

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 1, 2024

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2024-11 - Second Reading – amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-25 “Micro-units” to provide minor changes to the development standards for Micro-Units.

SUMMARY/ BACKGROUND:

The proposed amendment would improve interest and use of the program per feedback from potential investors and developers.

The **Planning & Zoning Board (PZB)** unanimously voted to recommend approval of the proposed text amendments at their August 7, 2024, meeting with the recommendation that the City Commission consider a revision to section H. *Exception*, revising the percentage of the combination of interior shared common space and outdoor amenity space from 20% to 15% (line 105) and adding a breakdown of that percentage. The board recommended a minimum of 10% for interior common space and a minimum of 5% for outdoor amenity space. The board felt interior space is paramount to the micro-unit program. The board expressed concern that the proposed language could allow the entirety of the combined amenity space to be outdoor amenity space.

The **Historic Resources Preservation Board (HRPB)** unanimously voted to recommend approval of the proposed text amendments at their August 21, 2024, meeting with the same recommendation as the PZB regarding amenity spaces.

At its meeting of September 17, 2024, the **City Commission** unanimously voted to approve the proposed ordinance on First Reading including several changes that are highlighted in the attached ordinance.

MOTION:

Move to approve/disapprove Ordinance 2024-11 on second reading including changes from the first reading.

ATTACHMENT(S):

Ordinance 2024-11, as amended
PZB/HRPB Staff Report

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3
4 **ORDINANCE 2024-11 - AN ORDINANCE OF THE CITY OF LAKE WORTH**
5 **BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT**
6 **REGULATIONS,” ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION**
7 **23.4-25 “MICRO-UNITS,” AND PROVIDING FOR SEVERABILITY,**
8 **CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE**
9

10 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State of
11 Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the “City”),
12 enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal
13 government, perform municipal functions, and render municipal services, and may exercise any
14 power for municipal purposes, except as expressly prohibited by law; and
15

16 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing body of
17 each municipality in the state has the power to enact legislation concerning any subject matter
18 upon which the state legislature may act, except when expressly prohibited by law; and
19

20 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
21 Section 23.4-25 – Micro-Units to amend the supplementary development standards for this use;
22 and
23

24 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
25 municipality having such power and authority conferred upon it by the Florida Constitution and
26 Chapter 166, Florida Statutes; and
27

28 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,
29 considered the proposed amendments at a duly advertised public hearing; and
30

31 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
32 planning agency, considered the proposed amendments at a duly advertised public hearing; and
33

34 **WHEREAS**, the City Commission finds and declares that the adoption of this ordinance is
35 appropriate, and in the best interest of the health, safety and welfare of the City, its residents and
36 visitors.
37

38 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
39 **LAKE WORTH BEACH, FLORIDA, that:**
40

41 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being
42 true and correct and are made a specific part of this ordinance as if set forth herein.
43

44 **Section 2:** Chapter 23 “Land Development Regulations,” Article 4 “Development
45 Standards,” Section 23.4-25 “Micro-units” is hereby amended to read as follows:
46

47 **Sec. 23.4-25. – Micro-units.**
48

- 49 a) *Project size.* All micro-unit projects must provide a minimum of 10 micro-units.
50
51 b) *Micro-Unit Use Restriction.* Micro-units must be residential and may not be converted to other
52 uses. Each micro-unit must be separately metered for electric.
53
54 c) *Personal service, retail or commercial space.* All micro-unit projects shall should be designed
55 as mixed use projects providing personal service, retail and/or commercial areas, including

56 the required parking as set forth in this section and shall be allowed only within the City's
57 mixed use zoning districts. The aforementioned listed uses other than residential should
58 account for at least 10% of the gross area of the project or 2,500 sq ft, whichever is less. If a
59 project does not provide a mix of uses, the interior shared common area shall be at least 15
60 20%. Live work space, co work space or general office space may not count toward the
61 required area for non-residential uses.

62
63 d) *Residential Building Type.* All micro-unit projects must be in a multi-family structure or
64 collection of multi-family structures. Individual micro-units may not be combined to facilitate
65 larger individual units.

