

ORDINANCE 2025-27 - 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 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 be calculated based only on 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.
5. Any property owner or applicant who was responsible or is related to the individual or entity who was responsible for the actions that resulted in the code compliance fines and liens or tree abuse and removal penalties and related tree mitigation requirements, is not eligible for the financial credit. If the property owner, applicant, or related individual or entity is ineligible for the financial credit, all are considered ineligible.

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 Commissioner Segrich, seconded by Commissioner May, and upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared this ordinance duly passed on first reading on the 2nd day of December, 2025.

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104 The passage of this ordinance on second reading was moved by _____,
105 seconded by _____, and upon being put to a vote, the vote was as follows:
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107 Mayor Betty Resch
108 Vice Mayor Sarah Malega
109 Commissioner Christopher McVoy
110 Commissioner Mimi May
111 Commissioner Anthony Segrich
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113 The Mayor thereupon declared this ordinance duly passed on the _____ day of
114 _____, 2025.
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116 LAKE WORTH BEACH CITY COMMISSION
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118
119 By: _____
120 Betty Resch, Mayor
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123 ATTEST:
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125
126 _____
127 Melissa Ann Coyne, MMC, City Clerk