the property owner refuses to timely enter into a Chronic
296 Nuisance Abatement Agreement, does not respond to notices issued by the city, or

297 subsequently violates the terms of an agreement, the City may prosecute its
298 declaration of chronic nuisance property or the violation of the agreement at a hearing
299 before the city's special magistrate. On the other hand, a A property owner may
300 request a hearing before the special magistrate upon receipt of a declaration of
301 chronic nuisance property. A request for hearing shall be filed with the city and shall:

- 302 (1) Be in writing;
- 303 (2) Provide a short, plain statement identifying the factual, procedural or legal error
304 upon which the request for hearing is based; and
- 305 (3) Include a copy of the declaration of chronic nuisance property or otherwise
306 provide the owner's name and mailing address and the address of the property
307 that has been declared a chronic nuisance.

308 (b) *Time for filing a request for hearing.* A request for hearing shall be filed ~~with~~ by the
309 city within fifteen (15) days from the deadline for entering into a Chronic Nuisance
310 Abatement Agreement or from the date the city notified the property owner that a
311 violation of the agreement occurred. ~~date of the declaration of chronic nuisance~~
312 ~~property. It may be filed by the property owner within fifteen (15) days of the date of~~
313 the declaration of chronic nuisance property.

314 (c) *Waiver of right to contest.* If the owner of a chronic nuisance property fails to timely
315 respond to city notices or file a timely request for hearing, the property owner shall
316 be deemed to have waived the right to contest the declaration of chronic nuisance
317 property.

318 (d) *Hearing by the special magistrate.* ~~Upon receipt of a timely request or upon notice~~
319 ~~that a notice of violation has not been complied with, the~~ The city shall schedule a
320 hearing before the special magistrate. The hearing shall be limited to a review of the
321 record or evidence upon which the city based its declaration of chronic nuisance
322 property. The property owner shall have the right to challenge the declaration of
323 chronic nuisance property. In the event the hearing pertains to a violation of the
324 Chronic Nuisance Abatement Agreement, the hearing shall be limited to the failure
325 by the property owner to implement the action plan and/or adhere to the requirements
326 of the Chronic Nuisance Abatement Agreement. The city and the property owner
327 shall be allowed to present evidence on the issue of the violation of the Chronic
328 Nuisance Abatement Agreement. A hearing to challenge a declaration of chronic
329 nuisance property shall be limited to the issue of whether or not a pattern of nuisance
330 activity exists upon the subject property and what action plan shall be required, if any.
331 ~~A hearing to challenge a notice of violation regarding the action plan shall be limited~~
332 ~~to whether or not the action plan is adequate to curtail or eliminate the re-occurrence~~
333 ~~of nuisance activities on the property and/or whether the action plan was properly and~~
334 ~~timely implemented. Hearings shall be conducted as follows:~~

335 (1) The special magistrate shall adopt rules, as necessary, for the conduct of the
336 hearings. All hearings and proceedings shall be open to the public ~~and minutes~~
337 ~~shall be kept.~~ All testimony shall be taken under oath and shall be recorded.

338 (2) Formal rules of evidence shall not apply, but fundamental due process shall be
339 observed and shall govern the proceedings. The special magistrate may consider

340 any relevant evidence. All evidence of a type commonly relied upon by
341 reasonably prudent persons in the conduct of their affairs shall be admissible
342 whether or not such evidence would be admissible in a state court.

343 (3) Each party shall have the following rights:

- 344 a. To call and examine witnesses.
- 345 b. To introduce documentary evidence, exhibits, or physical evidence.
- 346 c. To cross examine opposing witnesses on any relevant matter.
- 347 d. To impeach any witness.
- 348 e. To submit rebuttal evidence.
- 349 f. To be represented by counsel.

350 (4) All findings of the special magistrate shall be based on a preponderance of the
351 evidence. Hearsay evidence may be used for the purpose of supplementing or
352 explaining other evidence, but it shall not be sufficient in itself to support a finding
353 unless it would be admissible in a civil action.

354 (5) At the conclusion of the hearing, the special magistrate shall issue findings of fact
355 and conclusions of law with respect to the issues before it.

356 (e) *Decision of the special magistrate.* After reviewing the testimony and evidence
357 presented, the special magistrate shall either uphold or reject the declaration of
358 chronic nuisance property or the notice of violation, pertaining to the Chronic
359 Nuisance Abatement Agreement, as appropriate. The decision of the special
360 magistrate shall be in writing and shall be deemed final. If the special magistrate
361 upholds the declaration of chronic nuisance property, the special magistrate shall
362 enter a chronic nuisance service order as discussed below. If the special magistrate
363 finds that there was a violation of the Chronic Nuisance Abatement Agreement, then
364 the special magistrate may enter an order consistent with the Chronic Nuisance
365 Abatement Agreement and/or authorize the city to seek any remedies provided under
366 the law. an order establishing the requirements of the action plan, providing a
367 reasonable time to implement the action plan, and setting a hearing date and time to
368 consider the entry of a chronic nuisance service order if the action plan is not timely
369 implemented. If the special magistrate upholds the notice of violation, the special
370 magistrate shall immediately enter a chronic nuisance service order in accordance
371 with section 2-205. If the special magistrate rejects either the declaration of chronic
372 nuisance property or the notice of violation regarding the Chronic Nuisance
373 Abatement Agreement, the special magistrate shall identify the factual, procedural or
374 legal error upon which the decision is based. An order rejecting the city's declaration
375 of chronic nuisance property shall not bar the city from recommencing the chronic
376 nuisance process. An order rejecting the notice of violation regarding the Chronic
377 Nuisance Abatement Agreement does not bar the city from re-citing the property
378 owner for future violations of the agreement.

379 **Sec. 2-205204. – Entry of chronic nuisance service order.**

380 (a) *Chronic nuisance service order.* If the special magistrate upholds the declaration of
381 chronic nuisance property, determines after a hearing that there has been a failure to
382 provide or implement an adequate action plan or otherwise finds that a violation exists
383 as set forth in the notice of violation, the special magistrate shall enter a chronic
384 nuisance service order. The city shall provide a copy of the chronic nuisance service
385 order to the property owner by first class mail. The chronic nuisance service order
386 shall:

387 (1) Enter findings of fact establishing a pattern of nuisance activity and violation of
388 this article;

389 (2) Authorize the city to provide chronic nuisance services to the property;

390 (3) Authorize the city to bill the costs of any chronic nuisance services to the owner
391 of the chronic nuisance property;

392 (4) Authorize the city to require the owner of the chronic nuisance property to
393 implement reasonable and specific measures that the property owner must take
394 to curtail or eliminate the re-occurrence of nuisance activities on the property;

395 (5) Authorize the city to seek appropriate judicial action (e.g., an injunction) against
396 the property owner to close the property until specific measures are taken by
397 either the city or the property owner to curtail or eliminate the nuisance activities
398 on the property.

399 ~~(5)~~ Provide for the mailing of a copy of the chronic nuisance service order by first
400 class mail to any mortgagee of record. Failure to provide a copy of the chronic
401 nuisance service order to a mortgagee of records shall not operate to release or
402 discharge any obligation under this article or otherwise affect the validity of a
403 chronic nuisance service order;

404 ~~(6)~~ Provide for the recording of a certified copy of the chronic nuisance service order
405 in the public records; and

406 ~~(7)~~ Provide for continuing jurisdiction over the chronic nuisance property.

407 (b) *Duration of chronic nuisance service order.* The chronic nuisance order entered in
408 accordance with this section shall terminate if there have been no nuisance activities
409 at the property for one (1) year.

410 **Sec. 2-205. - Appeal of Orders of Special Magistrate.**

411 The property owner or the city may appeal a final order of the special magistrate to the
412 circuit court of Palm Beach County. Such an appeal shall not be a hearing de novo, but
413 shall be limited to appellate review of the record created before the special magistrate.
414 An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

415 **Sec. 2-206. - Abatement of chronic nuisances; provision of services;**
416 **apportionment.**

- 417 (a) *Abatement by city.* The property owner is responsible for abatement of nuisances on
418 the property. In those circumstances when city staff, in consultation with the city
419 attorney's office, determines that conditions exist on the property that constitute
420 health and safety issues, and the property owner has not taken remedial action ¶the
421 city may abate chronic nuisances on real property by providing chronic nuisance
422 services to curtail or eliminate the re-occurrence of nuisance activities. The costs of
423 such chronic nuisance services shall be billed to the property owner and such costs
424 may be collected by the city by any legal means.
- 425 (b) *Apportionment.* Chronic nuisance service costs shall be entirely apportioned to the
426 assessed real property receiving the chronic nuisance service.

427 **Sec. 2-207. – Establishment of Costs; billing of costs; special assessment; uniform**
428 **method.**

- 429 a) *Chronic nuisance service costs.* All chronic nuisance service costs shall be
430 established based upon the actual costs incurred by the city.
- 431 (b) *Billing of chronic nuisance service costs.* The city shall bill all chronic nuisance service
432 costs to the owner of the chronic nuisance property by first class mail to the address
433 listed on the ad valorem tax roll. The bill shall contain at least the following
434 information:
- 435 (1) The address and parcel control number of the chronic nuisance property;
 - 436 (2) The date of each chronic nuisance service;
 - 437 (3) A description of each chronic nuisance service;
 - 438 (4) The amount of the bill for each chronic nuisance service;
 - 439 (5) A statement that the total amount of the bill shall be paid to the city within thirty
440 (30) days from the date of the bill and that any chronic nuisance service cost
441 which has not been paid within thirty (30) days from the date of the bill shall be
442 delinquent;
 - 443 (6) A statement that any unpaid chronic nuisance service costs will be levied against
444 the property as a non-ad valorem assessment superior to all other private rights;
445 interests, liens, encumbrances, title and claims upon the property and equal in
446 rank and dignity with a lien for ad valorem taxes; and
 - 447 (7) A statement that unpaid assessments may be certified to the tax collector for
448 collection pursuant to the uniform method provided in F.S. § 197.3632.
- 449 (c) *Special assessment; uniform method.* The total amount of the bill shall be paid to the
450 city within thirty (30) days from the date of the bill. Unless payment is made within
451 thirty (30) days from the date of the bill, the city commission may, by the adoption of
452 a resolution levying such charges, assess against the property a lien in the amount
453 of the charges outstanding, or such lesser amount as the city commission shall decide
454 is just and fair. Assessment of liens levied in this manner shall be filed in the office of
455 the city clerk and in the public records of the county as a lien against the property and
456 shall be prior in dignity to all other liens against the property, save and except a lien

457 for taxes. Such assessments shall bear interest at the legal rate and such liens may
458 be foreclosed in the same manner in which mortgage liens are foreclosed.
459 Assessments levied pursuant to this section may be certified to the tax collector for
460 collection pursuant to the uniform method provided in F.S. § 197.3632.

461 (d) *Construction of chronic nuisance service cost.* Chronic nuisance service costs shall
462 not include any amount attributable to general law enforcement activities or the
463 general enforcement of municipal codes upon a property that has not been declared
464 by the city to be a chronic nuisance and that has not been received a chronic nuisance
465 service order from the special magistrate.

466 **Sec. 2-208. - Method of notice; construction.**

467 (a) *Notice.* All notices required by this article shall be provided to the property owner(s)
468 consistent with the requirements for notice provided in F.S. § 162.12, regarding notices
469 for code enforcement cases, except that if any notice sent by certified mail is not signed
470 as received within fifteen (15) days after the date of mailing, notice may be provided by
471 posting as described in F.S. § 162.12(2)(b). In addition, when the city provides notice by
472 posting, removal of the posted notice without written approval from the city is prohibited.
473 Notice by posting may run concurrently with, or may follow, an attempt or attempts to
474 provide notice by hand delivery or by mail as set forth above. Evidence that an attempt
475 has been made to hand deliver or mail notice as provided above, together with proof of
476 posting, shall be sufficient to show that the notice requirements of this part have been
477 met, without regard to whether or not the owner actually received such notice. (b)
478 *Construction of notice.* A property owner shall be deemed to have notice of a nuisance
479 activity if that property owner: (1) has actual knowledge of the nuisance activity; (2) has
480 received notice of the nuisance activity; (3) has reason to know about the nuisance
481 activity; (4) knows about a fact related to the nuisance activity; or (5) is able to ascertain
482 the existence of a nuisance by checking an official filing or recording. The lack of
483 knowledge of, acquiescence, or participation in, or responsibility for a nuisance activity
484 on the part of property owner shall not be a defense to any enforcement of this article.

485
486 **Sec. 2-209. - Change in title to chronic nuisance property.**

487 (a) *Purchase of judicial sale upon final judgment of foreclosure.* Every purchaser of a
488 chronic nuisance property at judicial sale upon final judgment of foreclosure shall
489 provide the city with an action plan consistent with the city's service order or the
490 Chronic Nuisance Abatement Agreement entered into by the previous owner. ~~and~~
491 The action plan shall be implemented ~~an action plan~~ no later than forty-five (45) days
492 from the date of the sale.

493 (b) *Receivership.* Every trustee of a chronic nuisance property appointed after the entry
494 of a chronic nuisance service order shall provide the city with an action plan
495 consistent with the city's service order or the Chronic Nuisance Abatement
496 Agreement entered into by the previous owner. ~~and~~ The action plan shall be
497 implemented ~~the action plan~~ no later than forty-five (45) days from the date of
498 appointment of receiver in any state or federal action at law.

- 499 (c) *Probate*. Every personal representative of an owner of a chronic nuisance property
 500 shall provide the city with an action plan consistent with the city's service order or the
 501 Chronic Nuisance Abatement Agreement entered into by the previous owner. ~~and~~
 502 The action plan shall be implemented ~~an action plan~~ no later than forty-five (45) days
 503 from the date of appointment. If the owner of the chronic nuisance property died
 504 intestate, beneficiaries of the estate shall be required to provide the city with an action
 505 plan and implement an action plan in a timeframe set by the city.
- 506 (d) *Other changes in title to chronic nuisance property*. An arms-length purchaser of a
 507 chronic nuisance property that has purchased the property after entry of a chronic
 508 nuisance service order for the property shall have ~~forty-five (45)~~ thirty (30) days from
 509 the date of closing or recording of the order, whichever occurs last, to provide the city
 510 with an action plan consistent with the city's service order or the Chronic Nuisance
 511 Abatement Agreement entered into by the previous owner. ~~and~~ The action plan shall
 512 be implemented within thirty (30) days. ~~the action plan.~~
- 513 (e) To facilitate the transfer of property that is the subject of a chronic nuisance service
 514 order or agreement, the city manager is authorized without the necessity of city
 515 commission action, to modify Chronic Nuisance Abatement Agreements, or
 516 compromise a fine or assessment owed to the city, provided the city manager has
 517 reasonable assurance the nuisance conditions on the property will be remedied and
 518 will not re-occur under the new ownership.

519

520 **Sec. 2-210. - Registration of distressed vacant property.**

- 521 (a) *Registration by owner*. Every owner of a chronic nuisance property that is also
 522 distressed vacant property shall register with the city in accordance with subsection
 523 2-75.11(e).
- 524 (b) *Registration by foreclosing mortgagee*. Every foreclosing mortgagee of a chronic
 525 nuisance property that is also distressed vacant property shall register with the city in
 526 accordance with subsection 2-75.11(e).

527

528 **Sec. 2-211. - Construction of article.**

- 529 (a) *Levy of special assessments*. This article shall not be construed to limit the city from
 530 levying special assessments in accordance with this Code, as adopted by the city.
- 531 (b) *Monthly reinspection assessments*. This article shall not be construed to limit the city
 532 from imposing monthly reinspection assessments in accordance with chapter 2,
 533 article VI, of this Code.
- 534 (c) *Imposition of administrative fines*. This article shall not be construed to limit the city
 535 from imposing administrative fines in accordance with chapter 2, article VI, of this
 536 Code.
- 537 (d) *Nuisance abatement*. This article shall not be construed to conflict with the public
 538 nuisance abatement process in accordance with chapter 2, article VII, of this Code.

539 (e) *Exemptions.* This article shall not be construed to apply to property owned by the city
540 or any other governmental entity.

541 (f) *Provision of this article supplement.* Nothing in this article shall be construed to limit
542 the authority of the city to collect special assessments by any other method according
543 to law.

544
545 Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion
546 of this Ordinance is for any reason held invalid or unconstitutional by any court of
547 competent jurisdiction, such portion shall be deemed a separate, distinct, and
548 independent provision, and such holding shall not affect the validity of the remaining
549 portions thereof.

550
551 Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
552 herewith are hereby repealed to the extent of such conflict.

553
554 Section 6. Codification. The sections of the ordinance may be made a part of the City
555 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such,
556 and the word "ordinance" may be changed to "section", "division", or any other appropriate
557 word.

558
559 Section 7. Effective Date. This ordinance shall become effective on ten (10) days after
560 passage.

561
562 The passage of this ordinance on first reading was moved by Commissioner
563 Maxwell, seconded by Vice Mayor Amoroso, and upon being put to a vote, the vote was
564 as follows:

565
566 Mayor Pam Triolo AYE
567 Vice Mayor Andy Amoroso AYE
568 Commissioner Scott Maxwell AYE
569 Commissioner Omari Hardy AYE
570 Commissioner Herman Robinson AYE

571
572 The Mayor thereupon declared this ordinance duly passed on first reading on the
573 7th day of January, 2020.

574
575
576 The passage of this ordinance on second reading was moved by Commissioner
577 _____, seconded by Commissioner _____, and upon being put to a
578 vote, the vote was as follows:

579
580 Mayor Pam Triolo
581 Vice Mayor Andy Amoroso
582 Commissioner Scott Maxwell
583 Commissioner Omari Hardy
584 Commissioner Herman Robinson

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The Mayor thereupon declared this ordinance duly passed on the ____ day of _____, 2020.

LAKE WORTH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: January 21, 2020

DEPARTMENT: Community Sustainability

TITLE:

Resolution No. 03-2020 - adopting the Lake Worth Beach Opportunity Zone Master Plan

SUMMARY:

The Lake Worth Beach Opportunity Zone Master Plan outlines incentives for private investment in the zone area and provides guidance to ensure that the property owners and residents see their vision for the area implemented.

BACKGROUND AND JUSTIFICATION:

The Federal Department of Treasury through collaboration with the State of Florida, Palm Beach County and the City of Lake Worth Beach designated a portion of the City as an opportunity zone in 2018. The area designated is census tract 51.02, which met specific criteria regarding median and mean incomes, poverty rate, unemployment rate and other factors as well as an identified need for economic investment.

The Opportunity Zone Program affords a variety of incentives to drive private investment into specific areas of the country. To take advantage of the program, the City hired a consultant to collaborate with community stakeholders, property owners, and others to develop a consensus based master plan to guide investment in the area. Community input and buy-in are critical for the plan to be successful. Over the summer of 2019, the plan was developed including two public meetings with stakeholders.

The final draft of the Lake Worth Beach Master Plan provides an explanation of the Opportunity Zone Program, outlines the incentives available to encourage private investment, offers a master plan vision for the area developed through input for stakeholders and offers examples of appropriate development and other resources for the area.

MOTION:

Move to approve/disapprove Resolution No. 03-2020 adopting the Lake Worth Beach Opportunity Zone Master Plan.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A
Resolution 03-2020
Opportunity Zone Reports (2)
Opportunity Zone Maps (2)

1
2
3
4 RESOLUTION NO. 03-2020 OF THE CITY OF LAKE WORTH BEACH,
5 FLORIDA, ADOPTING THE LAKE WORTH BEACH OPPORTUNITY ZONE
6 MASTER PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN
7 EFFECTIVE DATE.
8

9 WHEREAS, the City of Lake Worth Beach ("City") submitted several census tracts
10 in early 2018 for consideration to be named an Opportunity Zone as part of Federally
11 approved national program to encourage private investment in underserved and blighted
12 areas throughout the Country; and
13

14 WHEREAS, one of the census tracts, 51.02, was designated an Opportunity Zone
15 ("Zone") by the State of Florida, which includes both the Whispering Palms and Genesis
16 Neighborhoods in Lake Worth Beach, and is generally the area south of 6th Avenue South,
17 west of the FEC Railroad tracks, north of the municipal boundary with the City of Lantana,
18 and east of Interstate 95; and
19

20 WHEREAS, the designation affords a variety of economic investment incentives to
21 encourage private funding of economic development projects, affordable housing and
22 business expansion; and
23

24 WHEREAS, the success of any private investments within the Zone must include
25 an appreciation for the vision and needs of the residents of the area as well as those of
26 the City; and
27

28 WHEREAS, the City engaged WGI as a consultant on May 7, 2019 to prepare a
29 Master Plan for the Zone with the direction to collaborate with the property owners and
30 residents of the area; and
31

32 WHEREAS, the City and WGI coordinated two public meetings over several
33 months with property owners and residents within the Zone to develop a comprehensive
34 vision for the area; and
35

36 WHEREAS, the primary goals of the completed Lake Worth Beach Opportunity
37 Zone Master Plan are to explain the incentives available to private investors and to guide
38 and ensure investments that are respectful of the neighborhood vision; and
39

40 WHEREAS, approving this resolution is in keeping with the City's commitment to
41 its goals as set forth in the City's Comprehensive Plan and Strategic Plan, which both
42 support neighborhood collaboration and vision, private investment, business growth,
43 neighborhood revitalization and workforce housing as well as the strengthening of the
44 City as a Community of Neighborhoods; and
45

46 WHEREAS, the City has determined and hereby finds that the Lake Worth Beach
47 Opportunity Zone Master Plan will promote economic investment and development in
48 the City and, as such, is in the best interests of the City of Lake Worth Beach and serves
49 a valid public purpose.

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NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, as follows:

Section 1. **Incorporation.** The foregoing recitals are incorporated into this Resolution as true and correct statements.

Section 2. **Lake Worth Beach Opportunity Zone Master Plan.** The Lake Worth Beach Opportunity Zone Master Plan, attached hereto as **Exhibit A**, is hereby adopted. The Plan shall be administered by the Department of Community Sustainability in coordination with the other applicable City departments, the Community Redeployment Agency, and appropriate County, Regional, State and Federal entities.

Section 3. **Conflicts.** All resolutions or parts of resolutions in conflict with the provision of this Resolution are hereby repealed.

Section 4. **Severability.** In the event that any word, phrase, clause, sentence, or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence, or paragraph hereof.

Section 5. **Effective Date.** This resolution shall take effect immediately upon its adoption.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo
- Vice Mayor Andy Amoroso
- Commissioner Scott Maxwell
- Commissioner Omari Hardy
- Commissioner Herman Robinson

The Mayor thereupon declared this resolution duly passed and adopted on the ____ day of _____, 2020.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

LW Opportunity Zones – Report

Opportunity Zone’s – Facts and Benefits

Opportunity Zones are a result of the 2017 Tax Act allowing anyone with Capital Gains realized in 2018 to take advantage of “tax favored” investments. Investments from these Capital Gains (sale of real estate or equity) can be channeled into an Opportunity Zone (OZ) via a Qualified Opportunity Zone Fund (QOZF) to benefit from tax deferral, basis adjustment, and appreciation exclusion.

The Qualified Opportunity Zone (QOZ) program was created to encourage long-term job creation and economic development in blighted areas designated by federal and state governments as “Opportunity Zones.” There are 427 Opportunity Zones in Florida; 27 are in the Palm Beach County area. When structured properly, investments in these areas are afforded special federal income tax treatment. The most important benefits include:

- temporary deferral of taxable federal income for Capital Gains to the extent these gains are reinvested in a Qualified Opportunity Fund (QOF) within 180 days of the gain
- a step-up in the investor’s tax basis on original Capital Gain equal to 10% if the investment in the QOF is held for 5 years
- no federal income tax on Opportunity Zone-related Capital Gains if the investment is held in an Opportunity Zone fund for at least 10 years

Investors who want to take advantage of the program must invest through a QOF. QOFs are required to invest at least 90% of their assets in QOZ property, which includes any QOZ stock, QOZ partnership interests, and QOZ business property. The timing of investments is important as those who invest by December 31, 2019 get the maximum tax benefit.

Holding Period	Appreciation Rate	Investment in a Stock Portfolio		Investment in an Opportunity Fund		Difference in After – tax Annual Rate of Return
		Total Tax Liability	After-tax Funds Available	Total Tax Liability	After-tax Funds Available	
5 Years	7%	\$31	\$100	\$31	\$109	1.9%
7 Years	7%	\$35	\$111	\$35	\$126	1.8%
10 Years	7%	\$41	\$132	\$20	\$176	3.0%

Study Area in Context

The 160-acre study area highlighted within this document is a small part of Census Tract 51.02, which is a designated Federal Opportunity Zone located in the southwest area of the City of Lake Worth Beach (the City). The entire tract is approximately 482 acres and bounded to the north by 6th Avenue, the east by the FEC rail corridor, the south by the municipal boundary with the Town of Lantana, and the west by I-95 and a path to the west that follows Wingfield and F Street’s. Overall, the OZ has a total population of approximately 5,996 residents with a median income of \$34,419 and an estimated 32% of households living in poverty. Other issues facing this community include housing instability, with only 39% home ownership and 16% of the units being over-crowded, the need for better educational opportunities for both children and adults as only 53% of the population report having a high school diploma, and poor access to healthcare.

While these issues are symptoms of a larger overall disinvestment in the community, which the OZ designation in conjunction with the City's master planning and visioning exercises are working to improve, they also represent key areas for investment that clearly show a spectrum of needs and opportunities. Additionally, the community benefits from an active and engaged neighborhood association. This group is working to improve the neighborhood on a grassroots level and are intricately aware of the community's needs. Many of the members of this group were raised in the neighborhood and are excited by the opportunity to bring new businesses and economic investment to the area. Another positive aspect of the OZ is its overall design and character, which exudes the feeling of being a community, something that would be easy to promote and enhance with new infill development and investment.

The study area is only 1 mile away from the central business district of Lake Worth Beach, a city known for its eclectic boutiques, art galleries, antique stores, music venues, and restaurants. People are drawn to the City as residents and vacationers due to its high quality of life, outstanding cultural and recreational opportunities, beach and Intracoastal Waterway access, and the wide array of year-round events and activities. In addition to the amenities offered by the City itself, the study area's easy access to I-95 from 6th Avenue also makes other metropolitan areas in southeast Florida only a short drive. The study area is also ideally located adjacent to the proposed expansion site for the Tri-Rail Coastal Link proposed inter-local line. The proposed station would be directly linked to the study area making this site an ideal location for future mixed-use and transit-oriented development (TOD) style redevelopment.

