

**MINUTES
CITY OF LAKE WORTH BEACH
CITY COMMISSION WORK SESSION - LDR AMENDMENTS
THURSDAY, MARCH 5, 2020 – 6:00 PM**

The meeting was called to order by Mayor Pam Triolo on the above date at 6:03 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were; Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Omari Hardy and Herman Robinson. Also present were City Manager Michael Bornstein, Assistant City Attorney Pamala Ryan and Deputy City Clerk Melissa Ann Coyne. Commissioner Scott Maxwell was absent.

PLEDGE OF ALLEGIANCE: led by Vice Mayor Andy Amoroso.

UPDATES/FUTURE ACTION/DIRECTION:

Land Development Regulations Amendment Prioritization

William Waters, Community Sustainability Director, stated that the last LDR amendment work session was two years ago, at which time the Commission asked for many changes. He reported that staff, the consultant and Assistant City Attorney Ryan put together a list of all the changes needed due to inconsistencies, lack of definitions, time conflicts and reorganization of the permitted use table. He said that the department had lost four staff members. He explained that the purpose of the work session was to discuss the prioritization, provide a basis and assign responsibility for the amendments and outline a proposed schedule.

Mr. Waters named the URGENT matters first:

- Parking Code – would be revised and updated for easier understanding. There would be consideration of not allowing 100% of parking to be on-street.

Commissioner Hardy asked why the on-street parking would be limited.

Mr. Waters stated that most of the parking stress was in the single-family areas.

Commissioner Hardy said that residents should be able to use their frontage for parking.

Vice Mayor Amoroso asked where the greatest need was for parking.

Mr. Waters responded that the stress increased closer it was to downtown.

Mayor Triolo expressed confusion about the parking requirement.

Mr. Waters responded that the requirement was for new construction or additions to existing property. He said that new developments could not have all of the parking on the street, that some had to be on the site.

Commissioner Hardy objected strenuously to forcing developers to give up some of their land for parking because a few residents complained about parking on their streets.

Mr. Waters said that the parking requirement was for multi-family properties in a single-family district.

Vice Mayor Amoroso said that health and safety were involved because there could be elderly residents who would be unable to park near their homes.

Commissioner Robinson opined that any new building should have to use the alleys, not the street. He said that bond money should be used on the alleys.

Mr. Waters stated that alley usage was already in the code but some people did not improve their alleys to allow vehicles to pull into their properties. He said that there could be a regulation added that all parking for single family residential or accessible from the alley would have to be accessible from the alley. He replied that he could not allocate bond money, that the Commission would have to do so.

Vice Mayor Amoroso asked how the on-street parking would affect the Gulfstream Hotel because residents of the nearby condominium were used to parking at the vacant lot.

Mr. Waters stated that the 22 spaces could be counted towards the off-street parking requirement for the hotel and the spots would be first come first served for those residents.

Commissioner Robinson said that the City needed to take responsibility for taking the parking from the condominium near the Gulfstream.

Mr. Waters specified that the condominium documents had the no parking element and the City had no involvement in their documents.

Vice Mayor Amoroso said that the residents bought the condominium without parking.

- Planned Unit Development (PUD) – would be clarified and regulations west of I-95 would be amended.

Mr. Waters stated that a PUD could only be near the train tracks, like the Bohemian.

- Filling Stations – would be clarified and provide consistency among different types of fuel/recharging options.

Mr. Waters stated that there were caveats regarding filling stations and all of the changes should be in the LDRs, not the code. He reported that there were three entities interested in filling stations.

- Mixed Use-West zoning district – would be revised to make tables and text consistent.
- Development Orders Expiration of Site Plan Approval and Reference to Development Review Manual – Development Order requirements would be revised; time limits, terms for expiration and vesting and phasing would be clarified.
- Article 4 development standards/Article 2 – entire Article for specific uses would be reviewed and reorganized to provide consistency.

- Plat and Unity of Title/Subdivision Policies – Provide regulations and procedures for Plat review, approval process would be provided, and a Unity of Title review and approval process would be developed.
- Definition of height – would be based on the new flood map changes.

