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**ORDINANCE NO. 2023-17 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY’S OFFICIAL ZONING MAP FROM THE ZONING DISTRICT OF MIXED USE – DIXIE HIGHWAY (MU-DH) TO TRANSIT ORIENTED DEVELOPMENT – EAST (TOD-E) ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH DIXIE HIGHWAY AND 9<sup>TH</sup> AVENUE AT 821 SOUTH DIXIE HIGHWAY, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A; AND PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Lake Worth Beach, Florida, pursuant to the authority granted in Chapters 163 and 166, Florida Statutes, and the Land Development Regulations, as adopted by the City of Lake Worth Beach, is authorized and empowered to consider amending the City’s Official Zoning Map; and

WHEREAS, this is a privately-initiated request for a zoning map amendment to change the zoning district of the property as more particularly described in Exhibit A attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, City staff has prepared and reviewed an amendment to the City’s Official Zoning Map to change the zoning district of the property described below from Mixed Use – Dixie Highway (MU-DH) to Transit Oriented Development – East (TOD-E), pursuant to the City of Lake Worth Beach Land Development Regulations and Comprehensive Plan; and

WHEREAS, on August 2, 2023, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, considered a concurrent future land use map (FLUM) amendment to the Transit Oriented Development (TOD) future land use;

WHEREAS, on August 2, 2023, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of the subject zoning map amendment to the City’s Official Zoning Map; and

WHEREAS, the City has received public input and participation through hearings before the Local Planning Agency and the City Commission in accordance with Section 163.3181, Florida Statutes; and

WHEREAS, the City Commission has considered all of the testimony and evidence and has determined that rezoning meets the rezoning review criteria of the Land Development Regulations, Section 23.2-36 and is consistent with the City’s Comprehensive Plan and Strategic Plan.

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WHEREAS, the City Commission has considered all of the testimony and evidence and has determined that the adoption of this Ordinance is in the best interest of the citizens and residents of the City of Lake Worth Beach.

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

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The parcel of land more particularly described in **Exhibit A** is hereby designated Transit Oriented Development – East (TOD-E) on the City’s Official Zoning Map.

Section 3. The City’s zoning maps shall be updated to reflect the changes to the property described in **Exhibit B**.

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. Severability. If any provision of this ordinance or the application thereof is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 6. Effective Date. This ordinance shall become effective upon the same day as the concurrent Future Land Use Map amendment (Ordinance 2023-18). Per Florida Statute 163.3187. The Future Land Use Map amendment (Ordinance 2023-18) shall be effective 31 days after adoption provided there is no challenge.

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 Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the 15<sup>th</sup> day of August, 2023.

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:

96  
97 Mayor Betty Resch  
98 Vice Mayor Christopher McVoy  
99 Commissioner Sarah Malega  
100 Commissioner Kimberly Stokes  
101 Commissioner Reinaldo Diaz

102  
103 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_  
104 day of \_\_\_\_\_, 2023.

105  
106 LAKE WORTH BEACH CITY COMMISSION

107  
108  
109 By: \_\_\_\_\_  
110 Betty Resch, Mayor

111 ATTEST:  
112  
113  
114 \_\_\_\_\_  
115 Melissa Ann Coyne, City Clerk

## Exhibit A Property Location

Property Location: The subject parcel is generally located at the northwest corner of South Dixie Highway and 9<sup>th</sup> Avenue South as depicted in the map below and includes the following property control number: 38-43-44-21-15-253-0110



# Exhibit B Amended Zoning District

Mixed Use – Dixie Highway (MU-DH) to Transit Oriented Development – East (TOD-E)

