

ORDINANCE NO. 2025-06 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED AT 501-509 LAKE AVENUE, 13-23 SOUTH M STREET, 16-32 SOUTH L STREET, 11 SOUTH L STREET, AND 30 SOUTH K STREET AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE DOWNTOWN (DT) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF DOWNTOWN MIXED USE (DMU) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING A MAJOR SITE PLAN; APPROVING A DEVELOPMENT OF SIGNIFICANT IMPACT; APPROVING TWO CONDITIONAL USE PERMITS; APPROVING HEIGHT, DENSITY, AND INTENSITY BONUS INCENTIVES THROUGH THE CITY'S SUSTAINABLE BONUS INCENTIVE PROGRAM, TRANSFER OF DEVELOPMENT RIGHTS PROGRAM, AND AFFORDABLE/WORKFORCE HOUSING PROGRAM; APPROVING A RIGHT-OF-WAY ABANDONMENT; AND PROVIDING 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 petitions relating to zoning and land development orders; and

WHEREAS, Chapter 23, Article 3, Division 6. – Planned Development of City of Lake Worth Beach's Land Development Regulations allows for the creation of planned development districts to incentivize innovative development through the utilization of incentive programs and flexible dimensional and use requirements that are defined within and occur in conformity with an approved master development plan; and

WHEREAS, Sunshine Lake Worth Development LLC, the Lake Worth Beach Community Redevelopment Agency, and Cultural Council of Palm Beach County, Inc, (the applicants) have petitioned the City of Lake Worth Beach (the City) for creation of a Mixed Use Urban Planned Development District to allow for the construction of a four-story museum building, a five-story multi-family residential building containing 110 dwelling units, and future development of additional residential buildings, located at 501-509 Lake Avenue, 13-23 South M Street, 16-32 South L Street, 11 South L Street, and 30 South K Street (PCNs 38-43-44-21-15-023-0170, 38-43-44-21-15-023-0191, 38-43-44-21-15-023-0220, 38-43-44-21-15-023-0230, 38-43-44-21-15-023-0250, 38-43-44-21-15-023-0090, 38-43-44-21-15-023-0060, 38-43-44-21-15-023-0050, 38-43-44-21-15-023-0030, 38-43-44-21-15-023-0020, 38-43-44-21-15-023-0010, 38-43-44-21-15-021-0220, and 38-43-44-21-15-021-0010) as further described in Exhibit A (the Property) within the DT Zoning District and the DMU Future Land Use designation, which, if approved, shall constitute an amendment to the City's official zoning map; and

WHEREAS, the applicant requests use of the City's Sustainable Bonus Incentive Program, Transfer of Development Rights, and Affordable/Workforce Housing Program to allow for additional height, density, and intensity to be considered in conjunction with the applicant's request for approval for a major site plan for the creation of a mixed use development currently known as "WMODA" to allow for construction of a museum building, new construction of a 110-unit residential building, and future residential development of up to 37 dwelling units;

WHEREAS, on July 16, 2025, the Lake Worth Beach Historic Resources Preservation Board (HRPB) considered the subject application for a Mixed Use Urban Planned Development, Major Site Plan, Development of Significant Impact, Conditional Use Permits (residential and non-residential), Sustainable Bonus Incentive Program, Transfer of Development Rights, Affordable/Workforce Housing Program, and Right-of-Way Abandonment and recommended that the City Commission approve the creation of this mixed use urban planned development subject to specific district development standards and certain enumerated conditions; and

WHEREAS, on August 5, 2025, the City Commission voted to approve on first reading the subject application for a Mixed Use Urban Planned Development, Major Site Plan, Development of Significant Impact, Conditional Use Permits (residential and non-residential), Sustainable Bonus Incentive Program, Transfer of Development Rights, Affordable/Workforce Housing Program, and Right-of-Way Abandonment subject to specific district development standards and enumerated conditions herein; and

WHEREAS, the City Commission has considered all of the testimony and evidence and has determined that a Mixed Use Urban Planned Development, Major Site Plan, Development of Significant Impact, Conditional Use Permits (residential and non-residential), Sustainable Bonus Incentive Program, Transfer of Development Rights, Affordable/Workforce Housing Program, and Right-of-Way Abandonment including the development regulations and conditions, meets the requirements of the Land Development Regulations, Section 23.3-25.