**(MAP SHOWING DISTANCES TO WPB, DELRAY, FLL, MIAMI)
(Proposed Station location)**

While investment is welcome within the entire OZ, the study area was selected as the focus of redevelopment due to its proximity to the proposed Tri-Rail Coastal Link station and the existing Future Land Use (FLU) designations being primarily mixed-used and multifamily. The Single-Family designated areas were left out of the study area due to the OZ funds being primarily available for investment in businesses and development and not for use on individual home improvements. Additionally, it is the City's intent to protect and enhance the existing community by centralizing new development to the eastern portion of the Census Tract adjacent to the railway and 6th Ave. Although the predominant FLU designations in the study are that of mixed-use and multifamily, the historical development pattern in the neighborhood is overwhelmingly single-family in nature with some light industrial uses closer to the railroad tracks. The FLU Map shows a total of seven FLU's within the study area which include:

- Artisanal Mixed Use (AMU)
- Medium Density Residential (MDR)
- Public (P)
- Public, Public recreation and Open Space (PROS)
- High Density Residential (HDR)
- Mixed Use – East (MU-E)
- Transit Oriented Development (TOD)

Overall, the housing stock within the study area was constructed in the mid-twentieth century and is made up of single-story vernacular structures on regularly sized lots and alleys in the back. The roadway network within the OZ consists primarily of local two-way, two-lane streets, which are bordered and traversed by the following main roadways:

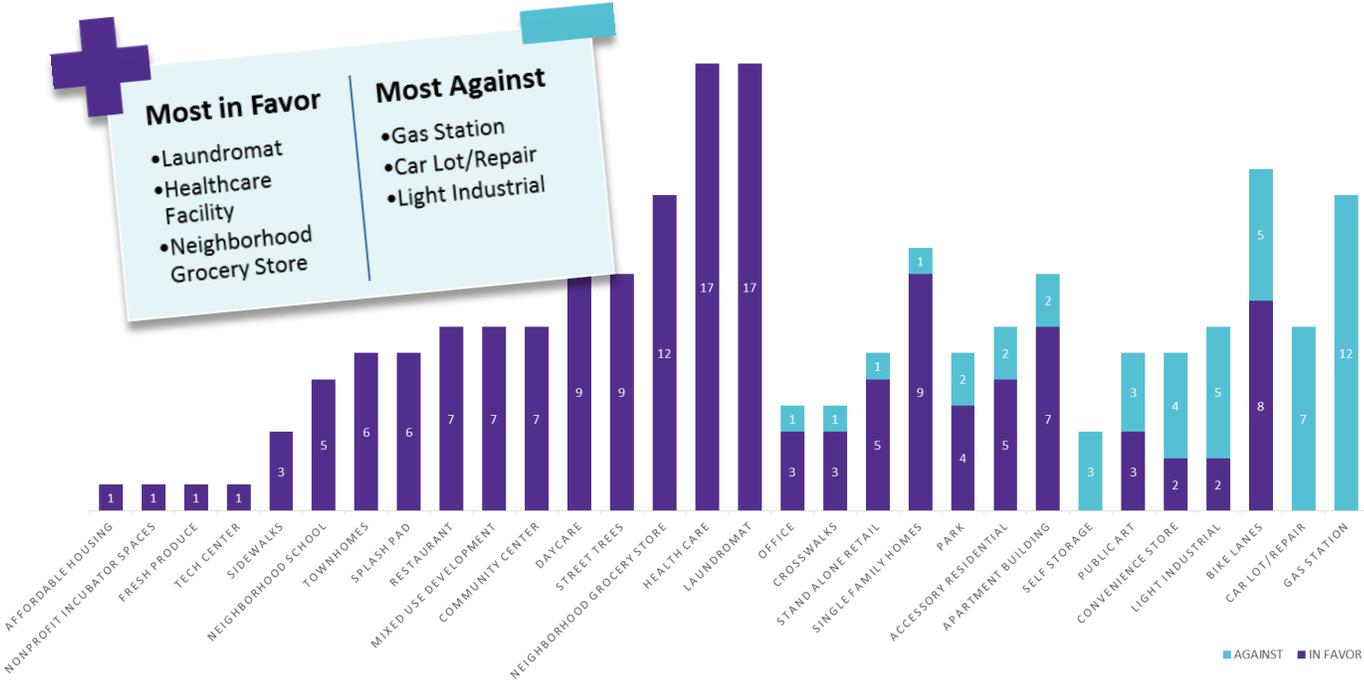
- 12th Ave S – Urban Collector (U-COLL) – three lanes undivided
- US 1 / SR 805 / S Dixie Hwy – Urban Minor Arterial (U-MA) – four lanes undivided

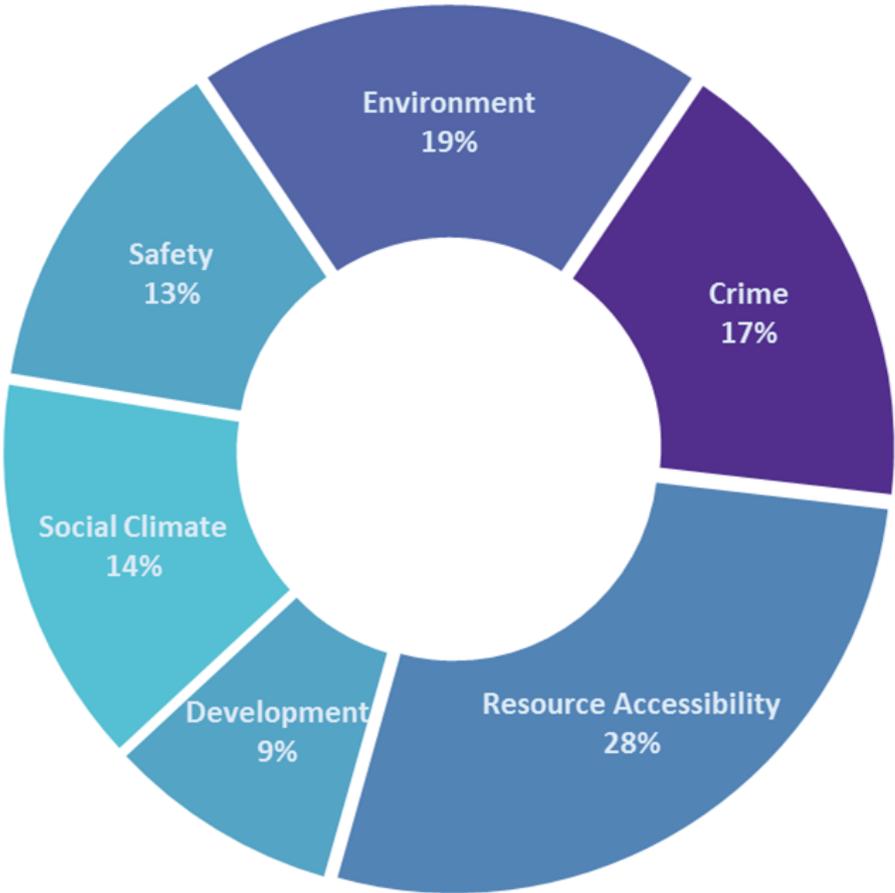
- 6th Ave S – Urban Minor Arterial (U-MA) - four lanes divided (4LD)

Of these only 6th and 12th Avenues have traffic signals.

To assess the types of businesses, land uses, and redevelopment types that would be most beneficial for the neighborhood, the City has engaged with the Whispering Palms Neighborhood Association to ensure that the community’s insights and opinions are taken into account throughout the planning process. Two public outreach meetings were held in 2019 at the Osborne Community Center on June 27th and September 26th. At the first of these, attendees were presented with 30 development options, through a visual preference survey, and were asked to provide feedback on the favorability of each in the study area.

Overwhelmingly, community members were opposed to automobile related uses such as car lots, repair shops, and gas stations, while uses such as healthcare facilities, laundromats, and grocery stores scored high as well as personal services. Other frequent concerns were neighborhood crime prevention, resource availability, as well as the need to clean up the existing residential buildings that are in disrepair, new safe routes to school, and more open space and recreation area. The full results can be seen in the chart below.





The second meeting focused on presenting the proposed Opportunity Zone Master Plan to the community to get their feedback on the overall design and direction as well as the different development nodes. The plan was well received with questions focused primarily on how development would take place and how the community could get involved with the Opportunity Zone funding to help the proposed plan become reality.

The Plan

The information gathered at these public meetings was integral in creating a master plan for the neighborhood. Based on the City’s goals for the area, and the neighborhood’s wants and needs, the Master Plan breaks down the study area into six distinct nodes and outlines the types of uses and development styles that are best suited for each. The six nodes, as shown on the master plan, are Mixed-Use Residential, Transit-Oriented Development (TOD), Neighborhood Core, Artisanal/ Makers, Health & Tech Incubator, and Neighborhood Residential. The overall vision for the study area is to be a walkable/bikable neighborhood with a mix of residential, commercial, office and light industrial uses. The nodes will be connected internally through integrated multi-modal options such as sidewalks, bike lanes, and vehicular areas as well as new connected mobility options such as scooters, rideshare pickup zones, and mobility hubs.

Based on these six nodes, and the desired uses and development style of each, a massing study was developed to show the overall development potential in each area. A sample block from each node was selected to show the style and intensity for each node. In addition to showing the general design of each area the massing study looked at how the density and intensity would change if the site was developed “By Right”, or using either the “Sustainable Bonus” or “TDR Bonus” incentive programs developed by the City.

1.) Mixed-Use Residential

This node is located at the northern edge of the study area along 6th Avenue. The character will be made up primarily of multifamily and infill residential uses with some small commercial spaces. The development types envisioned for this area are townhomes, condominiums, and apartment buildings with retail located on the ground floor level—particularly along 6th Avenue where commercial uses would be more visible due to the high vehicle traffic volumes along the corridor. Special care should be taken to ensure that the existing single-family residential districts are protected and buffered from the multistory buildings by creating a transition in style and height from the high to the low-density areas.

This node has a FLU of MU-E (Mixed-Use East). Due to its FLU, location on a thoroughfare road, and easy access to both Dixie Highway and I-95, it is suited for medium density redevelopment with a mix of residential and commercial uses.

Principal non-residential uses allowed by right in this district include:

- Low intensity commercialⁱ
- Low intensity retailⁱⁱⁱ
- Low intensity cultural & artisanal^v
- Community residences up to six people
- Low intensity officeⁱⁱ
- Low intensity personal services^{iv}
- Low intensity institutional^{vi}
- Essential services

Uses permitted as either an administrative or conditional use include:

- Medium/high intensity commercial
- Medium/high intensity retail
- Medium/high intensity cultural & artisanal
- Community residences up to 14 people
- Cemeteries
- Daycare centers
- Light utility facilities
- Public outdoor recreation
- Schools (intermediate/secondary)
- Medium/high intensity office
- Medium/high intensity personal services
- Medium/high intensity institutional
- Bed and breakfasts
- Places of worship
- Hotels and Motels
- Public indoor recreation
- Schools (elementary)
- Transitional parking facilities

NODE 1 | Mixed-Use (6th Avenue) | FLU: MU-E; Zoning: MU-E

Scenario	Height		Density	FAR
	Feet	Stories		
By Right w/ Sustainable Bonus Incentive Program (SBIP)	35 feet	3	30 DU/AC	1.5
MXPD/MX Urban PD w/ SBIP	52.5 feet	4	45 DU/AC	2.25
MXPD or MX Urban PD w/ SBIP & TDR's	67.5 feet	5	55 DU/AC	2.47

2.) Transit-Oriented Development (TOD)

This area of the Master Plan is a mix of residential, commercial, and office uses and has a FLU of TOD throughout the node. The character and use of this area is based on its proximity to the proposed Tri-Rail Coastal Link expansion station currently sited between 10th Avenue and 11th Avenue, just east of the FEC railway. The proposed station would connect this neighborhood with the West Palm Beach, Ft. Lauderdale, and Miami markets as well as the many other communities along this rail corridor that are also now planning new stations.

While the station location will span across the railroad with a portion just outside of the study area and on the opposite side of the FEC railway, the City plans to create a walkway across the tracks to ensure the neighborhood would be directly linked to the station. With this walkway in place, the TOD area of the master plan is primarily within a half mile walk from the station making this an ideal location for office, commercial, and residential development.

While the FLU for the entire node is TOD, the current zoning is divided between TOD-E (TOD East) and SFR (Single Family Residential). Mixed-used development in this node would require that any parcels with a current zoning district of SFR be rezoned to TOD-E. The below permitted uses are based on the parcel having a TOD/ TOD-E FLU and zoning designation.

Principal non-residential uses allowed by right in this district include:

- Low intensity commercial
- Low intensity retail
- Low intensity cultural & artisanal
- Essential services
- Low intensity office
- Low intensity personal services
- Low intensity institutional
- Mixed-used developments

Uses permitted as either an administrative or conditional use include:

- Medium/high intensity commercial
- Medium/high intensity retail
- Medium/high intensity office
- Medium/high intensity personal services

- Medium/high intensity cultural & artisanal
- Open air operations
- Places of worship
- Hotels and motels
- Medium/high intensity institutional
- Parking facilities (including temporary)
- Daycare centers

NODE 2 | Transit-Oriented Development | FLU: TOD; Zoning: TOD-E

Scenario	Height		Density	FAR
	Feet	Stories		
By Right w/ Sustainable Bonus Incentive Program (SBIP)	55 feet	5	40 DU/AC	1.7
MXPD/MX Urban PD w/ SBIP	82.5 feet	7	60 DU/AC	2.55
MXPD or MX Urban PD w/ SBIP & TDR's	97.5 feet	8	70 DU/AC	2.8

3.) Neighborhood Core

This node centers on the entrance into the study area from Dixie Highway at 12th Avenue. In addition to being a main vehicular route through the study area, this node also falls within the half mile walking radius from the proposed train station. It is a pinch point that ties the two northern and southern halves together, as such it has been envisioned as a gateway into the community and gathering space in addition to a residential and commercial area.

The redevelopment style of this node is different from the TOD and Artisanal/ Makers Nodes in name only. This node overlaps both Districts with the parcels north of 12th Avenue having the FLU designation of TOD and those south having an AMU designation. As such the permitted uses and LDR's will match with those two nodes. The reason this has been called out as its own entity is to highlight the prioritization of creating parks, plazas, and other forms of community spaces within this node to connect the north to the south. Additionally, this node will serve as a main gateway into the OZ and as such should create a sense of place and identity not only for those who visit but also for community members.

4.) Artisanal/Makers

Due to the existing uses within this node and its proximity to both the proposed train station and the 12th Avenue entrance, this part of the study area has been envisioned to be a mixed-use artisanal industrial area. Development in this node will focus on light industrial uses related to the arts and included uses such as live/work artist lofts, galleries, vocational schools, and light artisanal industrial spaces.

The FLU for this entire node is AMU (Artisanal Mixed-Use) however; the zoning is split between AI (Artisanal Industrial) and SF-TF-14. To achieve the mix of uses desired, the parcels that are currently zoned SF-TF-14 will need to be rezoned to AI. The permitted uses

identified below are based on the parcel having an AMU/ AI future land use and zoning designation.

