

ORDINANCE 2025-XX - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS", ARTICLE 2 "ADMINISTRATION," DIVISION 3 "PERMITS," SECTION 23.2-39 – AFFORDABLE/WORKFORCE HOUSING PROGRAM, BY ADDING THERETO A NEW SUBSECTION M "CREDITS," RELATED TO CREDITS THAT MAY BE APPLIED TOWARD CITY FINES, LIENS, AND PENALTIES; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the "City"), enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, the City wishes to amend Chapter 23, Article 2 "Administration," Division 3 "Permits," Section 23.2-39 – "Affordable/workforce housing program," adding a new subsection m "Credits," to provide the opportunity for additional affordable housing to generate a credit that may be applied toward City fines, liens, and penalties; and

WHEREAS, the Planning and Zoning Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the Historic Resources Preservation Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the City Commission has considered the proposed amendments at a duly advertised public hearing and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1: The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance as if set forth herein.

Section 2: Chapter 23 "Land Development Regulations, Article 2 "Administration," Division 3 "Permits," Section 23.2-39 "Affordable/workforce housing program," is hereby amended by adding thereto a new subsection m "Credits" to read as follows:

- m) *Credits*. Projects that provide qualifying affordable/workforce housing that is otherwise not required by this section or any other program regulating the project may, upon request, be afforded site-specific financial credits that may be applied toward fines, liens and penalties

that have been imposed on the site where the affordable/workforce housing is to be provided and are owed to the city.

1. The financial credit shall be a one-time credit of twenty-five dollars (\$25) or 0.03125% of the area median income, whichever is greater, per gross conditioned, enclosed square foot of a residence meeting the requirements of this section.
2. The financial credit shall only apply to qualifying square footage that is not utilized as a development match to meet the requirements of the city's sustainable bonus incentive program, or any other city program.
3. If requested by the applicant or property owner, the financial credit shall be applied at the time of development approval. The financial credit is not available at any other time.
4. The financial credit may be applied to the following:
 - i. City code compliance fines and liens, excluding administrative costs;
 - ii. Tree abuse and removal penalties; and
 - iii. Tree mitigation costs (fee-in-lieu) above a tree for tree replacement.

Section 3: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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

Section 6: Effective Date. This ordinance shall become effective 10 days after passage.

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

Mayor Betty Resch
Vice Mayor Sarah Malega
Commissioner Christopher McVoy
Commissioner Mimi May
Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on first reading on the _____ day of _____, 2025.

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

Mayor Betty Resch

Vice Mayor Sarah Malega
Commissioner Christopher McVoy
Commissioner Mimi May
Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2025.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk