STAFF REPORT
REGULAR MEETING

AGENDA DATE: August 19, 2025 **DEPARTMENT:** City Commission

TITLE:

Discussion regarding the landscaping requirements and the waiver of certain City fees to support affordable housing brought forth by Vice Mayor Malega

SUMMARY:

A review of former Commission actions and discussion regareding City support of affordable housing through reduction or waiver of landscaping requirements and City fees.

BACKGROUND AND JUSTIFICATION:

Property Regulations

In 2010, the Commission adopted Ordinance No. 2010-10, amending provisions of the City's Zoning Code to accommodate rehabilitation and development of single-family houses on 25 foot lots with the goal of assisting rehabilitation and development of affordable housing by the Lake Worth Beach Community Redevelopment Agency ("CRA") under the Neighborhood Stabilization Program 2 grant from the United States Department of Housing and Urban Development ("NSP2"). The changes to the City's Zoning Code included smaller dwelling unit size, a waiver of porch dimension requirements and a reduction in the on-site parking requirement (from 2 to 1) specifically related to properties being rehabilitated or developed under NSP2.

Ordinance 2010-10 also included changes to alleviate single-family residential and duplexes from the requirement to install irrigation systems and to adjust the provisions prohibiting reconstruction of a nonconforming building or structure that has been deteriorated, damaged or destroyed. These provisions were not specific to participation in NSP2.

In August 2013, the City adopted its comprehensive Land Development Regulations, which replaced the City's Zoning Code. The Land Development Regulations include the smaller dwelling size and reduced parking requirement for single family residences on lots less than 50 feet wide that were created in 2010 related to NSP2; however, these regulations are now the standard available to single-family residential properties, not just those under NSP2.

In 2022, the Commission adopted the initial regulations for its Affordable/Workforce Housing Program that provides availability of reductions in the requirements for gross area and parking and increases in project density when a project is providing affordable or workforce housing that meets the City's program requirements. This program now also provides for an additional affordable/workforce unit for any platted lot of record within the CRA area regardless of lot width or lot area.

The City's Affordable/Workforce Housing Program does not provide for any variation in the landscaping regulations. The landscaping requirements include requirements for replanting of trees that have been removed on a scale based on the type, size, and condition of the tree that was removed or payment of a fee in lieu of replanting. These fee in lieu payments go to the City's Tree Restoration Fund. The tree replacement requirements may be challenging on lots less than 50 feet wide and the fee in lieu costs may be prohibitive for affordable housing projects, particularly for individual single family homes on lots less than 50 feet wide.

The Commission may consider amending the Affordable/Workforce Housing Program to provide for a 1 for 1 tree replacement regardless of the type, size, or condition of the tree for properties developed under this program. The Commission may also consider amending this program to provide a calculation of

affordable/workforce units being provided under the program that are not otherwise required and allowing that to be a credit toward any required tree mitigation (replanting and/or fee in lieu payment) associated with the development of those units.

Fee Waivers

In 2012, the Commission adopted Resolution No. 24-2012, authorizing the City Manager to waive utility tapping charges, water meter set-up fees, meter down-sizing costs, unmetered fire line inspection charges and one-time water and sewer capacity charges on properties being rehabilitated or reconstructed by the CRA under NSP2 on a case-by-case basis. In 2014, the City began to issue bonds as part of its financial structure for its utility services. The City still utilizes bonds for this purpose. Issuing bonds comes with limitations on the City's ability to waive fees and set varying rates. Once the City started issuing bonds, it stopped waiving the utility fees authorized under Resolution No. 24-2012, to ensure compliance with the bond requirements.

If the Commission desires to adopt a waiver of utility fees to support the rehabilitation and development under NSP2 and/or other affordable housing programs, the City would need to allocate funding from another source to pay these fees.

The Commission may also consider providing incentives, waivers, relaxation of code related requirements, fines, liens, penalties and similar items for specific programs that support affordable/workforce housing, such as NSP2, SHIP, PRO Housing, CPF, etc. Should such be appropriate and legally justifiable, a formal Ordinance or Resolution could be brought back before this body at a later date.

DIRECTION:

Provide staff direction regarding landscaping requirements and waiver of fees in support of affordable housing.

ATTACHMENT(S):

Ordinance 2010-10 - landscaping
Staff Report – Waiver of Fees from June 19, 2012
Resolution 24-2012 – waiver of fees