



DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION

I. Project Description:

City-initiated Zoning Text Amendment (ZTA) to enhance several key areas of the City's Zoning Code, addressing current needs and best practices while aligning with Florida Statutory requirements. This amendment streamlines filing procedures, clarifies review processes, expiration of approvals, and improves standards and criteria for approval to support sustainable aesthetically pleasing development throughout the City.

Project Manager: Gianni Gallier, Senior Planner

II. Proposed Zoning Code Amendments:

Overview of Proposed Code Amendments:

Throughout the document, updates were made to replace the term "petition" with "application," correct references to ensure the department is consistently referred to as Development and Neighborhood Services. All references to the "Planning and Zoning Board of Appeals" were updated to "Planning and Zoning Board," and all instances of "PZBA" were changed to "PZB" for consistency throughout the Code. Additionally, all references to "Site and Development Plan" were updated to "Site and Development Plans" to standardize terminology across the City Code.

- **Division 1. – Generally**

- **Building Permits (Section 16-32)**

- Revises the submittal requirements by removing the term "site and development plan" and replacing it with a set of plans demonstrating compliance with applicable zoning and land development regulations. Added the requirement for the plans to clearly show structure height and setbacks in addition to the other applicable criteria.

- **Public Hearing (Section 16-33)**

- Florida law requires municipalities to publish legal advertisements and public notices. The City previously used the Lake Worth Herald due to its lower cost, but its recent closure has forced reliance on more expensive alternatives.
 - The text amendment introduces the ability to do electronic publication and link the City's website to the County's public notice portal. This ensures compliance with state law while streamlining public notice procedures. Under F.S. §50.011 and 50.0311, municipalities may publish notices electronically if it is more cost-effective than newspaper and staff estimates electronic publication will reduce costs and improve efficiency.

- Table 16-33 has been streamlined for clarity to align with actual application types and review processes mainly for Special Exceptions and Variances, eliminating redundant categories that do not differ in how they are reviewed.
 - Introduces community meetings which are highly encouraged and may be required based on the proposal's nature, size, or location. When required, meetings require mailed notices sent at least 14 days in advance to nearby property owners and neighborhood organizations within 300'. Documentation of the meeting must be submitted to the City at least 21 days before the first public hearing.
 - **Filing Procedures and Fees (Section 16-34)**
 - Combines the procedures and fees into one section and further clarifies that the department creates a review schedules and submittal checklists. Acknowledges the department may make policies to address application review, responses to deficiencies and comments, timeframes for resubmittals, requests for time extensions, and decision-making processes.
 - Defines what completeness or a complete application means and clarifies that applications are reviewed for completeness with written notification of deficiencies provided in accordance with F.S. §166.033.
- **Division 2. – Development Review Committee**
 - **Rules of Procedure (Section 16-52)**
 - Removes prescriptive meeting schedule, such as second & third Thursdays. Provides greater flexibility in scheduling where DRC must meet at least once per month for technical reviews per our established agenda unless no business requires attention, with special meetings as needed.
 - States that failure of the DRC to identify any permit or procedure does not waive or relieve the applicant of such requirements.
 - **Functions, Powers, and Duties (Section 16-53)**
 - Added review and recommendation on Live Entertainment Permits, Master Sign Plans, and Preliminary and Final Plats to DRC's duties.
- **Division 4. – Variances**
 - **Timeframe (Section 16-105)**
 - Extends the validity period for variances from six (6) months to one (1) year before expiration if a building permit has not been issued to align with the Administrative Variance and provide a more reasonable timeframe considering the usual Development Applications that are processed concurrently or considered a Condition of Approval.
 - Ties the variance expiration to the issuance and continued status of a building permit.
 - **Administrative Variances (Section 16-178)**
 - Clarifies the expiration conditions for Administrative Variances, ensuring consistency with a standard Variance and directly links expiration to the issuance and active status of a building permit.

