



DATE: August 27, 2025

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

FROM: William Waters, Director of Community Sustainability

MEETING: September 3 and September 10, 2025

SUBJECT: **Ordinance 2025-13**: Consideration of a privately-initiated ordinance amending Chapter 23, Article 4, Section 23.4-13(c)(5) "Single destination retail uses including stand alone retail and single destination commercial uses."

PROPOSAL / BACKGROUND:

The applicant, R. Max Lohman on behalf of Precious Metals Reclaiming Service South, Inc. (PMRS), is proposing text amendments to the Land Development Regulations. The proposed amendments will modify the following sections of the City's Land Development Regulations:

- Article 4 – Section 23.4-13: Administrative Uses and Conditional Uses

PMRS applied for a Zoning Use Confirmation Letter on December 30, 2024; per the letter provided by City Staff on January 13, 2025, the business is classified as a medium-intensity Single Destination Commercial use. This use is permissible in the City's TOD-E zoning district, subject to Conditional Use Permit (CUP) approval and compliance with the development standards for single destination commercial uses provided in LDR Section 23.4-13(c)(5).

One of the supplemental standards provided in LDR Section 23.4-13(c)(5) requires single destination commercial uses to have a minimum site area of 10,000 square feet, and specifies that variances shall not be granted for the minimum site area requirement. The applicants' site at 23-25 South H Street has a total area of approximately 6,750 square feet, which would therefore exclude the site from single destination commercial use.

City staff, including the Director of the Department of Community Sustainability, met with the applicant on March 7, 2025, to further discuss the use classification and supplemental regulations. Following that meeting, the applicant provided a detailed description of the proposed business activities for PMRS, which include purchasing and resale of carat gold, dental gold, gold plate, carat silver, estate jewelry purchases; jewelry store sweeps; retail jewelry sales; gemstone purchase and sales; and e-scrap sampling, purchasing, and selling. Staff reviewed the updated business description with the Director, and confirmed that the use was most appropriately classified as single destination commercial. Staff and the Director advised the applicant that they may apply for a privately-initiated LDR amendment to lower the required minimum site area to better reflect the size of platted lots in the City.

The applicant submitted a complete LDR amendment application on July 17, 2025; following an initial round of staff review in late July the amendment was scheduled for the September PZB hearing. The applicants' proposed LDR

amendments exceed the site area amendment discussed with staff in Spring 2025; detailed staff analysis of the proposed amendments is provided in the section below.

ANALYSIS:

The applicant's proposed amendments to the design and performance standards for single destination retail and commercial uses include:

Minimum Site Area and Lot Width: Reducing the minimum site area requirement from 10,000 square feet to 6,500 square feet and the minimum lot width from 100 feet to 50 feet, specifically in the Transit Oriented Development zoning districts (TOD-E and TOD-W).

Staff supports this proposed amendment, with the caveat that the reduced site area and lot width requirements should apply to all zoning districts which allow single destination retail and/or commercial uses; reducing the requirement for only the TOD zoning districts is arbitrary, and the reasons for reducing the site area requirement apply to many zoning districts.

When the Land Development Regulations were redesigned in 2013, the vision for single destination retail uses and single destination commercial uses was that property owners and developers would consolidate multiple smaller parcels along the City's major commercial corridors and subsequently develop larger single destination retail and commercial uses. While some site consolidation has occurred, many parcels in the Mixed Use – East, Downtown, Mixed Use – Dixie Highway, Mixed Use – West, Transit Oriented Development – East and West, Neighborhood Commercial, and Artisanal Industrial zoning districts remain as smaller platted lots of record. Reducing the minimum site area to 6,500 square feet and the minimum lot area to 50 feet would allow for lower (use area less than 2,500 square feet) and medium-intensity (use area less than 7,500 square feet) single destination retail and commercial uses to be able to be developed within the City, and would better reflect the developable parcels that exist along the commercial corridors.

Landscape Requirements: Exempting sites in the TOD zoning districts from compliance with perimeter and sitewide landscaping requirements.

Staff does not support this proposed amendment, as it arbitrarily exempts certain zoning districts from standard landscaping requirements, does not align with the purpose and intent of the landscaping regulations established in LDR Section 23.6-1, and conflicts with existing street tree requirements in the TOD zoning districts.

In their justification statement, the applicant posits that most of the existing parcels in the TOD zoning districts are already developed and are non-conforming with current landscaping regulations, and that the current landscape regulations would render development of properties in TOD districts infeasible. However, the vast majority of parcels in the City of Lake Worth Beach are developed and may have existing non-conformities; the applicant presents no evidence that the non-conformities in the TOD districts are unique as compared to other existing commercial and residential areas of the City. Perimeter plantings and compliance with existing landscape requirements, insofar as feasible, does not present a unique challenge to the TOD zoning districts as compared to the rest of the City. Staff contends that the proposal to exempt only those districts from the landscaping requirements is arbitrary.

Major Thoroughfares: Exempting sites in the TOD zoning districts from the requirement that a single destination retail or single destination commercial use must front one of the City's Major Thoroughfares.

Staff does not support this proposed amendment, as it arbitrarily exempts certain zoning districts from the requirement for single destination retail and commercial uses to front a major thoroughfare. The applicant argues that because some parcels within the TOD-E district do not front major thoroughfares, restricting development of

single destination retail and commercial uses to sites along major thoroughfares stifles development. Staff contends that the fact that not every parcel is located along a major thoroughfare and/or is not eligible for certain types of development is a condition that can be found throughout the City in all zoning districts; this is not unique to the TOD zoning districts, and establishing minimum requirements for development is inherently intended to exclude some sites which are deemed inappropriate for certain types of development.

The intent of the requirement for a single destination retail or commercial site to front a major thoroughfare is to direct large retail and/or commercial development, such as big-box stores, convenience stores, grocery stores, appliance sales, auction rooms, trade schools, hardware stores, etc., to the main thoroughfares of the City. This requirement appropriately concentrates these types of uses to the City's major commercial areas.

However, staff is proposing an alternate amendment to allow for the development of low-intensity (use area less than 2,500 square feet) single destination retail and commercial uses without the need for frontage along a major thoroughfare. These low-intensity uses, some of which are permitted by right as individual uses, can more appropriately fit in to the smaller, less intensive commercial areas of the City outside of the major commercial corridors, even when combined as a single destination use.

Glazing Requirements: Exempting sites in the TOD zoning districts from requirements for a minimum of 25% clear glazing along frontages and to have clearly identifiable entrances.

Staff does not support this proposed amendment, as it arbitrarily exempts certain zoning districts from these requirements; requirements for minimum glazing and identifiable entrances are also supported by existing ground-floor glazing requirements in the TOD-E district and align with the Major Thoroughfare Design Guidelines. As discussed in the Major Thoroughfare Design Guidelines, building entrances “reinforce the connection between public and private spaces while helping patrons and passing pedestrians distinguish adjacent businesses from each other.” Prominent entrances enhance both an individual storefront and the overall streetscape of the community. Windows and other forms of glazing are also key to building design, as they generate visual interest for pedestrian and vehicular traffic and provide connection with the natural environment.

The applicant argues that glazing requirements make sense for buildings that front major thoroughfares, but should not apply to parcels that are not along a major thoroughfare. As not every parcel in the TOD zoning districts is along a major thoroughfare, they believe these districts should be exempt from the glazing requirement. Staff contends that this proposal is arbitrary, as many parcels within a variety of zoning districts do not front major thoroughfares. Furthermore, the benefits that glazing requirements provide for the pedestrian experience and overall streetscape are not exclusive to major thoroughfares.

Display Window Requirements: Exempting sites in the TOD zoning districts from the requirement to have engaging and pedestrian-friendly vignettes in display windows.

Staff does not support this proposed amendment; similarly to the glazing analysis provided above, the applicants' proposed amendment arbitrarily exempts only the TOD zoning districts from the requirement to place pedestrian-friendly vignettes in display windows. Single destination commercial uses are not required to provide display windows, so long as they meet the overall minimum glazing requirement; however, where a building does have display windows, the City has minimum requirements to provide for a pedestrian-friendly environment.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2025-XX with only the staff-supported amendments to the minimum site area requirement, minimum lot width requirement, and Major Thoroughfare requirement (subsections B(1), B(2), and B(7)).

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the staff-revised LDR text amendments included in the proposed Ordinance 2025-13.

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the applicant-proposed LDR text amendments included in the proposed Ordinance 2025-13.

Attachments

- A. Ordinance 2025-13 – Applicant’s Draft
- B. Ordinance 2025-13 – Staff Revisions
- C. Applicant’s Justification Statement