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

Section 1. Recitals. The foregoing recitals are true and correct and are hereby affirmed and ratified.

Section 2. The Mixed Use Urban Planned Development District located within the DT Zoning District with a future land use designation of DMU, as described more particularly in **Exhibit A**, is hereby approved. This approval includes the approval of the following elements to be known as the Master Development Plan: (a) Mixed Use Urban Planned Development; (b) Major Site Plan; (c) Development of Significant Impact; (d) Conditional Use Permits; (e) Sustainable Bonus Incentive Program; (f) Transfer of Development Rights; (g) Affordable/Workforce Housing Program; (h) Right-Of-Way Abandonment (i) district development standards (**Exhibit B**); (j) conditions of approval (**Exhibit C**); (k) required plans including the site plan, landscape plan, and civil & drainage plans; (l) supplemental supporting documents, as well as all agreements, provisions and/or covenants which shall govern the use, maintenance, and continued protection of the mixed use urban planned development and any of its common areas or facilities. The applicant is bound to all elements and requirements of the Master Development Plan.

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

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 ten (10) days after its final passage contingent on the final passage of Ordinance 2023-07.

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

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

The Mayor thereupon declared this ordinance duly passed on first reading on the 5th day of August, 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

EXHIBIT A

Property Description and Location Map

Addresses: 501-509 Lake Avenue, 13-23 South M Street, 16-32 South L Street, 11 South L Street, and 30 South K Street, inclusive of vacated alleyways

PCNs: 38-43-44-21-15-023-0170, 38-43-44-21-15-023-0191, 38-43-44-21-15-023-0220, 38-43-44-21-15-023-0230, 38-43-44-21-15-023-0250, 38-43-44-21-15-023-0090, 38-43-44-21-15-023-0060, 38-43-44-21-15-023-0050, 38-43-44-21-15-023-0030, 38-43-44-21-15-023-0020, 38-43-44-21-15-023-0010, 38-43-44-21-15-021-0220, and 38-43-44-21-15-021-0010

Size: 2.254 acres

General Location: Between the east side of South K Street and west side of South M Street, and between the south side of Lake Avenue and the north side of 1st Avenue South

Legal Description: See boundary survey in the Master Development Plan supporting documentation



EXHIBIT B
Development Standards

Overall Site			
Development Standard	Base Zoning District Downtown (DT)	Mixed-Use Urban Planned Development (MUUPD) with SBIP, AWFH, and TDR	Provided
Lot Size (min) In square feet (sf)	6,500 sf	0.5 acres	± 2.254 acres
Density (max)	40 du/acre (90 units)	69 du/acre (155 units) + potential for 28 additional affordable/workforce units per LDR Section 23.2-39(b)(1)(g) = 183 potential units	Phase I: 110 units Phase II/III: at least 6 affordable units at 30 S K St, <i>no specific development yet proposed</i>

