



**DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION**

**Subject/Agenda Item:**

**Ordinance 2022-05: ZTA-22-03 Public Hearings**

**First Reading:** A City-initiated request for a text amendment that add a chart which will provide the application approvals and notice requirements for each Planning and Zoning Division petition.

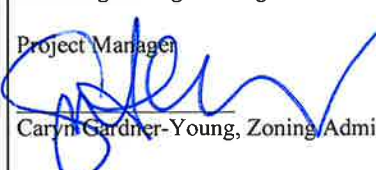

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

<b>Originating Department:</b>  <b>Planning &amp; Engineering</b>  Project Manager  Caryn Gardner-Young, Zoning Administrator	<b>Reviewed By:</b>  Director of Development and Neighborhood Services   Kara L. Irwin-Ferris, AICP
<b>Approved By:</b>  <b>City Manager</b>  _____ Andrea McCue	<b>Public Notice:</b> <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 2/24/2022; Paper: The Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____
<b>Attachments:</b> <ul style="list-style-type: none"><li>• Ordinance 2022-05</li></ul>	<b>City Council Action:</b> <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

## **I. Executive Summary**

Zoning Codes are often based on copious amounts of data that can be summarized and easily read through tables and graphs. Visual elements such as graphs, charts, tables, photographs, diagrams, and maps capture a readers' attention and helps them to understand a Zoning Code requirement more fully. They are like the illustrations that help tell the story. These visuals help to augment the written ideas and simplify complicated textual descriptions. They can help the reader understand a complicated process or visualize trends in the data. The key concept to remember here is that visuals clarify, illustrate, and augment a written text; they are not a replacement for written text. The old adage, "a picture is worth a thousand words" may not always hold true in technical writing but adding visuals may save a hundred words or so of additional explanation and clarification.

City Staff is proposing to add a chart to the Zoning Code to provide approvals and notice requirements for development applications in a visually appealing and easy format to understand. The chart will supplement the language that is already contained within the Zoning Code; not change any of the requirements that exist today.

## **II. Proposed Zoning Text Amendments:**

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Items which are proposed for deletion are in **~~Strike-Through~~**, items proposed for addition are in **Single Underline**.

### **Proposed Change**

#### **Sec. 16-33. - Public hearing.**

Public hearings required or called under the provisions of this chapter shall be conducted in accordance with this section.

(1) In accordance with F.S. § 166.041, requirements for advertisement, the city clerk shall publish notice of hearing in a newspaper of general circulation, shall post such notice in a prominent location at the city hall, and shall give notice by mail to the developer, property owner and/or applicant of the subject property; and

(2) At least ten (10) days in advance of a hearing or as otherwise required by Florida Statutes, the city shall notify all owners of property within a three-hundred-foot radius of the boundary lines of the subject property of the hearing by mail. The list of property owners within the stated radius shall be provided by the applicant from the most recent tax roll information as provided by the county property appraiser's office and the applicant must furnish an affidavit signed by the person responsible for providing the aforementioned list. Notwithstanding any other provision herein contained, failure to provide written notice to any adjacent property owners shall not constitute a procedural defect provided that proper legal notice has been published.

(3) The public notice shall:

- a. Give the time and place of the hearing;
- b. Contain a statement identifying the specific request of the applicant, the type of change requested, and the section of this chapter to be changed;
- c. Location description of the subject property and, if available, the street address; and
- d. Specify the official or employee of the city from whom additional information can be obtained.

(4) The city clerk shall make a record of the hearing. Such record shall be made available to any person upon reasonable notice to the clerk.

(5) The development application approvals and notice requirements for each development application are as listed below in Table 16-33:

<b><u>TABLE 16-33: SUMMARY TABLE OF DEVELOPMENT APPLICATION APPROVALS AND NOTICE REQUIREMENTS</u></b> <b><u>D-Decision R-Recommendation S-Staff Review #-Mandatory Pre-application Conference</u></b>					
<b><u>Review Procedure</u></b>	<b><u>City Council</u></b>	<b><u>Planning and Zoning Board of Appeals (PZAB)</u></b>	<b><u>DNS Director</u></b>	<b><u>DRC</u></b>	<b><u>NOTICE REQUIREMENTS</u></b>
<b><u>Petitions</u></b>					
<u>Abandonment of Easement or ROW- # - (Cross Access, Drainage and LAE do not require newspaper notice and only require first-class mail notice)</u>	<u>D</u>			<u>S</u>	<u>Newspaper Mail Posting City Hall</u>
<u>Annexation, voluntary and involuntary - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail Posting City Hall</u>
<u>Comprehensive Plan Amendment (text) - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail Posting City Hall</u>
<u>Comprehensive Plan Amendment small scale - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail Posting City Hall</u>
<u>Comprehensive Plan Amendment large scale - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper Mail Posting City Hall</u>
<u>Master Plan - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Posting City Hall</u>
<u>Master Plan Amendment - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Posting City Hall</u>
<u>Master Sign Plan Program</u>				<u>S</u>	
<u>Plat – Preliminary - #</u>				<u>S</u>	

<u>Plat -Final - #</u>	<u>D</u>			<u>S</u>	<u>Newspaper</u> <u>Posting City Hall</u>
<u>Site and Development Plan - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Posting City Hall</u>
<u>Site and Development Plan</u> <u>Amendment (Minor) - #</u>			<u>D</u>	<u>S</u>	
<u>Site and Development Plan</u> <u>Amendment (Major) - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Posting City Hall</u>
<u>Special Exception (Developed) - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Special Exception (Undeveloped) - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Special Exception Amendment</u> <u>Minor) - #</u>			<u>D</u>	<u>S</u>	
<u>Special Exception Amendment</u> <u>(Major) - #</u>	<u>D</u>	<u>R</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Unity of Title - #</u>				<u>S</u>	
<u>Variance (Administrative) - #</u>			<u>D</u>	<u>S</u>	
<u>Variance (single family) - #</u>		<u>D</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Variance (residential but single</u> <u>family) - #</u>		<u>D</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Variance (non-residential) - #</u>		<u>D</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Zoning Map Amendment - #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper</u> <u>Mail</u> <u>Posting City Hall</u>
<u>Zoning Text Amendment (general)</u> <u>- #</u>	<u>D</u> <u>2 meetings</u>	<u>R</u>		<u>S</u>	<u>Newspaper</u> <u>Posting City Hall</u>

#### **IV. Staff Analysis:**

City staff initiated this code change after investigating the requirements for development petition and notice requirements. After searching through the Zoning Code, City Staff realized that there are multiple locations within the Zoning Code that an applicant would have to review to determine what is required. City Staff is reviewing the Zoning Code to see where, if possible, amendments can be made so the Zoning Code is more customer service friendly. The addition of a chart will provide a visual element that will allow users of the City's Zoning Code to obtain an answer to their question on development petition approvals and notice requirements quicker and easier.

The Development Review Committee Staff met on February 10, 2022, to discuss the proposed amendment. No objections were received.

Planning and Engineering Department:  
Building Department  
Fire Rescue Department

No objections  
No objections  
No objections

**IV. Staff Recommendation:**

*Approval* of ZTA- 22-03 through the adoption of Ordinance 2022-05.

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**PZAB – March 10, 2022**

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The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Robarts, by a vote of three (3) to zero (0) recommended approval of Zoning Text Amendment **ZTA-21-03** (*Public Hearing*) as presented by staff.

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**CITY COUNCIL ACTION First Reading – March 21, 2022**

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**CITY COUNCIL ACTION Adoption Hearing – April 4, 2022**

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