Principal non-residential uses allowed by right in this district include:

- Low intensity commercial
- Low intensity retail
- Low intensity industrial
- Low intensity institutional
- Mixed-use development
- Low intensity office
- Low intensity personal services
- Low intensity cultural & artisanal
- Essential services

Uses permitted as either an administrative or conditional use include:

- Medium/high intensity commercial
- Medium/high intensity personal services
- Medium/high intensity cultural & artisanal
- Medium intensity institutional
- Medium intensity office
- Medium intensity industrial
- Medium intensity institutional
- Residential (multifamily dwelling, townhouses, and bed and breakfasts)

NODE 4 | Artisanal/Makers | FLU: AMU; Zoning: AI

Scenario	Height		Density	FAR
	Feet	Stories		
By Right w/ Sustainable Bonus Incentive Program (SBIP)	35 feet	3	30 DU/AC	1.5
MXPD/MX Urban PD w/ SBIP	52.5 feet	4	45 DU/AC	2.25
MXPD or MX Urban PD w/ SBIP & TDR's	67.5 feet	5	55 DU/AC	2.47

5.) Health & Tech Incubator

Like the Artisanal/Makers node, this node will focus on creating a space where startup light industrial can come to grow ideas into businesses. This node is envisioned to be a mixed-use neighborhood with residential and live-work areas intermingled with commercial and residential buildings. Unlike the neighboring Artisanal/Makers node this area will not focus solely on art related industrial uses – thus allowing a wider variety of businesses to take advantage of this incubator space.

This node currently has both a FLU and zoning designation of P (Public). To achieve the mix of uses and urban form envisioned for this area it would need to be both rezoned and the Comprehensive plan amended so that the parcel’s future land use and zoning would be AMU/AI and match that of the Artisanal Industrial district.

Principal non-residential uses allowed by right in this district include:

- Low intensity commercial
- Low intensity retail
- Low intensity industrial
- Low intensity institutional
- Mixed-use development
- Low intensity office
- Low intensity personal services
- Low intensity cultural & artisanal
- Essential services

Uses permitted as either an administrative or conditional use include:

- Medium/high intensity commercial
- Medium/high intensity personal services
- Medium/high intensity cultural & artisanal
- Medium intensity institutional
- Medium intensity office
- Medium intensity industrial
- Medium intensity institutional
- Residential (multifamily dwelling, townhouses, and bed and breakfasts)

NODE 5 | Health & Incubator | FLU: AMU; Zoning: AI

Scenario	Height		Density	FAR
	Feet	Stories		
By Right w/ Sustainable Bonus Incentive Program (SBIP)	35 feet	3	30 DU/AC	1.5
MXPD/MX Urban PD w/ SBIP	52.5 feet	4	45 DU/AC	2.25
MXPD or MX Urban PD w/ SBIP & TDR's	67.5 feet	5	55 DU/AC	2.47

6.) Neighborhood Residential While the FLU for this area is primarily HDR (High Density Residential), this node, due to its more limited vehicular access and location away from a major thoroughfare, would be ideal for infill development such as townhomes and apartment style developments in the short term. The mixed-used and high-density residential development envisioned in this node would require that parcels be rezoned to MF-30, given the current zoning classification of SF-TF-14 (single-family and two-family residential).

The below permitted uses are based on the parcel having a MF-30 zoning designation.

Principal uses allowed by right in this district include:

- Multi-family building between 20-30 du/acre
- Multi-family building under 20 du/acre

- Essential services
- Single-family with accessory building
- Single-family
- Community residences of no more than six residents

Uses permitted as either an administrative or conditional use include:

- Bed and Breakfast
- Places of worship
- Light utility facilities
- Public outdoor neighborhood recreation
- Transitional parking facilities
- Nursing home/ community residence for seven or more individuals
- Cemeteries
- Daycare centers
- Public indoor neighborhood recreation
- Schools (elementary)
- Schools (intermediate/secondary/vocational)
- Townhomes

NODE 6 | Neighborhood Residential| FLU: HDR; Zoning: MF-30

Scenario	Height		Density	FAR
	Feet	Stories		
By Right w/ Sustainable Bonus Incentive Program (SBIP)	35 feet	3	30 DU/AC	1.5
MXPD/MX Urban PD w/ SBIP	52.5 feet	4	45 DU/AC	2.25
MXPD or MX Urban PD w/ SBIP & TDR's	67.5 feet	5	55 DU/AC	2.47

Other Considerations

The current road network is operating at a Level of Service (LOS) of “D” or better but many of the roads are unpaved or in disrepair. It is likely that as the area redevelops the road infrastructure will need to be analyzed and studied to ensure that it can handle the increase in population and vehicle trips. In addition to improving the roads, connectivity out of the study area will need to be improved as well. Currently, the majority of the intersections within the study area are unsignalized. Only 12th and 6th Avenues are signalized and carry traffic across the FEC rail corridor. The ability to improve these intersections to accommodate various multi-mobility options such as bikes, scooters, pedestrians, and circulators as well as creating gateway features should be explored.

Since the study includes the proposed new train station and a TOD, mobility should be a central theme as the area is redeveloped. A key consideration should be creating “mobility hubs” where bus and circulator routes, pedestrian and bike paths, and parking areas converge to create something akin to a multi-mobility station. A good location might be in the Neighborhood Core node as two bus lines already run through that area. Improving and enhancing the current pedestrian area should also be a priority. While sidewalks currently exist throughout the study area there are segments that need maintenance and many areas that need to be widened to meet the current ADA standards. Adding bike

lanes or “sharrow” lanes would also help to promote new mobility options and improve connectivity throughout the neighborhood.

ⁱ Commercial uses: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

ⁱⁱ Office Uses: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

ⁱⁱⁱ Retail use: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

^{iv} Personal services uses: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

^v Cultural & artisanal uses: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

^{vi} Institutional uses: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

LW Opportunity Zones – Report

Opportunity Zone’s – Facts and Benefits

Opportunity Zones are a result of the 2017 Tax Act allowing anyone with Capital Gains realized in 2018 to take advantage of “tax favored” investments. Investments from these Capital Gains (sale of real estate or equity) can be channeled into an Opportunity Zone (OZ) via a Qualified Opportunity Zone Fund (QOZF) to benefit from tax deferral, basis adjustment, and appreciation exclusion.

The Qualified Opportunity Zone (QOZ) program was created to encourage long-term job creation and economic development in blighted areas designated by federal and state governments as “Opportunity Zones.” There are 427 Opportunity Zones in Florida; 27 are in the Palm Beach County area. When structured properly, investments in these areas are afforded special federal income tax treatment. The most important benefits include:

- temporary deferral of taxable federal income for Capital Gains to the extent these gains are reinvested in a Qualified Opportunity Fund (QOF) within 180 days of the gain
- a step-up in the investor’s tax basis on original Capital Gain equal to 10% if the investment in the QOF is held for 5 years
- no federal income tax on Opportunity Zone-related Capital Gains if the investment is held in an Opportunity Zone fund for at least 10 years

Investors who want to take advantage of the program must invest through a QOF. QOFs are required to invest at least 90% of their assets in QOZ property, which includes any QOZ stock, QOZ partnership interests, and QOZ business property. The timing of investments is important as those who invest by December 31, 2019 get the maximum tax benefit.

Holding Period	Appreciation Rate	Investment in a Stock Portfolio		Investment in an Opportunity Fund		Difference in After – tax Annual Rate of Return
		Total Tax Liability	After-tax Funds Available	Total Tax Liability	After-tax Funds Available	
5 Years	7%	\$31	\$100	\$31	\$109	1.9%
7 Years	7%	\$35	\$111	\$35	\$126	1.8%
10 Years	7%	\$41	\$132	\$20	\$176	3.0%

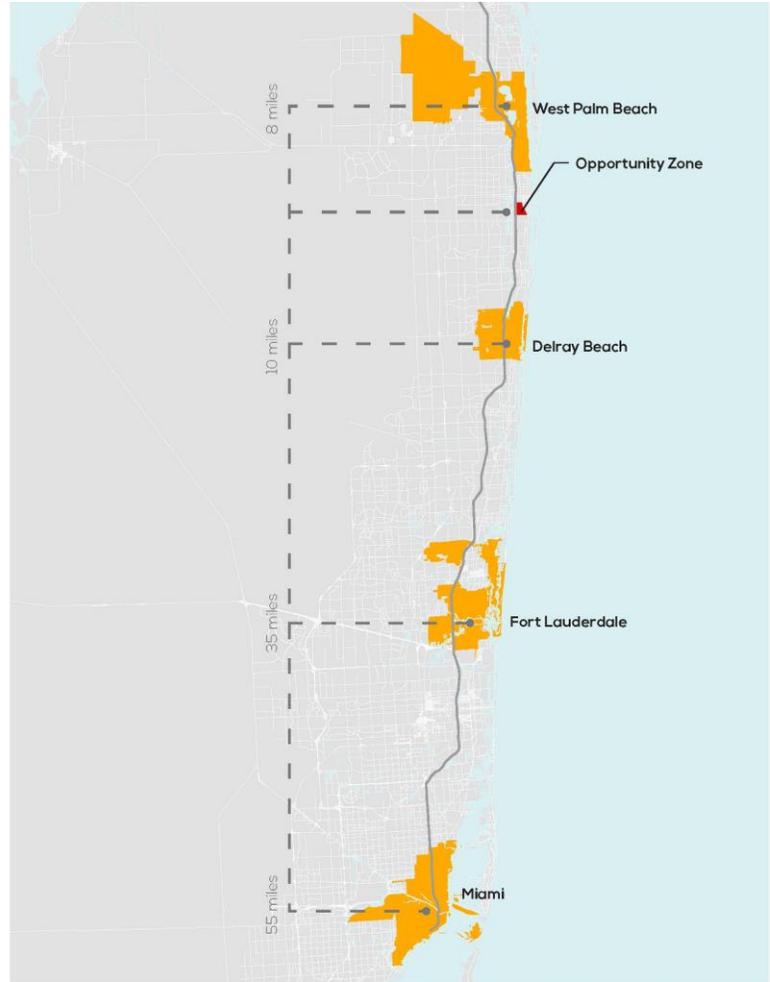
Study Area in Context

The 160-acre study area highlighted within this document is a small part of Census Tract 51.02, which is a designated Federal Opportunity Zone located in the southwest area of the City of Lake Worth Beach (the City). The entire tract is approximately 482 acres and bounded to the north by 6th Avenue, the east by the FEC rail corridor, the south by the municipal boundary with the Town of Lantana, and the west by I-95 and a path to the west that follows Wingfield and F Street’s. Overall, the OZ has a total population of approximately 5,996 residents with a median income of \$34,419 and an estimated 32% of households living in poverty. Other issues facing this community include housing instability, with only 39% home ownership and 16% of the units being over-crowded, the need for better educational opportunities for both children and adults as only 53% of the population report having a high school diploma, and poor access to healthcare.

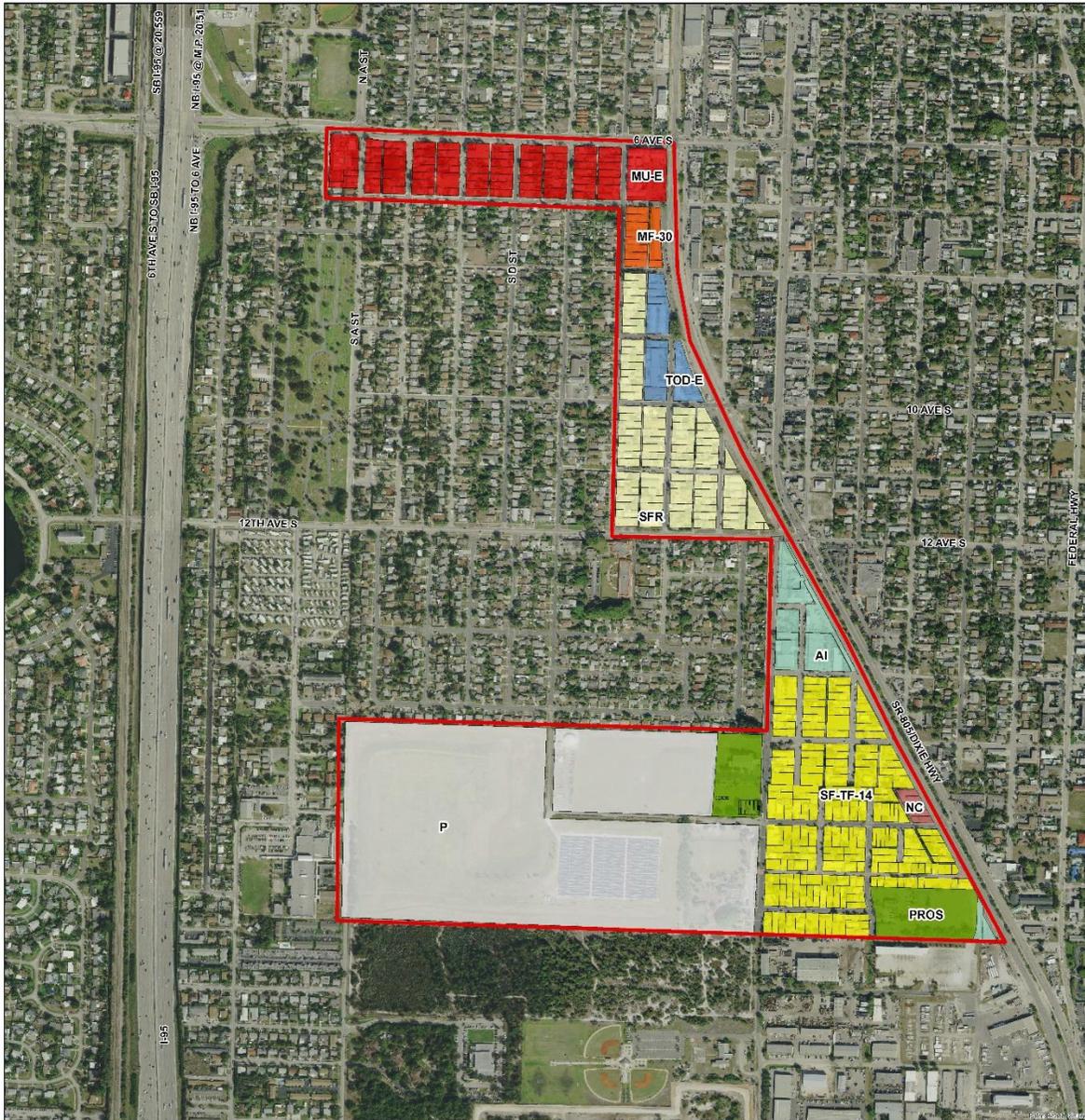
While these issues are symptoms of a larger overall disinvestment in the community, which the OZ designation in conjunction with the City's master planning and visioning exercises are working to improve, they also represent key areas for investment that clearly show a spectrum of needs and opportunities. Additionally, the community benefits from an active and engaged neighborhood association. This group is working to improve the neighborhood on a grassroots level and are intricately aware of the community's needs. Many of the members of this group were raised in the neighborhood and are excited by the opportunity to bring new businesses and economic investment to the area. Another positive aspect of the OZ is its overall design and character, which exudes the feeling of being a community, something that would be easy to promote and enhance with new infill development and investment.