Mr. Waters stated that some properties not in the flood zone flooded above the crown of the road. He explained that there were flood insurance ratings from FEMA and the City would have to adhere to the regulations. He said that the different options for elevating a building would be brought back to the Commission in the future.

Commissioner Hardy asked if the habitable height limit would be affected.

Mr. Waters replied that the height definition would not reduce the habitable space.

- Parapet – applicable regulations per zoning district would be reviewed.

Mr. Waters listed the amendments with HIGH priority:

- Fences – regulations would be organized by district and major thoroughfare. Disallowing chain-link fencing adjacent to streets for all uses would be examined.
- Dumpster Enclosure – code language would be provided to prohibit chain-link fencing/non-opaque enclosure materials.

Vice Mayor Amoroso stated that he received many calls regarding dumpsters leaking and overflowing. He asked how the City could require an enclosure for a dumpster while taking away parking spots.

Mr. Waters stated that he would look at the structures.

Commissioner Robinson asked if the dumpsters in the alleyways could be discussed as a health issue.

Mr. Waters replied that dumpsters were a Public Works issue, not LDR. He said that Public Works did require enclosures for the dumpsters.

City Manager Bornstein said that if the Commission gave direction to identify the offending dumpsters and determine a price for the enclosures, the issue would be brought back through Public Works.

Commissioner Hardy suggested adding the issue to an upcoming work session agenda before the end of April.

- Stacking distance for gates – specific setback distance for gates adjacent to roadways for stacking would be provided.

Vice Mayor Amoroso asked if the setbacks were already in the code.

Mr. Waters replied that the setbacks were related to property, not gates and the stacking distance was related to the traffic pattern.

- Minor Site Plan Revisions – criteria for approvals would be reviewed.
- Impervious vs. pervious – requirements for open space, pervious and building lot coverage would be clarified.

Commissioner Hardy asked if some items could be deleted such as building lot coverage, which limited the footprint of the buildings, and if there could be data regarding what was allowed regarding pervious versus impervious from surrounding cities.

Mr. Waters responded that he would not recommend deleting the impervious regulations because sidewalks would be installed. He explained that the lot coverage came about to preserve the character of the City. He stated that a form-based code would be difficult to implement. He said that the City's storm water management system was very antiquated making it tough to handle run off; it would be problematic to have a comparison between cities.

Mayor Triolo said that there were issues with having other amenities on lots.

Commissioner Robinson asked if pervious turf could be allowed.

Mr. Waters replied that it could be considered in the landscape regulations.

- Administrative Adjustment – the criteria would be revised.
- Waivers – procedures and regulations would be provided for non-historic districts.
- Use Criteria in Business License Section – the use criteria would be relocated to Conditional Use.

Mr. Waters iterated the amendments with MEDIUM importance:

- Site Visibility-Fences, Walls, Hedges – site visibility triangle for driveways at street/alley intersections would be required.

Mayor Triolo asked about the height of hedges in the visibility triangles, which was a safety issue.

Mr. Waters stated that he could have code cite those properties whose hedges were too tall.

- Sustainable Bonus Incentive Program – the program would be revised to provide incentives that could be quantified.
- Long-term storage parking requirements (e.g. RVs, Boats) Redefine “Commercial Vehicle” – requirements for non-residential districts would be added.

Assistant City Attorney Ryan stated that commercial vehicles including trailers were addressed in the code.

- Lodging – group-lodging designations (e.g. hotel, motel, extended stay) would be reorganized by type.
- Off-street parking, permeable materials – applicability to stormwater drainage would be specified and maintenance requirements would be added.
- Maintenance easement – a maintenance easement for zero lot line properties in mixed-use districts would be required.

Mr. Waters stated that two buildings would share spaces to alleviate gaps.

- Temporary uses/food trucks – regulations would be provided.

Commissioner Robinson stated that food trucks should be taxed.

Vice Mayor Amoroso asked how a hot dog stand would be licensed and taxed. He said that all the pop-up food vendors should be regulated.