Phase I: Museum and 110-Unit Residential Development				
Development Standard		Base Zoning District Downtown (DT)	Mixed-Use Urban Planned Development (MUUPD) with SBIP, AWFH, and TDR	Provided
Lot Size (min)		0.15 acres (6,500 sf)	0.5 acres	± 2.254 acres total; ± 1.712 acres WMODA development
Lot Width (min)		25' along Lake Ave 50' in general	25' along Lake Ave 50' in general	125' along Lake Ave 140 along 1 st Ave S
Setbacks - Museum	Front (min build-to line on Lake Ave)	5' build-to line <i>Additional 8-12' setback required for 3rd story and above</i>	5' build-to line on Lake Ave, <i>Additional 8-12' setback required for 3rd story and above</i>	0-4' (1 st & 2 nd stories, see <i>analysis above</i>)* 8' (3 rd & 4 th stories)
	Rear (min)	n/a	n/a	n/a
	Street Side (min)	<i>Additional 8-12' setback required for 3rd story and above</i>	<i>Additional 8-12' setback required for 3rd story and above</i>	10-14' (1 st & 2 nd stories) 18' (3 rd & 4 th stories)
	Interior Side (min)	0'	0'	0'
Setbacks - Residential	Front (min)	10' <i>Additional 8-12' setback required for 3rd story and above</i>	10' <i>Additional 8-12' setback required for 3rd story and above</i>	12' (1 st & 2 nd stories) 20' (3 rd story) 45.5' (4 th story) 47.75' (5 th story)
	Rear (min)	n/a	n/a	n/a
	Street Side (min)	10' <i>Additional 8-12' setback required for 3rd story and above</i>	<i>Additional 8-12' setback required for 3rd story and above</i>	12' (1 st & 2 nd stories) 20' (3 rd - 5 th stories)
	Interior Side (min)	n/a	n/a	n/a
Impermeable Surface Coverage (max)		80%	80%	79.4%
Structure Coverage (max)		60%	60%	55.6%
Density (max)		40 du/acre (68 units)	69 du/acre (118 units)	110 units (102 market rate, 8 affordable/workforce)
Building Height (max)		30' (max. 2 stories)	56.25' (5 stories)	56.17' (5 stories, residential) 55.17' (4 stories, museum)

Maximum Wall Height at Side Setback	30'	56.25'	56.17' (residential) 55.17' (museum)	
Floor Area Ratio (FAR) (max)	1.10	2.45	2.27 (169,114 sf)	
Parking	Parking Calculated per residential unit and non-residential square footage. <i>See page 8 for detailed parking analysis.</i>	229 required spaces w/ mixed-use reduction	229 spaces: - 89 standard off-street - 29 compact off-street - 10 ADA off-street - 22 standard on-street - 1 bus on-street (4 equivalent spaces) - 156 bike (39 equivalent spaces but only counting 24) - 51 in-lieu spaces in the City parking garage on South K Street	
Is site in floodplain (Flood Zone/BFE) or in Wellfield Zone?	Not located in a flood zone; Wellfield Zone 4			
Living Area (minimum)	One-bedroom	600 sf	600 sf	618-1,267 sf
	Two-bedroom	750 sf	750 sf	890-1,716 sf

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Phase II/III: CRA Affordable Housing (30 S K St)			
Development Standard	Base Zoning District Downtown (DT)	Mixed-Use Urban Planned Development (MUUPD) with SBIP, AWFH, and TDR	Provided
Lot Size (min) In square feet (sf)	6,500 sf	0.5 acres	± 2.254 acres total ± 0.31 acres CRA development (13,500 sf)
Lot Width (min)	50'	50'	100'
Density (max)	40 du/acre (12 units)	69 du/acre (21 units) + additional 8 affordable/workforce transferred from Phase I site; potential additional affordable/workforce units per LDR Section 23.2-39(b)(1)(g)	<i>Not assessed; no specific development yet proposed</i>
Building Height (max)	30' (max. 2 stories)	56.25'	<i>Not assessed; no specific development yet proposed</i>
Floor Area Ratio (FAR) (max)	1.10	2.45	<i>Not assessed; no specific development yet proposed</i>

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Phase II/III: Cultural Council Affordable Housing (11 S L St)			
Development Standard	Base Zoning District Downtown (DT)	Mixed-Use Urban Planned Development (MUUPD) with SBIP, AWFH, and TDR	Provided
Lot Size (min) In square feet (sf)	6,500 sf	0.5 acres	± 2.254 acres total ± 0.23 acres Cultural Council development (10,125 sf)
Lot Width (min)	50'	50'	75'
Density (max)	40 du/acre (9 units)	69 du/acre (16 units); potential additional affordable/workforce units	<i>Not assessed; no specific development yet proposed</i>

		per LDR Section 23.2-39(b)(1)(g)	
Building Height (max)	30' (max. 2 stories)	56.25'	<i>Not assessed; no specific development yet proposed</i>
Floor Area Ratio (FAR) (max)	1.10	2.45	<i>Not assessed; no specific development yet proposed</i>

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EXHIBIT C
Conditions of Approval