The study area is only 1 mile away from the central business district of Lake Worth Beach, a city known for its eclectic boutiques, art galleries, antique stores, music venues, and restaurants. People are drawn to the City as residents and vacationers due to its high quality of life, outstanding cultural and recreational opportunities, beach and Intracoastal Waterway access, and the wide array of year-round events and activities. In addition to the amenities offered by the City itself, the study area's easy access to I-95 from 6th Avenue also makes other metropolitan areas in southeast Florida only a short drive. The study area is also ideally located adjacent to the proposed expansion site for the Tri-Rail Coastal Link proposed inter-local line. The proposed station would be directly linked to the study area making this site an ideal location for future mixed-use and transit-oriented development (TOD) style redevelopment.

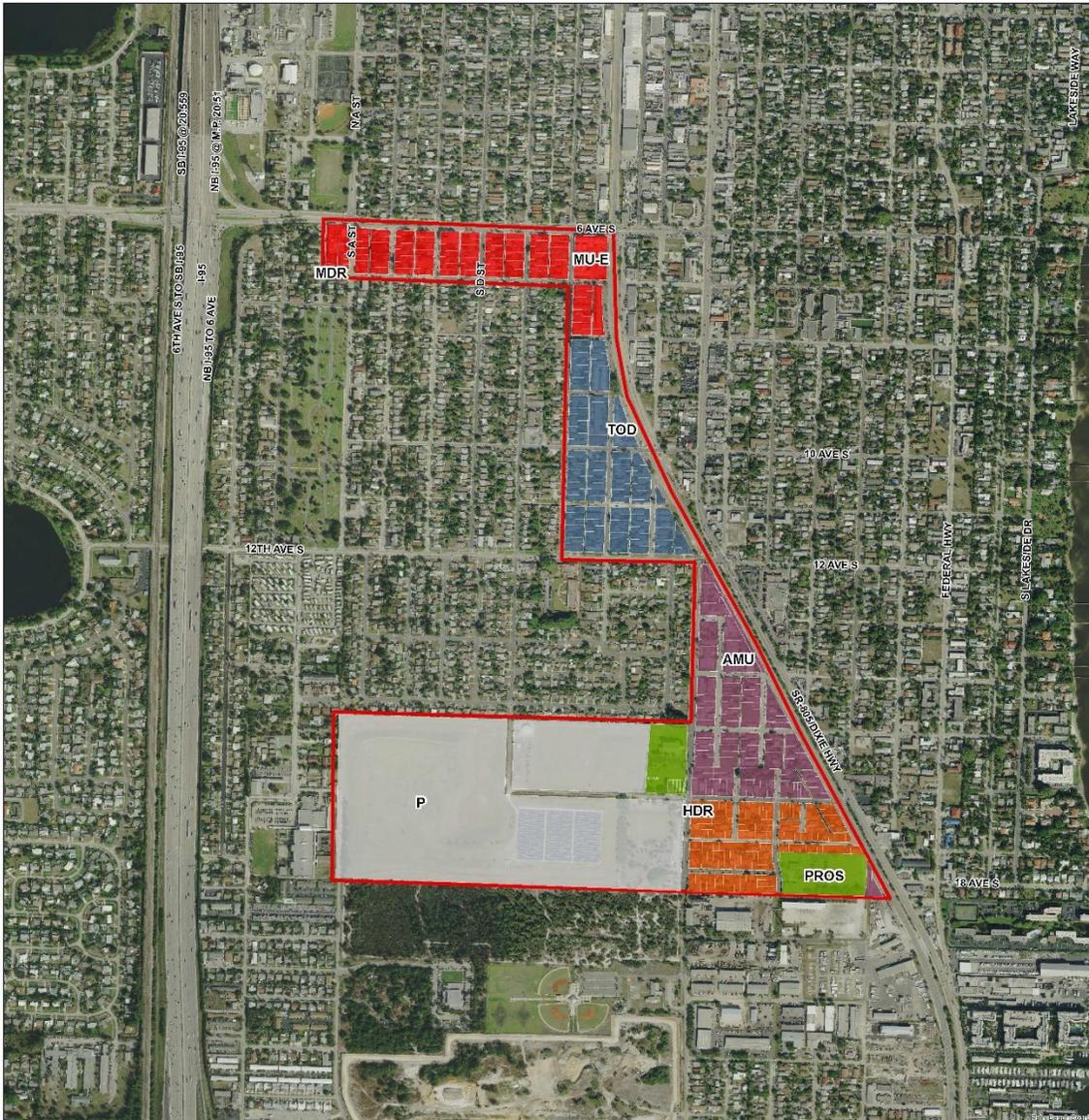
While investment is welcome within the entire OZ, the study area was selected as the focus of redevelopment due to its proximity to the proposed Tri-Rail Coastal Link station and the existing Future Land Use (FLU) designations being primarily mixed-used and multifamily. The Single-Family designated areas were left out of the study area due to the OZ funds being primarily available for investment in businesses and development and not for use on individual home improvements. Additionally, it is the City's intent to protect and enhance the existing community by centralizing new development to the eastern portion of the Census Tract adjacent to the railway and 6th Ave. Although the predominant FLU designations in the study are that of mixed-use and multifamily, the historical development pattern in the neighborhood is overwhelmingly single-family in nature with some light industrial uses closer to the railroad tracks. The FLU Map shows a total of seven FLU's within the study area which include:



- Artisanal Mixed Use (AMU)
- Medium Density Residential (MDR)
- Public (P)
- Public, Public recreation and Open Space (PROS)
- High Density Residential (HDR)
- Mixed Use – East (MU-E)
- Transit Oriented Development (TOD)



 Artisanal Industrial (AI)	 Public Recreation and Open Space (PROS)
 Medium-Density Multi-Family Residential, 30 du/net acre (MF-30)	 Single-Family and Two-Family Residential (SF-TF-14)
 Mixed Use - East (MU-E)	 Single Family Residential (SFR)
 Neighborhood Commercial (NC)	 Transit Oriented Development East (TOD-E)
 Public (P)	



	Artisanal Mixed Use (AMU)		Public (P)
	High Density Residential (HDR)		Public, Public Recreation and Open Space (PROS)
	Medium Density Residential (MDR)		Transit Oriented Development (TOD)
	Mixed Use - East (MU-E)		

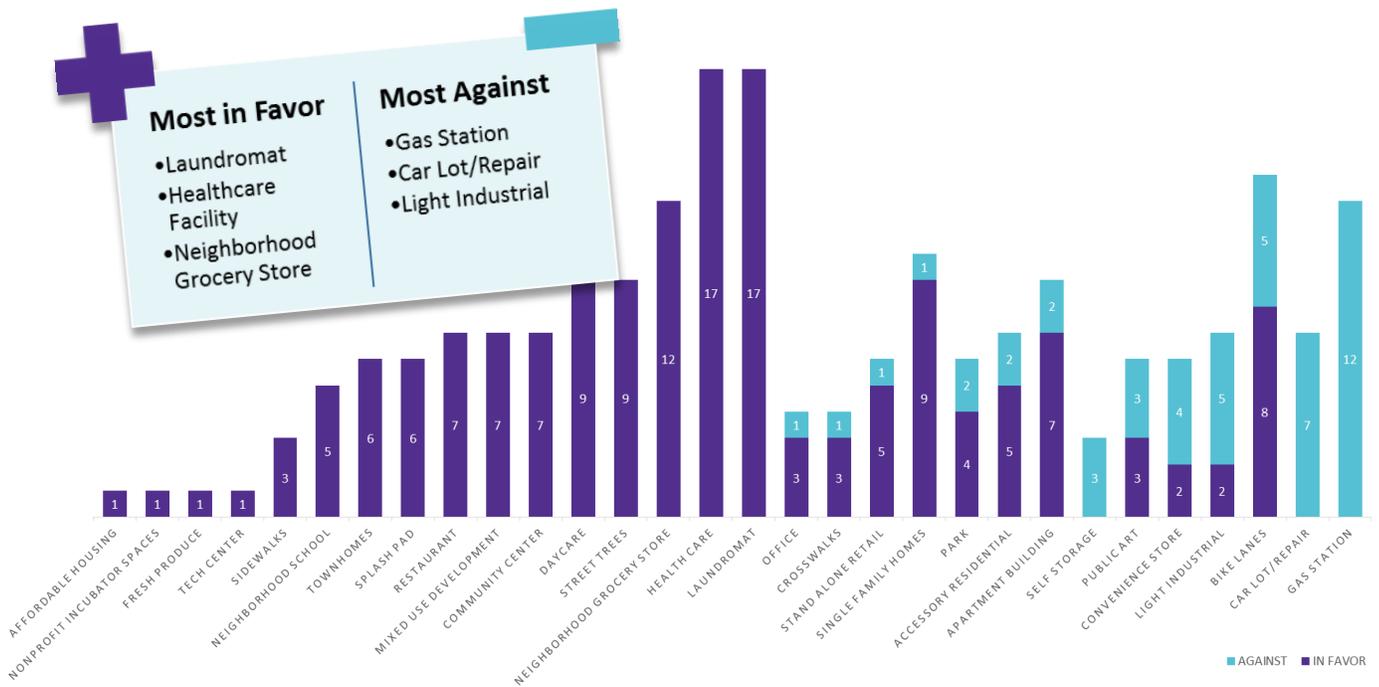
Overall, the housing stock within the study area was constructed in the mid-twentieth century and is made up of single-story vernacular structures on regularly sized lots and alleys in the back. The roadway network within the OZ consists primarily of local two-way, two-lane streets, which are bordered and traversed by the following main roadways:

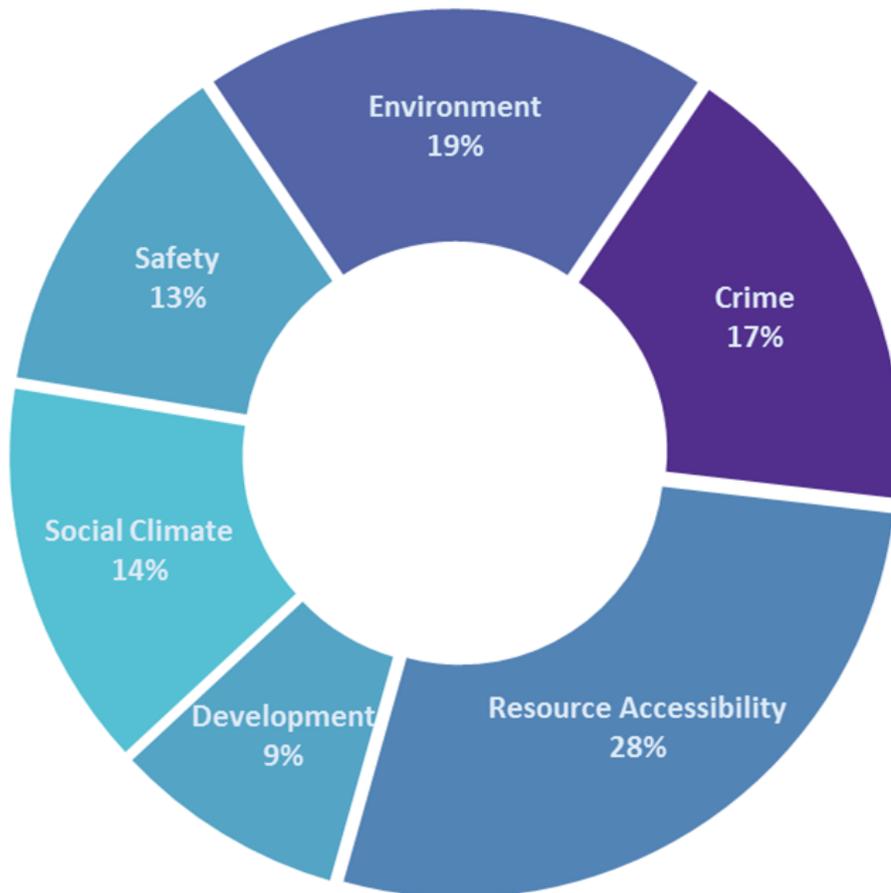
- 12th Ave S – Urban Collector (U-COLL) – three lanes undivided
- US 1 / SR 805 / S Dixie Hwy – Urban Minor Arterial (U-MA) – four lanes undivided
- 6th Ave S – Urban Minor Arterial (U-MA) - four lanes divided (4LD)

Of these only 6th and 12th Avenues have traffic signals.

To assess the types of businesses, land uses, and redevelopment types that would be most beneficial for the neighborhood, the City has engaged with the Whispering Palms Neighborhood Association to ensure that the community's insights and opinions are taken into account throughout the planning process. Two public outreach meetings were held in 2019 at the Osborne Community Center on June 27th and September 26th. At the first of these, attendees were presented with 30 development options, through a visual preference survey, and were asked to provide feedback on the favorability of each in the study area.

Overwhelmingly, community members were opposed to automobile related uses such as car lots, repair shops, and gas stations, while uses such as healthcare facilities, laundromats, and grocery stores scored high as well as personal services. Other frequent concerns were neighborhood crime prevention, resource availability, as well as the need to clean up the existing residential buildings that are in disrepair, new safe routes to school, and more open space and recreation area. The full results can be seen in the chart below.