- Removes the requirement for a letter of no objection and introduces a procedure for nearby stakeholders to voice their concerns through the review process and requires the application to proceed as a regular Variance would have to.
- **Division 8. – Special Exceptions**
 - **Findings (Section 16-173)**
 - Revised to strengthen compliance with Comp Plan goals, objectives, policies and Zoning Code provisions along with the evaluation of nuisance factors and compatibility standards with focus on general compatibility with surrounding properties, including architectural style, scale, land use, and operational hours.
 - **Time Limits for Special Exceptions (Section 16-177)**
 - Specifies that commencement occurs upon issuance for a building permit or obtaining a Business Tax Receipt. Removing commencement occurs when filing for a preliminary plat or site plan, or upon the initiation of significant action to satisfy requirements for improvements contained in a development order as these are generally processed concurrently with the Special Exception.
 - **Special Exception Application Process (Section 16-178)**
 - Simplifies the previous requirements for the development concept plan, referencing Section 16-197 (Site & Development Plan) for consistency. A development concept plan must meet the technical requirements for a site and development plan as outlined in Section 16-197.
 - 16-178(a)(10) adds flexibility by allowing city officials to request additional data/info as needed.
- **Division 9. – Site and Development Plans**
 - **Applicability (Section 16-196)**
 - Clarifies site and development plan approval is required for all structures and uses except single-family or duplex dwellings.
 - **Procedure (Section 16-197)**
 - Expanded to require:
 - Justification statement to demonstrate compliance with relevant zoning regulations, criteria outlined in Section 16-198, and alignment with the Comp Plan goals, objectives, and policies, include an overview of current site conditions, and provide a summary of the property's history, including any prior approvals.
 - Inclusion of recreational facilities and common area amenities (if any).
 - Plans for public art (if applicable).
 - Provide color-rendered elevations accurately depicting proposed development and landscaping on completion.
 - **Site and Building Design (Section 16-198)**
 - Introduces sustainability principles (e.g., LID, energy-efficient design), foundation landscaping to soften buildings, public art, pedestrian-friendly spaces, and wayfinding features.

- Emphasizes integration of Crime Prevention Through Environmental Design (CPTED) principles including open sightlines, territorial reinforcement, lighting, and landscape design to enhance security and natural surveillance.
- Encourages cross-access between developments to improve connectivity and reduce traffic on our roadway system.
- Establishes design standards for structured parking garages, including architectural treatments to reduce the visual impact of the parking garage.
- **Standards for Review (Section 16-199)**
 - Strengthens review standards to promote:
 - Compliance with Comp Plan goals, objectives, policies and applicable provisions of the Code of Ordinances along with focus on general compatibility with surrounding properties;
 - Walkability, open space integration, buffering, and compatibility.
- **Duration of Approval (Section 16-202)**
 - Approval remains valid for 2 years with commencement tied to issuance of all necessary building permits. If no building permits are issued within the 2 years then the site plan approval shall be considered null, void, and of no further effect, unless an extension is granted. If at any time a master building permit lapses, the site plan, including all phases thereof, shall be considered null, void, and of no further effect.
 - Allows for up to two 1-year extensions upon request, subject to review for changes in regulations or approvals.

III. Staff Analysis:

Background:

This Zoning Text Amendment is at the request of the City’s Development and Neighborhood Services Department to modify regulations in Chapter 16 to enhance several key sections of the City’s Zoning Code to address current needs, align with Florida statutory requirements, and integrate modern best practices. This amendment focuses on streamlining filing procedures, clarifying review processes, refining expiration provisions for approvals, and improving standards and criteria to support sustainable, aesthetically pleasing development citywide consistent with the Comprehensive Plan’s goals and policies. Also addressed are public notice requirements in response to recent changes in local newspaper availability. Florida law requires municipalities to publish legal advertisements and public notices. Previously, the City utilized the Lake Worth Herald due to its lower cost; however, following its closure, the City has had to rely on more expensive alternatives. To enhance efficiency and reduce costs, the amendment introduces the option for electronic publication and allows the City’s website to link to the County’s public notice portal, ensuring compliance with F.S. §50.011 and 50.0311. These provisions authorize electronic publication where it is more cost-effective than newspaper advertisements, with staff estimating that this transition will lower costs and improve efficiency.