Planning & Zoning

1. A restrictive covenant shall be recorded for the affordable/workforce units prior to the issuance of a Certificate of Occupancy for the residential building.
2. Separate HRPB approval shall be required for the proposed mural on the museum building. The mural shall be approved, permitted, and installed prior to the issuance of a Certificate of Occupancy for the museum building.
3. All utility easements required by Electric Utilities and/or Water and Sewer Utilities shall be recorded before or concurrently with the ROW abandonments.
4. Prior to the issuance of a certificate of occupancy, documentation shall be submitted by an independent third party to the Department of Community Sustainability that the project fulfills the City's project performance standards listed in LDR Section 23.2-31.
5. Prior to building permit application, submit a site plan amendment to address the following:
 - a. Establish a Uniform Master Sign Program in accordance with LDR Section 23.5-1
 - b. Correct the front setback notation along Lake Avenue; setbacks on site plan (A-02) are currently measured from beyond the indicated property line.
 - c. Depict proposed utility easements on the site plan (A-02)
 - d. Correct the residential unit mix type and associated parking calculations on sheet A-04 to match the unit mix shown on the residential floorplans
 - e. Revise the museum's ground floor to comply with transparency requirement in LDR Section 23.3-14(d)(6).
 - f. Site-related comments provided by other departments, as applicable.
6. At building permit, provide a percolation test done by either a Professional Engineer or Geotechnical firm for proposed semi-pervious pavers. The percolation test must include an evaluation of the site soils and shall calculate the hydraulic conductivity. The hydraulic conductivity values should be calculated based on the South Florida Water Management District's Usual Open Hole Constant Head percolation test procedure as shown on the "Equations in SFWMD Permit Information Manual, Volume IV". The percolation test should be submitted under the same cover of the Semi-Pervious Surface specification submittal.
7. All light fixtures shall be fully shielded to mitigate light pollution and shall meet Dark Sky requirements. If LED lights are used, then the light temperature shall be less than 3000K.
8. ROW permit approval shall be required for sidewalk café use along Lake Ave.
9. FDOT approval shall be required for work affecting the Lake Ave ROW, including awning/canopy overhang, landscape, and/or sidewalk café permit.
10. Prior to City Commission approval, parking calculations shall be revised to reflect assembly use of "flex space" on the third floor of the museum.

Historic Preservation

1. All conditions of approval from COAs #25-00100068, 25-00100149, 25-00100150, and 25-00100151 shall be adopted as part of the WMODA Mixed Use Urban Planned Development.

Landscape

1. Proposed tree removals will require a stand-alone tree removal permit.

2. Root barriers shall be used for all plantings that are within 5 feet of a utility easement or any other underground utility. Include a root barrier detail and indicate the root barrier locations on the landscape plan.
3. Prior to the issuance of a building permit for new construction, the applicant shall pay any required in-lieu mitigation fees into the City's Tree Canopy Restoration fund.
4. Prior to building permit application, submit a site plan amendment to address the following:
 - a. Revise disposition list to separate WMDOA development area from CRA receiving site and Cultural Council site, and remove 704 1st Avenue South from the disposition list, as that address is not part of this development approval
 - b. Revise disposition list to provide condition ratings in percentages. Per LDR 23.6-1(m)(7), mitigation requirements differ for trees/palms with a condition rating of 50% or more versus trees/palms with a condition rating below 50%.
 - c. Provide calculations for mitigation in-lieu fee, including the per-inch fees used to make the calculations.
 - d. Provide plan to resolve the deficiency of replacement palms.
 - e. Correct inconsistencies between landscape plan and disposition list as to whether the live oak (#123) will be removed or retained.
 - f. At least 75% of all required trees must be native per LDR 23.6-1(j)(5). Please revise plans to increase native tree count.
 - g. Provide trees in the northwest corner of the property near the residential L Street entrance. Palms shall not be used to replace required street trees.

