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RESOLUTION NO. 23-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ISSUING A NOTICE OF INTENT TO ADOPT A MORATORIUM ON ACCEPTING DEVELOPMENT APPLICATIONS SEEKING HEIGHT, INTENSITY, AND/OR DENSITY BONUSES UNDER THE SUSTAINABLE BONUS PROGRAM; IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF SUCH APPLICATIONS; DIRECTING THE DEPARTMENT OF COMMUNITY SUSTAINABILITY TO PREPARE A TEMPORARY MORATORIUM ORDINANCE FOR REVIEW BY THE PLANNING AND ZONING BOARD AND SCHEDULING THE SAME FOR THE CITY COMMISSION’S CONSIDERATION AND PUBLIC HEARING THEREAFTER; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (“the City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes ; and

WHEREAS, Section 23.2-33 of the City’s Land Development Regulations provides for the City of Lake Worth Beach Sustainable Bonus Program (“Program”), which offers an opportunity for development projects within all zoning districts to attain an option for increased height, intensity, and/or density in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a project proposal; and

WHEREAS, the stated purpose of the Program is to encourage the incorporation of sustainable design and development principles within new development and redevelopment projects to foster a more sustainable, economically vibrant, diverse community with an emphasis on high quality design and appreciation of the city’s unique cultural, architectural, historical and natural resources; and

WHEREAS, the Program has been very successful and has been the catalyst for many new developments in the City and applies to any and all development projects over two stories; and

WHEREAS, the City Commission desires to review the Program and reevaluate whether the sustainable bonuses it offers represent the best means to achieve the Program’s purpose and whether changes need to be made to the Program to ensure and promote the public health, safety and welfare and sustainable planning throughout the City; and

WHEREAS, it is proper and appropriate for the City to provide for a comprehensive review of the Program, as set out in City Code Section 23.2-33, to determine whether the program should be modified or eliminated in order to better serve the public health, safety and welfare of the community as a whole; and

47 WHEREAS, in conjunction with such review, it is also appropriate to provide certain
48 restrictions and prohibitions with regard to accepting development applications seeking
49 to obtain the sustainable bonuses under study, due to the potential detrimental impact
50 upon the existing neighborhoods and sustainable planning throughout the City; and

51
52 WHEREAS, consistent with the current authorizations set forth in the City's Land
53 Development Regulations, the City's Planning and Zoning Board and Historic Resources
54 Preservation Board have authority to consider a moratorium on the Program; and

55
56 WHEREAS, to ensure the City is able to conduct a thorough review of the Program
57 and its impacts upon existing neighborhoods and sustainable planning, this resolution is
58 necessary in order for a moratorium ordinance to be prepared, reviewed by the Planning
59 and Zoning Board and Historic Resources Preservation Board, and then scheduled
60 before the City Commission for consideration and a public hearing; and

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62 WHEREAS, the City Commission has determined that this resolution shall be
63 construed and interpreted as a zoning in progress notice for the Program; and

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65 WHEREAS, the City Commission has determined that this resolution serves to
66 protect the health, safety and welfare of the City and serves a valid public purpose.

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

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71 SECTION 1: The foregoing recitals are incorporated into this resolution as true and
72 correct statements and specific findings of the City.

73
74 SECTION 2: The City Commission hereby declares its intent to adopt a moratorium on
75 the acceptance of new development applications seeking height, intensity, and/or density
76 bonuses under the Sustainable Bonus Program.

77
78 SECTION 3: In accordance with this notice of intent to adopt a moratorium on the
79 acceptance of new development applications seeking height, intensity, and/or density
80 bonuses under the Sustainable Bonus Program, staff is hereby directed that, as of the
81 date this resolution is adopted, no such permit applications under the Program shall be
82 accepted.

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84 SECTION 4: The Department of Community Sustainability is hereby directed to prepare
85 a temporary moratorium ordinance for the Planning and Zoning Board to review and to
86 schedule the same for consideration and a public hearing before the City Commission. If
87 the moratorium is adopted by the City Commission, it shall supersede this resolution,
88 which shall no longer have force and effect. If the moratorium is not adopted, this
89 resolution shall terminate upon vote of the City Commission.

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91 SECTION 5: All resolutions or parts of resolutions in conflict herewith are hereby
92 repealed.

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SECTION 6: If any provision of this resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to this end the provisions of this resolution are declared severable.

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SECTION 7: This resolution shall become effective upon adoption.

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The passage of this resolution was moved by Commissioner _____, seconded by _____, and upon being put to a vote, the vote was as follows:

104

- Mayor Betty Resch
- Vice Mayor Herman Robinson
- Commissioner Sarah Malega
- Commissioner Christopher McAvoy
- Commissioner Kimberly Stokes

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The Mayor thereupon declared this resolution duly passed and adopted on the 4th day of May, 2021.

113

LAKE WORTH BEACH CITY COMMISSION

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115

By: _____
Betty Resch, Mayor

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ATTEST:

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Deborah M. Andrea, CMC, City Clerk

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