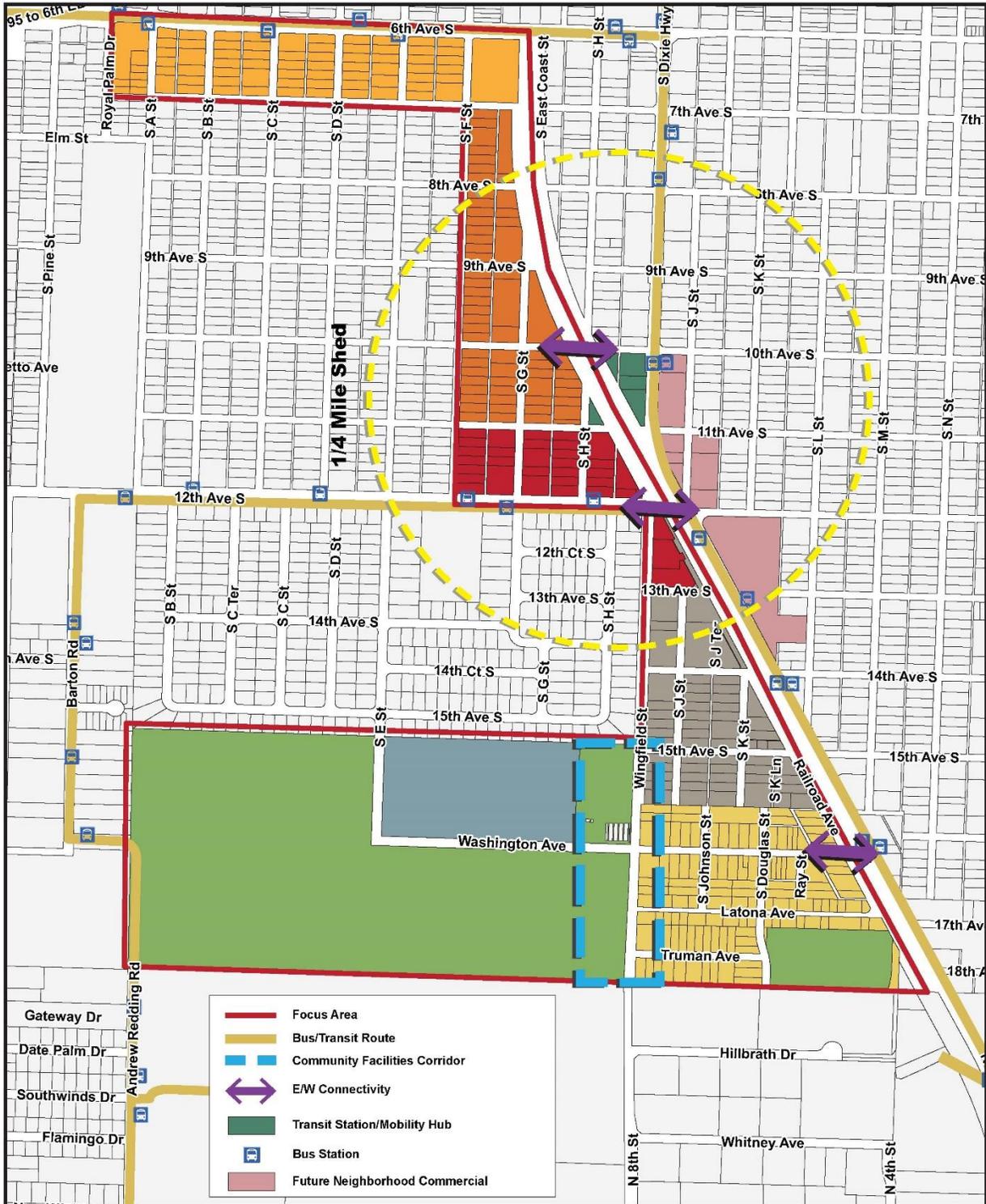
The second meeting focused on presenting the proposed Opportunity Zone Master Plan to the community to get their feedback on the overall design and direction as well as the different development nodes. The plan was well received with questions focused primarily on how development would take place and how the community could get involved with the Opportunity Zone funding to help the proposed plan become reality.

The Plan

The information gathered at these public meetings was integral in creating a master plan for the neighborhood. Based on the City's goals for the area, and the neighborhood's wants and needs, the Master Plan breaks down the study area into six distinct nodes and outlines the types of uses and development styles that are best suited for each. The six nodes, as shown on the master plan, are Mixed-Use Residential, Transit-Oriented Development (TOD), Neighborhood Core, Artisanal/ Makers, Health & Tech Incubator, and Neighborhood Residential. The overall vision for the study area is to be a walkable/bikable neighborhood with a mix of residential, commercial, office and light industrial uses. The nodes will be connected internally through integrated multi-modal options such as sidewalks, bike lanes, and vehicular areas as well as new connected mobility options such as scooters, rideshare pickup zones, and mobility hubs.



OPPORTUNITY ZONE CONCEPTUAL MASTER PLAN



Illustrative Master Plan



Mixed-Use/ Residential

- Townhomes, Apartments, and Condos
- Neighborhood Retail or Office Uses
- Low to Medium Density transition from 6th Ave.
- Locate Higher Densities along 6th Ave.
- "Missing Middle"

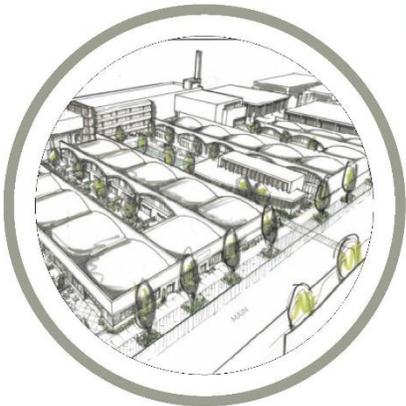
walkability

Transit-Oriented Development

- Mixed-Use Development
- Transit-Oriented Development / Mobility Hub
- Neighborhood-Scale Park



beautification



Artisanal/ Makers District/ Health & Tech Incubator

- Vocational Training Institution / School
- Low Impact Industrial Uses
- Incubator Spaces
- Live/Work Artist Studios

resiliency

Neighborhood Core

- Integrated Open Space and Mixed-Uses
- Pedestrian-Oriented Design
- Park/Community Gathering Area
- Neighborhood Personal Services



safety



Neighborhood Residential

- Medium Density Residential
- Traditional Neighborhood Aesthetic

neighborhood sub-types

Based on these six nodes, and the desired uses and development style of each, a massing study was developed to show the overall development potential in each area. A sample block from each node was selected to show the style and intensity for each node. In addition to showing the general design of each area the massing study looked at how the density and intensity would change if the site was developed “By Right”, or using either the “Sustainable Bonus” or “TDR Bonus” incentive programs developed by the City.

1.) Mixed-Use Residential

This node is located at the northern edge of the study area along 6th Avenue. The character will be made up primarily of multifamily and infill residential uses with some small commercial spaces. The development types envisioned for this area are townhomes, condominiums, and apartment buildings with retail located on the ground floor level—particularly along 6th Avenue where commercial uses would be more visible due to the high vehicle traffic volumes along the corridor. Special care should be taken to ensure that the existing single-family residential districts are protected and buffered from the multistory buildings by creating a transition in style and height from the high to the low-density areas.

This node has a FLU of MU-E (Mixed-Use East). Due to its FLU, location on a thoroughfare road, and easy access to both Dixie Highway and I-95, it is suited for medium density redevelopment with a mix of residential and commercial uses.

Principal non-residential uses allowed by right in this district include:

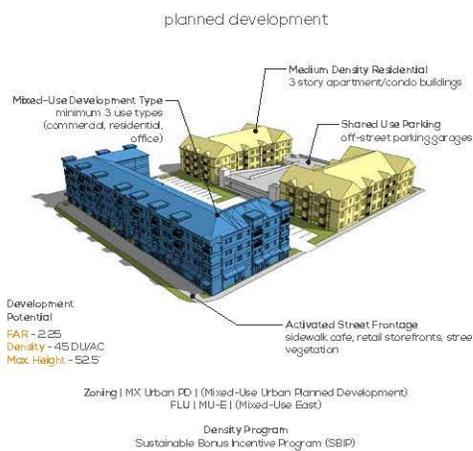
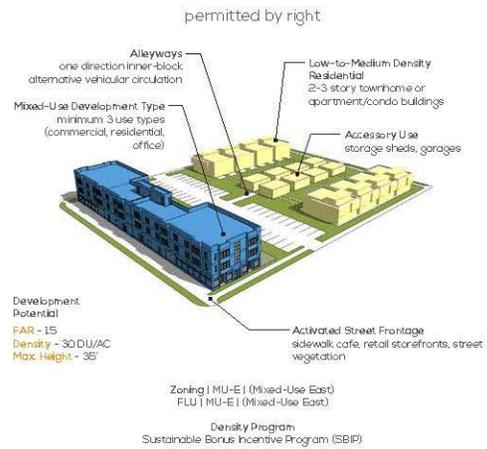
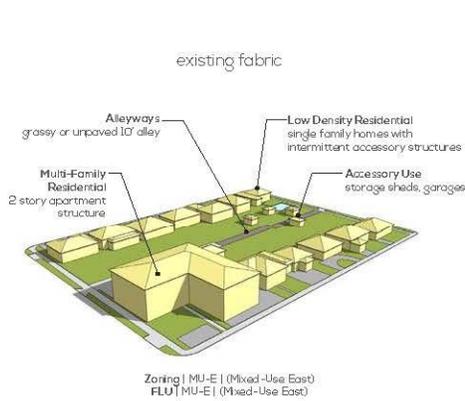
- Low intensity commercialⁱ
- Low intensity officeⁱⁱ
- Low intensity retailⁱⁱⁱ
- Low intensity personal services^{iv}
- Low intensity cultural & artisanal^v
- Low intensity institutional^{vi}
- Community residences up to six people
- Essential services

Uses permitted as either an administrative or conditional use include:

- Medium/high intensity commercial
- Medium/high intensity office
- Medium/high intensity retail
- Medium/high intensity personal services
- Medium/high intensity cultural & artisanal
- Medium/high intensity institutional
- Community residences up to 14 people
- Bed and breakfasts
- Cemeteries
- Places of worship
- Daycare centers
- Hotels and Motels
- Light utility facilities
- Public indoor recreation
- Public outdoor recreation
- Schools (elementary)
- Schools (intermediate/secondary)
- Transitional parking facilities

Scenario	Height		Density	FAR
	Feet	Stories		
By Right w/ Sustainable Bonus Incentive Program (SBIP)	35 feet	3	30 DU/AC	1.5
MXP/ MX Urban PD w/ SBIP	52.5 feet	4	45 DU/AC	2.25
MXP/ MX Urban PD w/ SBIP & TDR's	67.5 feet	5	55 DU/AC	2.47

mixed-use residential



2.) Transit-Oriented Development (TOD)

This area of the Master Plan is a mix of residential, commercial, and office uses and has a FLU of TOD throughout the node. The character and use of this area is based on its proximity to the proposed Tri-Rail Coastal Link expansion station currently sited between 10th Avenue and 11th Avenue, just east of the FEC railway. The proposed station would connect this neighborhood with the West Palm Beach, Ft. Lauderdale, and Miami markets as well as the many other communities along this rail corridor that are also now planning new stations.

While the station location will span across the railroad with a portion just outside of the study area and on the opposite side of the FEC railway, the City plans to create a walkway across the tracks to ensure the neighborhood would be directly linked to the station. With this walkway in place, the TOD area of the master plan is primarily within a half mile walk from the station making this an ideal location for office, commercial, and residential development.

While the FLU for the entire node is TOD, the current zoning is divided between TOD-E (TOD East) and SFR (Single Family Residential). Mixed-used development in this node would require that any parcels with a current zoning district of SFR be rezoned to TOD-E. The below permitted uses are based on the parcel having a TOD/ TOD-E FLU and zoning designation.

Principal non-residential uses allowed by right in this district include:

- Low intensity commercial
- Low intensity office
- Low intensity retail
- Low intensity personal services
- Low intensity cultural & artisanal
- Low intensity institutional
- Essential services
- Mixed-used developments

Uses permitted as either an administrative or conditional use include:

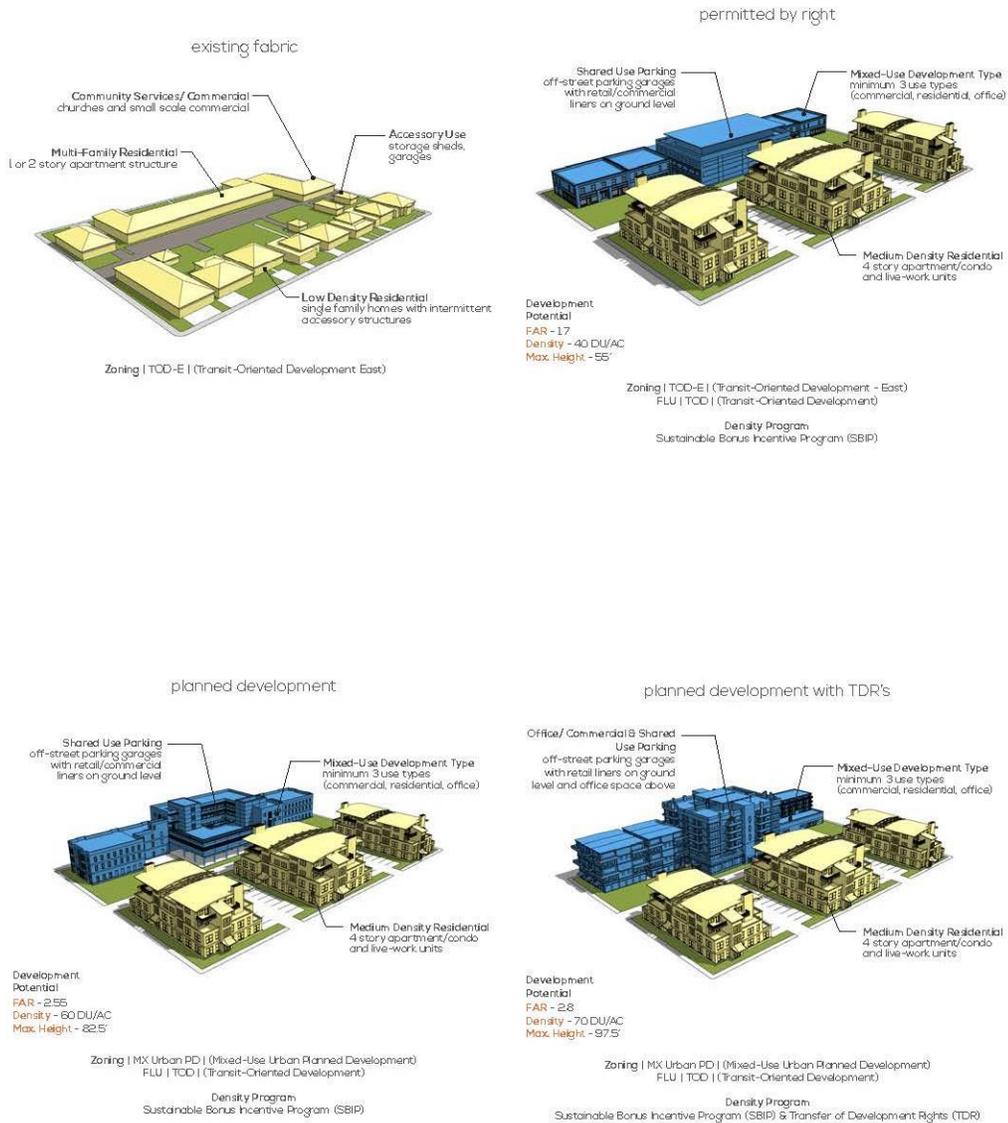
- Medium/high intensity commercial
- Medium/high intensity office
- Medium/high intensity retail
- Medium/high intensity personal services
- Medium/high intensity cultural & artisanal
- Medium/high intensity institutional
- Open air operations
- Parking facilities (including temporary)
- Places of worship
- Daycare centers
- Hotels and motels