66
67 e) *Interior shared common areas.* Interior shared common areas supporting micro-units must
68 equate to 10% of the gross living area of all residential units within the project. Such
69 supporting common areas shall may include but not be limited to the following:

- 70 1. Reading Room,
- 71 2. Gym/Exercise Facilities,
- 72 3. Virtual Office Space,
- 73 4. Party/Community Room,
- 74 5. Game Room,
- 75 6. Library,
- 76 7. Movie Theatre,
- 77 8. Gourmet Kitchen,
- 78 9. Art Labs,
- 79 10. Other similarly situated common usage areas, and
- 80 11. Essential support areas such as lobbies, hallways, egress routes, stairs, concierge areas,
81 staff offices, maintenance areas and required restroom facilities or similar shall not count
82 toward shared interior common areas.

83
84 f) *Parking.* Parking may be a combination of the following:

- 85 1. One (1) parking space or equivalent for each micro unit;
- 86 2. 50% or more of the required spaces shall be standard parking spaces;
- 87 3. Up to 25% of the parking spaces may be compact spaces (8'-0" x 18'-0");
- 88 4. Up to 25% of the parking spaces may be met with bicycle, scooter or motorcycle storage.
89 Four (4) bicycle storage spaces shall equal one (1) parking space; two (2) scooter storage
90 spaces shall equal one (1) parking space; and two (2) motorcycle storage spaces shall
91 equal one (1) parking space; and
- 92 5. Required guest and employee parking may be met with the same parking space
93 combination ratio. Guest and employee parking shall be no less than one (1) space for
94 every 100 sq. ft. of common area, public area, support area and offices, excluding required
95 hallways, egress routes and stairs.
- 96 6. The mixed-use parking reduction of 25% shall not apply.

97
98 g) *Outdoor amenity.* All micro-unit projects shall provide for an outdoor amenity that is above
99 and beyond the required interior shared common area. Outdoor amenity space shall be no
100 less than 5% of the gross area of all residential units and may not count toward the required
101 interior shared common area.

102
103 h) *Exception.* For existing structures being converted to micro-unit residential use, the total
104 combined interior shared common area and outdoor amenity space may be any combination
105 of these areas equating to at least 20% of the gross area of the residential use area, of which
106 at least 10% must be interior shared common area, regardless of whether it will be an all
107 residential or a mixed use building(s).
108

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

113
114 **Section 4: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict
115 herewith are hereby repealed to the extent of such conflict.

116
117 **Section 5: Codification.** The sections of the ordinance may be made a part of the City
118 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
119 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

120
121 **Section 6: Effective Date.** This ordinance shall become effective 10 days after
122 passage.

123
124 The passage of this ordinance on first reading was moved by Vice Mayor Malega,
125 seconded by Commissioner May, and upon being put to a vote, the vote was as follows:

126		
127	Mayor Betty Resch	AYE
128	Vice Mayor Sarah Malega	AYE
129	Commissioner Christopher McVoy	AYE
130	Commissioner Mimi May	AYE
131	Commissioner Reinaldo Diaz	AYE

132
133 The Mayor thereupon declared this ordinance duly passed on first reading on the 17th day
134 of September, 2024.

135
136
137 The passage of this ordinance on second reading was moved by _____,
138 seconded by _____, and upon being put to a vote, the vote was as follows:

139		
140	Mayor Betty Resch	
141	Vice Mayor Sarah Malega	
142	Commissioner Christopher McVoy	
143	Commissioner Mimi May	
144	Commissioner Reinaldo Diaz	

145
146 The Mayor thereupon declared this ordinance duly passed on the _____ day of
147 _____, 2024.

148
149 LAKE WORTH BEACH CITY COMMISSION

150
151
152 By: _____
153 Betty Resch, Mayor

154
155 ATTEST:

156
157
158
159 _____
160 Melissa Ann Coyne, MMC, City Clerk



DATE: July 31, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: August 7 & August 21, 2024

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

PROPOSAL / BACKGROUND/ ANALYSIS:

The proposed amendment would improve interest and use of the program per feedback from potential investors and developers.

The proposed ordinance would amend the recently adopted new section of the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 4, Section 23.4-25 – Micro-Units

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-11.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendment included in Ordinance 2024-11.

Attachments

- A. Draft Ordinance 2024-11

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the [City's/Town's/Village's] website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: Ordinance No. 2024-11 -- AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-25 "MICRO-UNITS"

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the [City/Town/Village] is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the [City/Town/Village] is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the [City/Town/Village] hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the [City/Town/Village], if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the [City's/Town's/Village's] regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

\$0

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

0

4. Additional information the governing body deems useful (if any):

[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: [City/Town/Village] staff solicited comments from businesses in the [City/Town/Village] as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on [City/Town/Village] website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].

There is no business impact with this ordinance.