

STAFF REPORT REGULAR MEETING

AGENDA DATE: May 21, 2024

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2024-07 – 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 April 3, 2024, meeting with the recommendations that the text, line 54, the project size be amended from 20 units to 10 units. The discussion by the PZB was that to incentivize micro-unit development for smaller lots, 10 micro-units are more feasible as some of the lots being developed cannot accommodate 20 micro-units. The PZB also recommended amending section c) to include the text “if a project does not provide a mix of uses, the interior shared common area shall be at least 20 percent”. The discussion by the PZB was on the impacts of the revised gross area for mixed-use projects.

The **Historic Resources Preservation Board (HRPB)** unanimously voted to recommend approval of the proposed text amendments at their meeting on April 10, 2024. The HRPB did not consider PZB recommendations.

At its meeting of May 7, 2024, the **City Commission** unanimously voted to approve the proposed ordinance inclusive of the recommended edits from the **PZB** and **HRPB**, which are highlighted in yellow.

MOTION:

Move to approve/disapprove Ordinance 2024-07 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 .

ATTACHMENT(S):

Ordinance 2024-07
PZB/HRPB Staff Report

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2
3
4 **ORDINANCE 2024-07 - 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 **20 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 be designed as
55 mixed use projects providing personal service, retail and/or commercial areas, including the

56 required parking as set forth in this section and shall be allowed only within the City's mixed
57 use zoning districts. The aforementioned listed uses other than residential should account for
58 at least 10 45% of the gross area of the project or 2,500 sq ft, whichever is less. **If a project**
59 **does not provide a mix of uses, the interior shared common area shall be at least 20%.** Live
60 work space, co work space or general office space may not count toward the required area
61 for 45% of 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 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 **Section 3: Severability.** If any section, subsection, sentence, clause, phrase or portion
104 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
105 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
106 such holding shall not affect the validity of the remaining portions thereof.

107

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

110
111 **Section 5: Codification.** The sections of the ordinance may be made a part of the City
112 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
113 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

114
115 **Section 6: Effective Date.** This ordinance shall become effective 10 days after
116 passage.

117
118 The passage of this ordinance on first reading was moved by Vice Mayor Malega,
119 seconded by Commissioner Diaz, and upon being put to a vote, the vote was as follows:

120		
121	Mayor Betty Resch	AYE
122	Vice Mayor Sarah Malega	AYE
123	Commissioner Christopher McVoy	AYE
124	Commissioner Mimi May	AYE
125	Commissioner Reinaldo Diaz	AYE
126		

127 The Mayor thereupon declared this ordinance duly passed on first reading on the 7th day
128 of May, 2024.

129
130
131 The passage of this ordinance on second reading was moved by _____,
132 seconded by _____, and upon being put to a vote, the vote was as follows:

133	
134	Mayor Betty Resch
135	Vice Mayor Christopher McVoy
136	Commissioner Sarah Malega
137	Commissioner Mimi May
138	Commissioner Reinaldo Diaz
139	

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

142
143 LAKE WORTH BEACH CITY COMMISSION

144
145
146 By: _____
147 Betty Resch, Mayor

148
149 ATTEST:

150
151
152 _____
153 Melissa Ann Coyne, MMC, City Clerk
154



DATE: March 27, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: April 3 & April 10, 2024

SUBJECT: **Ordinance 2024-07**: 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 2024-07.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendment included in Ordinance 2024-07.

Attachments

- A. Draft Ordinance 2024-07