NODE 2 | Transit-Oriented Development | FLU: TOD; Zoning: TOD-E

Scenario	Height	Density	FAR
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	Feet	Stories		
By Right w/ Sustainable Bonus Incentive Program (SBIP)	55 feet	5	40 DU/AC	1.7
MXPD/MX Urban PD w/ SBIP	82.5 feet	7	60 DU/AC	2.55
MXPD or MX Urban PD w/ SBIP & TDR's	97.5 feet	8	70 DU/AC	2.8

transit-oriented development

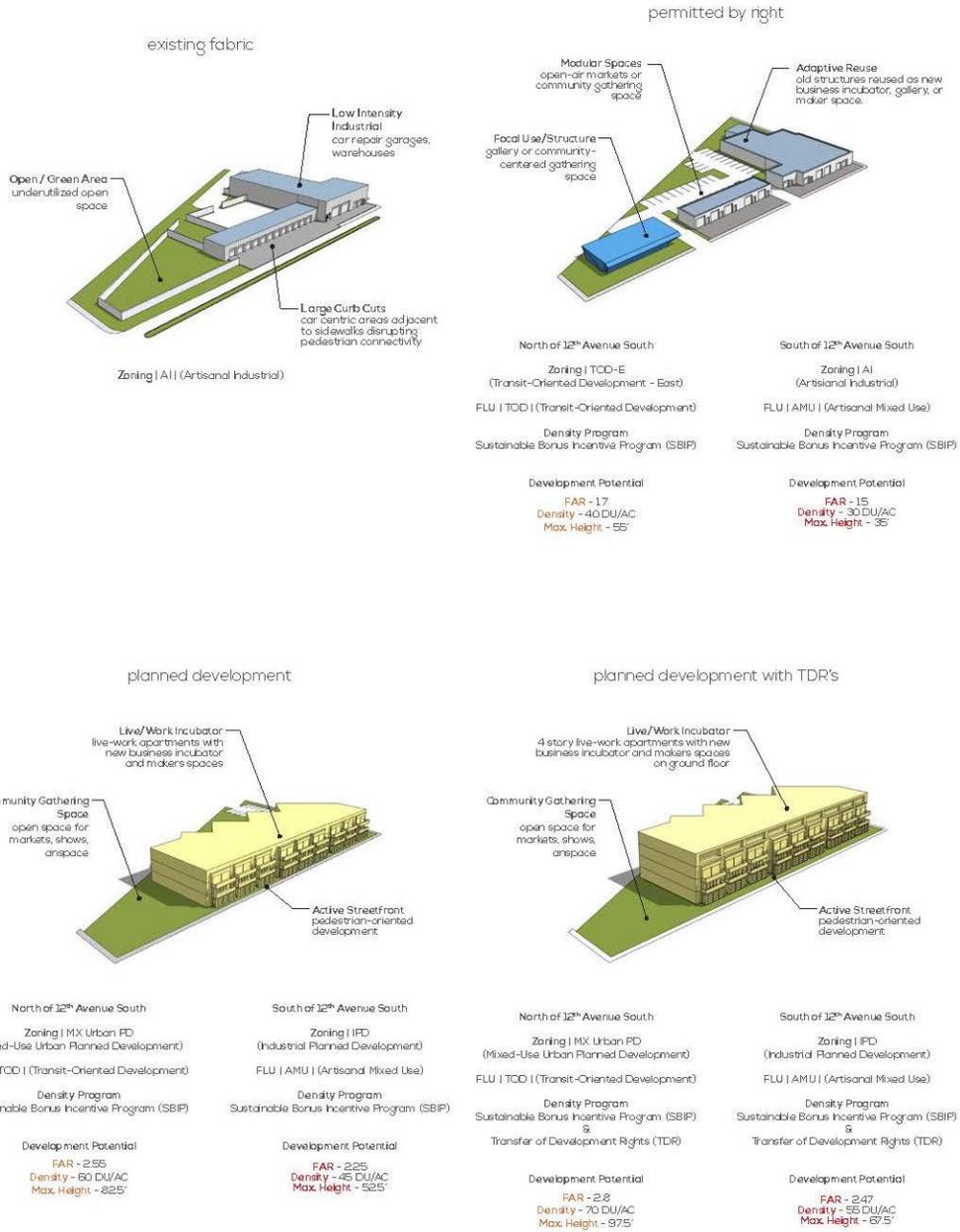


3.) Neighborhood Core

This node centers on the entrance into the study area from Dixie Highway at 12th Avenue. In addition to being a main vehicular route through the study area, this node also falls within the half mile walking radius from the proposed train station. It is a pinch point that ties the northern and southern halves together, as such it has been envisioned as a gateway into the community and gathering space in addition to a residential and commercial area.

The redevelopment style of this node is different from the TOD and Artisanal/ Makers Nodes in name only. This node overlaps both Districts with the parcels north of 12th Avenue having the FLU designation of TOD and those south having an AMU designation. As such the permitted uses and LDR's will match with those two nodes. The reason this has been called out as its own entity is to highlight the prioritization of creating parks, plazas, and other forms of community spaces within this node to connect the north to the south. Additionally, this node will serve as a main gateway into the OZ and as such should create a sense of place and identity not only for those who visit but also for community members.

neighborhood core



4.) Artisanal/Makers

Due to the existing uses within this node and its proximity to both the proposed train station and the 12th Avenue entrance, this part of the study area has been envisioned to be a mixed-use artisanal industrial area. Development in this node will focus on light industrial uses related to the arts and included uses such as live/work artist lofts, galleries, vocational schools, and light artisanal industrial spaces.

The FLU for this entire node is AMU (Artisanal Mixed-Use); however, the zoning is split between AI (Artisanal Industrial) and SF-TF-14. To achieve the mix of uses desired, the parcels that are currently zoned SF-TF-14 will need to be rezoned to AI. The permitted uses identified below are based on the parcel having an AMU/ AI future land use and zoning designation.

Principal non-residential uses allowed by right in this district include:

- Low intensity commercial
- Low intensity retail
- Low intensity industrial
- Low intensity institutional
- Mixed-use development
- Low intensity office
- Low intensity personal services
- Low intensity cultural & artisanal
- Essential services

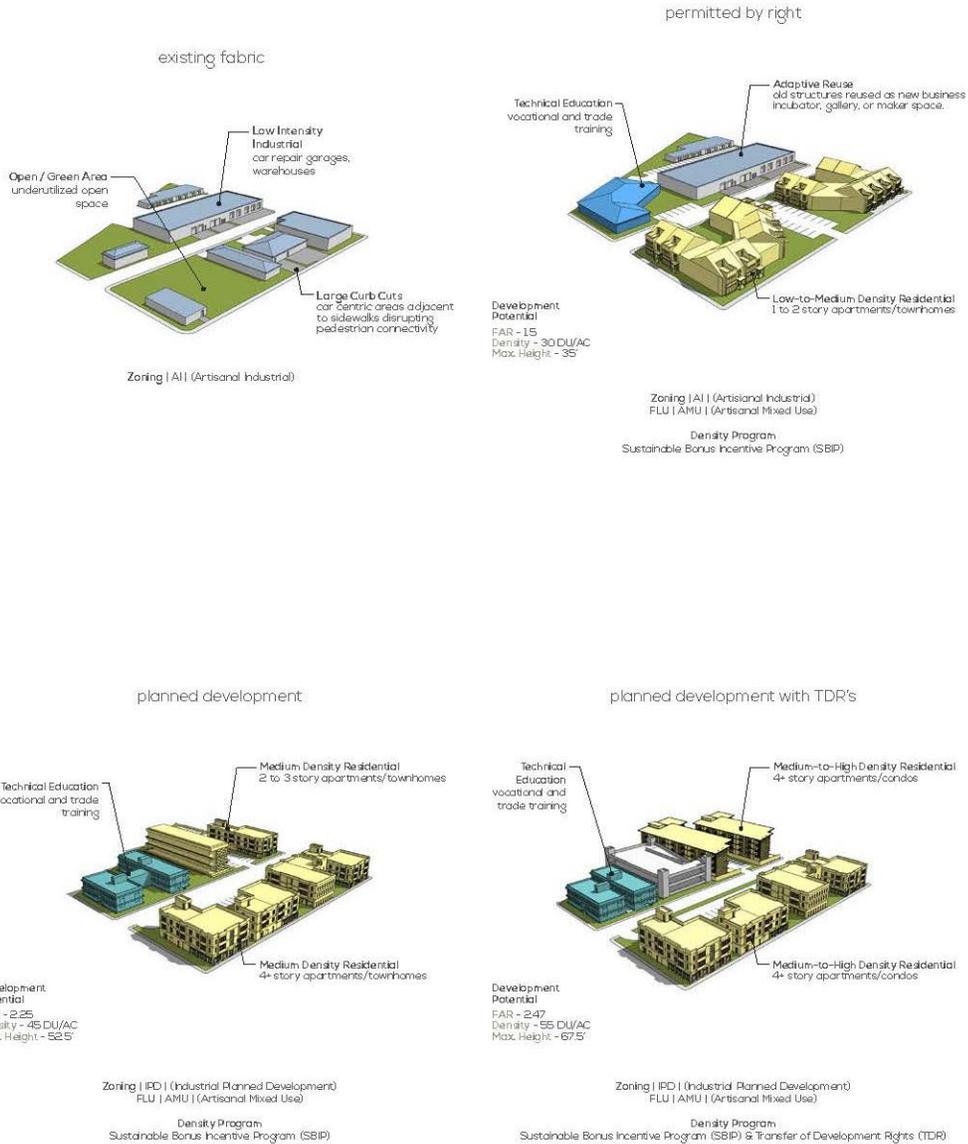
Uses permitted as either an administrative or conditional use include:

- Medium/high intensity commercial
- Medium/high intensity personal services
- Medium/high intensity cultural & artisanal
- Medium intensity institutional
- Medium intensity office
- Medium intensity industrial
- Medium intensity institutional
- Residential (multifamily dwelling, townhouses, and bed and breakfasts)

NODE 4 | Artisanal/Makers | FLU: AMU; Zoning: AI

Scenario	Height		Density	FAR
	Feet	Stories		
By Right w/ Sustainable Bonus Incentive Program (SBIP)	35 feet	3	30 DU/AC	1.5
MXPD/MX Urban PD w/ SBIP	52.5 feet	4	45 DU/AC	2.25
MXPD or MX Urban PD w/ SBIP & TDR's	67.5 feet	5	55 DU/AC	2.47

artisanal / makers district



5.) Health & Tech Incubator

Like the Artisanal/Makers node, this node will focus on creating a space where startup light industrial can come to grow ideas into businesses. This node is envisioned to be a mixed-use neighborhood with residential and live-work areas intermingled with commercial and residential buildings. Unlike the neighboring Artisanal/Makers node this area will not focus solely on art related industrial uses – thus allowing a wider variety of businesses to take advantage of this incubator space.

This node currently has both a FLU and zoning designation of P (Public). To achieve the mix of uses and urban form envisioned for this area it would need to be both rezoned and

the Comprehensive plan amended so that the parcel's future land use and zoning would be AMU/AI and match that of the Artisanal Industrial district.

Principal non-residential uses allowed by right in this district include:

- Low intensity commercial
- Low intensity retail
- Low intensity industrial
- Low intensity institutional
- Mixed-use development
- Low intensity office
- Low intensity personal services
- Low intensity cultural & artisanal
- Essential services

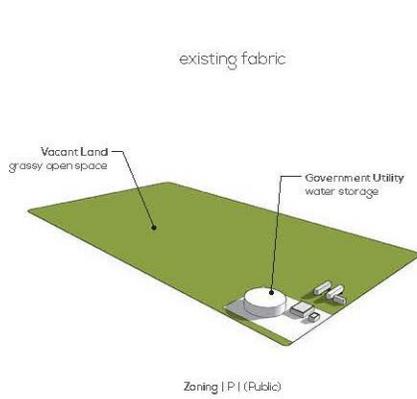
Uses permitted as either an administrative or conditional use include:

- Medium/high intensity commercial
- Medium/high intensity personal services
- Medium/high intensity cultural & artisanal
- Medium intensity institutional
- Medium intensity office
- Medium intensity industrial
- Medium intensity institutional
- Residential (multifamily dwelling, townhouses, and bed and breakfasts)

NODE 5 | Health & Incubator | FLU: AMU; Zoning: AI

Scenario	Height		Density	FAR
	Feet	Stories		
By Right w/ Sustainable Bonus Incentive Program (SBIP)	35 feet	3	30 DU/AC	1.5
MXPD/MX Urban PD w/ SBIP	52.5 feet	4	45 DU/AC	2.25
MXPD or MX Urban PD w/ SBIP & TDR's	67.5 feet	5	55 DU/AC	2.47

health & tech incubator



6.) Neighborhood Residential While the FLU for this area is primarily HDR (High Density Residential), this node, due to its more limited vehicular access and location away from a major thoroughfare, would be ideal for infill development such as townhomes and apartment style developments in the short term. The mixed-used and high-density residential development envisioned in this node would require that parcels be rezoned to MF-30, given the current zoning classification of SF-TF-14 (single-family and two-family residential).