The amendment consolidates and clarifies filing and review procedures, ensuring application processes are efficient and align with the timeframes established by F.S. §166.033. It also introduces flexibility within the scheduling of the City’s review processes for efficiency, including allowing the administrative withdrawal for applications with no movement within the specified

timeframe. The amendment expands the Development Review Committee's (DRC) responsibilities to specifically include reviewing and making recommendations on Live Entertainment Permits, Master Sign Plans, and Preliminary and Final Plats.

The updated standards for Special Exceptions and Site and Development Plans emphasize principles such as walkability, compatibility, and connectivity. These enhancements introduce features that improve quality of life, including public art, recreational amenities, pedestrian-friendly spaces, integration of Crime Prevention Through Environmental Design (CPTED) to ensure that developments are not only functional but also safe, enriching, and visually engaging. The standards further emphasize sustainable practices such as Low Impact Development (LID) and energy-efficient design.

The proposed amendment represents a proactive and comprehensive effort to increase efficiency and supports the Comprehensive Plan's vision prioritizing connectivity, sustainability, and aesthetic harmony. By addressing the City's evolving needs, streamlining processes, and establishing clear standards, the amendment ensures that developments align with the City's unique character and high quality of life, benefiting all residents and stakeholders.

Development Review Committee Staff Comments:

The request was reviewed by the Development Review Committee on January 16, 2025, and was recommended for approval.

IV. Zoning Text Amendment Criteria:

A. *The need and justification for these changes:*

The proposed Zoning Text Amendments aim to address key areas of the City's Zoning Code, ensuring they meet current community needs, align with Florida statutory requirements, and reflect best planning practices. By streamlining filing procedures, clarifying review processes, and refining expiration provisions, these amendments enhance efficiency and transparency in development approvals. The changes improve clarity and enable City staff and applicants to work toward high-quality outcomes while maintaining adherence to established timeframes, such as those mandated by F.S. §166.033.

Furthermore, the amendments clarify that Live Entertainment Permits, Master Sign Plans, and Preliminary and Final Plats go through review with the Development Review Committee (DRC). By emphasizing principles such as sustainability, walkability, and connectivity, these updates ensure developments meet the City's goals for creating functional, aesthetically pleasing, and environmentally responsible spaces that enhance residents' quality of life. The amendment also responds to evolving public notice requirements by incorporating electronic publication as an alternative to traditional print advertisements. Given the recent closure of the Lake Worth Herald, the ability to utilize electronic notices under F.S. §50.011 and 50.0311 will increase cost-effectiveness while maintaining compliance with state law.

- B. *The relationship of the proposed amendments to the purpose and objectives of the City's Comprehensive Plan, and whether the proposed change will further the purposes of the City's Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendments directly align with and further the goals, objectives, and policies of the City's Comprehensive Plan and will further the purposes of the City's Zoning Code regulations and other City Codes. Specifically, these changes emphasize sustainable land use, and the promotion of safe and visually appealing environments. By introducing enhanced standards for Special Exceptions and Site and Development Plans, the amendments support the City's emphasis on creating walkable, people-oriented spaces with the incorporation of features such as public art, recreational amenities, and pedestrian-friendly design enhances the livability of neighborhoods and reflects the City's vision for community-oriented growth.

V. Staff Recommendation:

Approval of ZTA-24-11 through the adoption of Ordinance 2025-01.

PLANNING & ZONING BOARD OF APPEALS – February 13, 2025

The Planning and Zoning Board of Appeals on a motion made by Board Member Litowsky and seconded by Board Member Hayes, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-24-11** (*Chapter 16 Filing Procedures, Review Processes, Expirations, Approval Criteria and Standards*) as presented by staff.

CITY COUNCIL ACTION First Reading – March 3, 2025

The City Council on a motion made by Councilmember Diaz and seconded by Councilmember Bousquet, by a vote of four (4) to zero (0) recommended approval of Zoning Text Amendment **ZTA-24-11** (*Chapter 16 Filing Procedures, Review Processes, Expirations, Approval Criteria and Standards*) through Ordinance 2025-01 on first reading as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – March 17, 2025

Attachments:

1. Ordinance 2025-01