Commissioner Hardy asked if a vendor could get a permit to sell on the street and said that it should be allowed.

Mr. Waters replied that it would be a temporary use regulated under the LDRs; others would be under business licenses depending on the location.

Vice Mayor Amoroso expressed concern about pop-ups because the downtown was having issues and did not want anything to take away from the brick and mortar businesses. He requested to know what other cities allowed pop-ups.

- Sign code – the entire sign code would be revised regarding ADA & free speech.

Commissioner Robinson asked about the signage in the City.

City Manager Bornstein explained that the City was allowed to use different signage because it represented the residents.

Mayor Triolo stated that there should be consistency between the City and private residents following the code.

Vice Mayor Amoroso said that he gave Mark Stivers examples of A frame signs that would look better than a piece of wood against a tree.

- Swimming pools – setback issues would be addressed.

Mr. Waters discussed the amendments deemed LOW/AS NEEDED:

- Open air operations – would be relocated to storage section 23.4-19.
- Cemeteries – would be relocated to the Conditional Use Section.
- Definitions – would be reviewed and revised as needed.

- Graphics/diagrams – would add/replace illustrations as needed throughout the Code.

Mr. Waters spoke about the amendments recommended by STAFF:

- Transient Public Lodging – would add a new section for short-term rental regulation.

Permitted Use Table – would be done in two stages; would analyze and amend uses that are P, AUP, and CUP, take out and combine various uses, look at artisanal uses and reevaluate what uses should be P, C, N/A, combine financial institutions, look at taking out Stand Alone Retail, move all medical/health uses under one tab and add Trade Schools as an accessory use.

- Zoning Map – would include all the overlay districts in 23.3-29-31.
- Public Art – would be a new section; would have to determine how to encourage and regulate.

Mayor Triolo asked about having art on the tee boxes at the golf course or big art installations in lieu of dying trees on the streets.

- Nonconforming Uses – would determine if there was case law regarding shutting down a business if there was an inactive business license but had a continuous running business (refer to Chapter 14).
- Walkability – would look into ways to zone for walkability in order to improve walkability in the City.
- Business License – would address the period of no business licenses.
- No Parking Regulations – would add streets that restrict on-street parking.
- Business Licenses & Uses – would address any grandfathering of uses if a property had a business license for that use and how much time shall go by until the license was lapsed and would need a new use approval.
- Comp Plan Amendments – would alter the future land use table to allow MU-FH to start at 30du/acre, look at Delray's Sustainability and Resiliency section, would evaluate a mobility plan/fee for Transportation and add a Recreation impact fee.
- Annual CIP Amendment – was required by the State and would be done in November.

Commissioner Hardy stated that there should be a requirement for businesses to have bicycle storage.

Mr. Waters stated that it could be made into a regulation with a minimum and a maximum.

Mayor Triolo said that the Commission should look at some of the projects from the TPA at a future meeting.

Commissioner Robinson suggested addressing scooters and bicycles.

Mr. Waters said that there would be some projects in the future offering scooters and bicycles.

Commissioner Hardy opined that it would be beneficial to have a concessionaire to provide scooters in the City.

Mayor Triolo stated that there had been attempt to get ride sharing in the City.

Mr. Waters stated that it would take two years to get through everything on the LDR list. He said that the intention would be to bring LDR amendments to the Commission every six months.

City Manager Bornstein said that vendors had been coming to the City for bicycles and scooters and that the City was watching its sister cities to stay relevant.

Vice Mayor Amoroso said that the dock less piece was discussed at the conferences he attended because the scooters were left everywhere.

Mr. Waters introduced Erin Sita, the new Community Sustainability Assistant Director, who said that Delray had a very successful freebie program for accessing the downtown areas.

City Manager Bornstein said that the freebies went between zones and would take a user to his/her home.

Mr. Waters reported that Assistant City Attorney Ryan would be working to update the quasi-judicial hearings procedure, which was an urgent need not on the list.

ADJOURNMENT:

The meeting adjourned at 8:11 PM.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes approved: April 7, 2020.

A digital audio recording of this meeting will be available in the Office of the City Clerk.