The below permitted uses are based on the parcel having a MF-30 zoning designation.

Principal uses allowed by right in this district include:

- Multi-family building between 20-30 du/acre
- Multi-family building under 20 du/acre
- Essential services
- Single-family
- Single-family with accessory building
- Community residences of no more than six residents

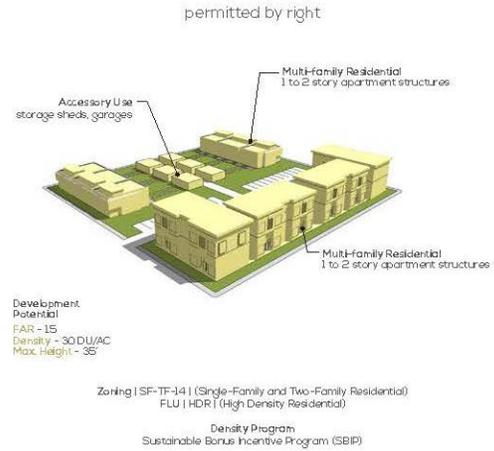
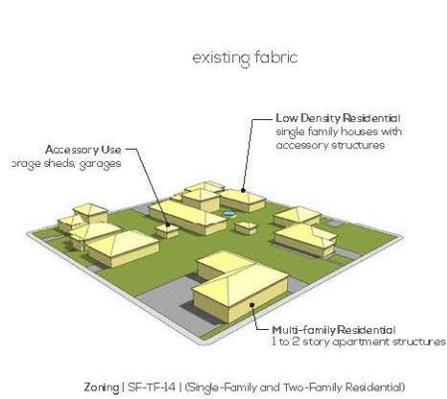
Uses permitted as either an administrative or conditional use include:

- Bed and Breakfast
- Cemeteries
- Places of worship
- Daycare centers
- Light utility facilities
- Public indoor neighborhood recreation
- Public outdoor neighborhood recreation
- Schools (elementary)
- Transitional parking facilities
- Schools (intermediate/secondary/vocational)
- Nursing home/ community residence for seven or more individuals
- Townhomes

NODE 6 | Neighborhood Residential| FLU: HDR; Zoning: MF-30

Scenario	Height		Density	FAR
	Feet	Stories		
By Right w/ Sustainable Bonus Incentive Program (SBIP)	35 feet	3	30 DU/AC	1.5
MXPD/MX Urban PD w/ SBIP	52.5 feet	4	45 DU/AC	2.25
MXPD or MX Urban PD w/ SBIP & TDR's	67.5 feet	5	55 DU/AC	2.47

neighborhood residential



Other Considerations

The current road network is operating at a Level of Service (LOS) of “D” or better but many of the roads are unpaved or in disrepair. It is likely that as the area redevelops the road infrastructure will need to be analyzed and studied to ensure that it can handle the increase in population and vehicle trips. In addition to improving the roads, connectivity out of the study area will need to be improved as well. Currently, the majority of the intersections within the study area are unsignalized. Only 12th and 6th Avenues are signalized and carry traffic across the FEC rail corridor. The ability to improve these intersections to accommodate various multi-mobility options such as bikes, scooters, pedestrians, and circulators as well as creating gateway features should be explored.

Since the study includes the proposed new train station and a TOD, mobility should be a central theme as the area is redeveloped. A key consideration should be creating “mobility hubs” where bus and circulator routes, pedestrian and bike paths, and parking areas converge to create something akin to a multi-mobility station. A good location might be in the Neighborhood Core node as two bus lines already run through that area. Improving and enhancing the current pedestrian area should also be a priority. While sidewalks currently exist throughout the study area there are segments that need maintenance and many areas that need to be widened to meet the current ADA standards. Adding bike lanes or “sharrow” lanes would also help to promote new mobility options and improve connectivity throughout the neighborhood.

ⁱ Commercial uses: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

ⁱⁱ Office Uses: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

ⁱⁱⁱ Retail use: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

^{iv} Personal services uses: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

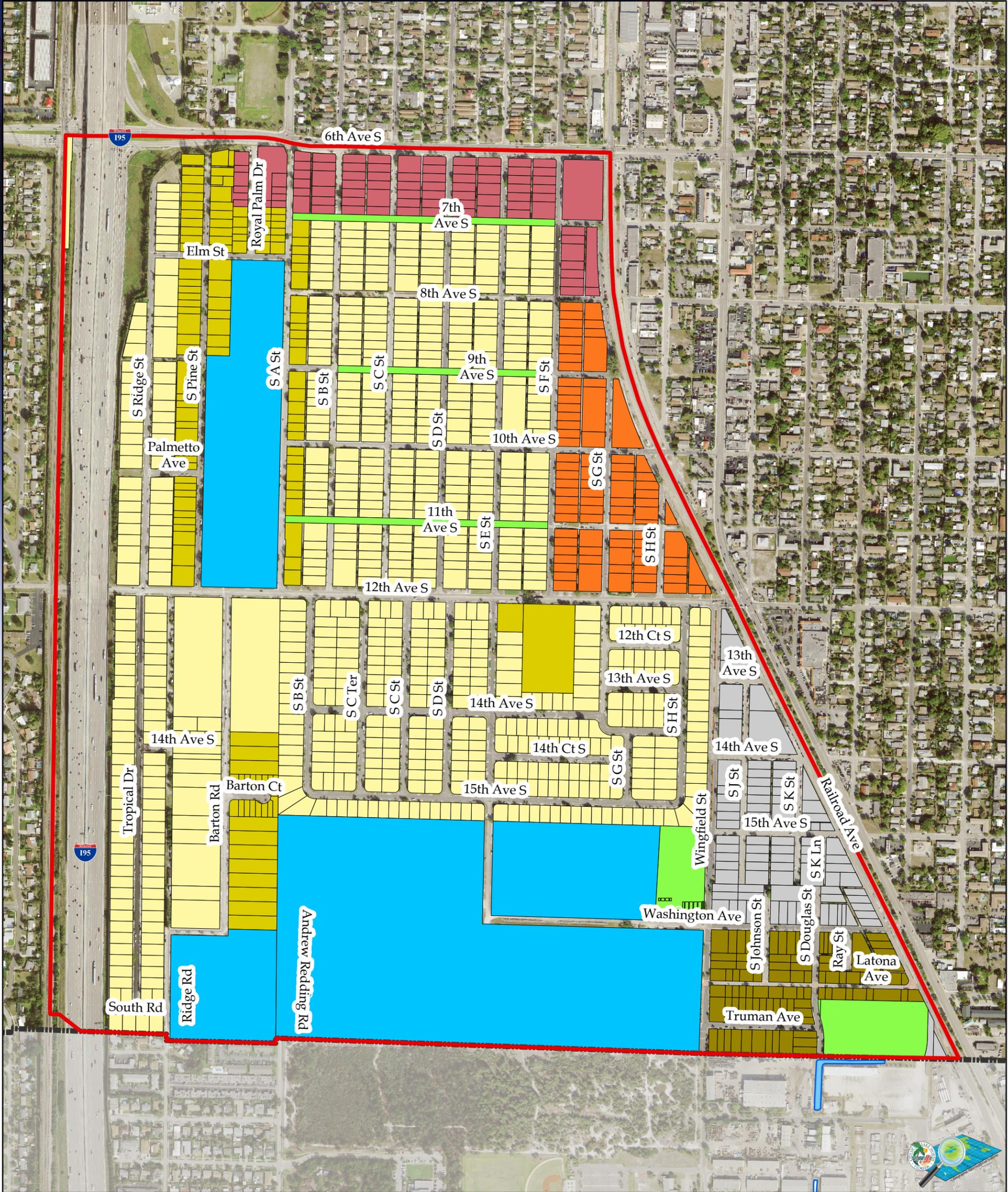
^v Cultural & artisanal uses: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF

^{vi} Institutional uses: low intensity is less than 2,500 SF of space, medium intensity is between 2,500 SF and 7,500 SF, and high intensity is over 7,500 SF



Federal Opportunity Zone

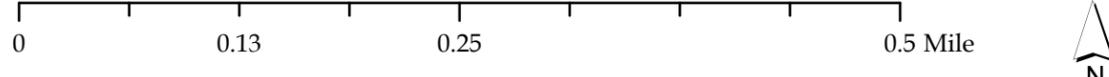
City of Lake Worth Official Future Land Use Map



Map Legend

Future Land Use Classification

- Single Family Residential (SFR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Mixed Use - East (MU-E)
- Transit Oriented Development (TOD)
- Artisanal Mixed Use (AMU)
- Public (P)
- Public, Public Recreation and Open Space (PROS)

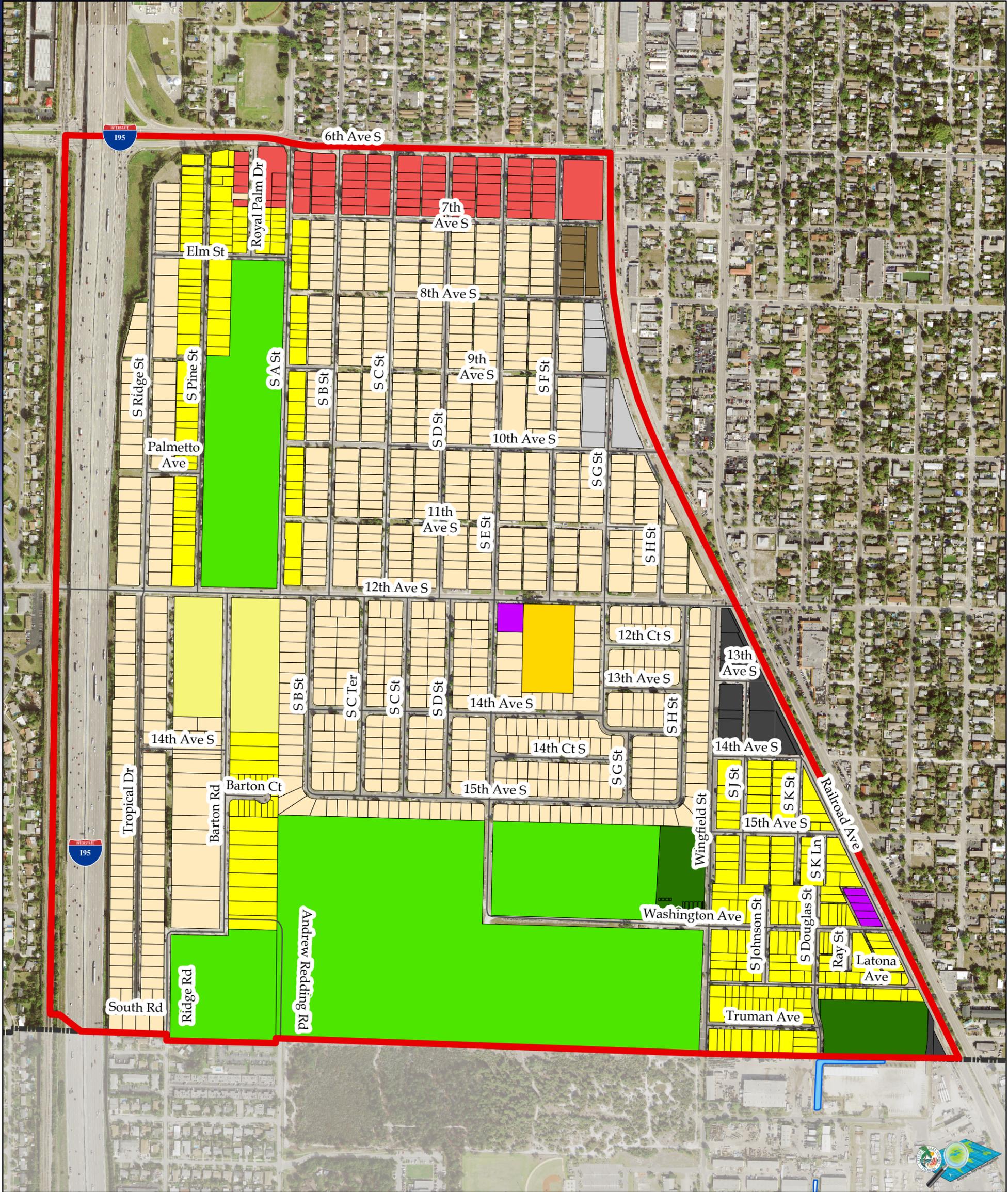


- Interstate 95
- Census Tract 51.02
- Municipal Boundary



Federal Opportunity Zone

City of Lake Worth Official Zoning Map



Map Legend

Zoning Classification

- Single Family Residential (SFR)
- Mobile Home Residential, 7 du/net acre (MH-7)
- Single-Family and Two-Family Residential (SF-TF-14)
- Low-Density Multi-Family Residential, 20 du/net acre (MF-20)
- Medium-Density Multi-Family Residential, 30 du/net acre (MF-30)

- Mixed Use - East (MU-E)
- Transit Oriented Development East (TOD-E)
- Artisanal Industrial (AI)
- Neighborhood Commercial (NC)
- Public (P)
- Public Recreation and Open Space (PROS)

- Census Tract 51.02
- Interstate 95
- Municipal Boundary

0 0.13 0.25 0.5 Mile