Water & Sewer Utilities

1. Contact Rakib Chowdhury (rchowdhury@lakeworthbeachfl.gov) to coordinate regarding removal/replacement of water/sewer connections and meters:
 - a. The property 500 1st Ave South (Marked as Lot 28 Block 23 in the civil drawing) has active water and sewer connections from the mains located at the alley (Proposed to remove). In addition, the property has an active master water meter near the alley-side.
 - b. All the three water meters proposed for the removal are currently active.
2. During the building permit application:
 - a. Please call out in the plan about the schedules of the proposed sewer main construction before removal of the existing main.
 - b. Please show the invert elevations for all the proposed manholes.
 - c. Please call out the pipe materials for the water service lines.
 - d. Please provide permitting information from the South Florida Water Management District, PBC Health Department, FDEP, and FDOT.
 - e. Please provide a fire-flow calculation report based on a recent hydrant test.
 - f. Please show the conflict elevations for all utility crossings/conflicts.
 - g. Please call out the existing and proposed water-sewer utilities in the landscape plan. Please provide minimum clearances between the trees and utilities (both proposed and existing). Alternatively, please provide Public Service Details-23 (Typical Tree with Root Barrier) in the landscape details.
 - h. Please provide the cross-section for the South-East and North-West portion of the property showing how the stormwater will be stopped from flowing to the neighborhood properties.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department

of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.

2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under the jurisdiction of the Department of Public Works.
3. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
4. Prior to the issuance of a certificate of occupancy, ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
5. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree upon garbage / recycling storage location and screening, centralized container pickup location, and number of containers required so that they may be accurately depicted on the plans. Ex:
 - a. A-31 on Residential Plans: Trash location is shown, but there needs to be a discussion on how collection will take place. Based on dimensions and necessary radius for collection, truck access to the current plan location illustrated is not physically feasible.
 - b. A-11 on Museum Plans and Elevations: Dumpster location is shown, but there needs to be a discussion on how collection will take place. Based on dimensions and necessary radius for collection, truck access to the current plan location illustrated is not physically feasible.
 - c. Will there be any compactor(s) utilized? If not and individual containers are proposed to remain in the current location, will property management be placing them in the right-of-way for service and then returning them back on to the property on collection days?
 - d. The division manager for Solid Waste and Recycling, David Monestime, can be contacted by email at dmonestime@lakeworthbeachfl.gov or by phone at 561-533-7396.
6. Prior to the issuance of a Building Permit, any dumpster enclosure design (if applicable) shall meet the specifications of the Public Works Dept for size, type and material.
7. Prior to issuance of a building permit, a location shall be designated on the site plan for the storage of refuse carts and/or dumpsters on non-collection days. Plans shall also indicate how the refuse carts/dumpsters will be screened from public view on non-collection days.
8. Prior to the issuance of a Certificate of Occupancy, broom sweep all areas of the affected right of way and remove all silt and debris collected as a result of construction activity.
9. Prior to performing work in the City Right-of-Way (ROW), apply for and receive issuance of a "Right of Way/Utility Permit" application.
10. Prior to the issuance of a Certificate of Occupancy, restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
11. Prior to the issuance of a Building Permit, the applicant shall submit an approved FDOT Permit for the work on Lake Ave.
12. For the Art Walk (A-02 on Site plan & A-11 on Museum Plans and Elevations), alleyway improvements consisting of new base, asphalt, and header curbs shall be constructed in compliance with the Public Works Construction Standards and Policy and Procedures

Manual. Stamped concrete or stamped asphalt is requested, as annual / semi-annual brick paver maintenance is not desirable from a budgetary standpoint.

Electric Utilities

1. Prior to building permit application, submit a site plan amendment to address the following:
 - a. Developer to specify the path of the electric underground facilities to feed the transformers. Conduit for residential building to be enclosed due to the possibility of impact by traversing vehicles.
2. Electric Utility will request the utility 10ft easement in the alley between Lake Ave and 1st Ave S and L ST from the alley heading south to 1st Ave S and from L St heading east to the alley between L and M St. Before the issuance of a Certificate of Occupancy, the utility easement must be recorded.
3. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram.
4. Developer to show the location of the meter center on the site plan.
5. Developer will be responsible for installing their own lightning for the parking areas.
6. Developer will be responsible for installation of the conduits within the identified 10ft utility easement.
7. The City of Lake Worth Beach is responsible for installing all conduit, cable, and labor up to the transformer for underground services.
8. The City of Lake Worth Beach is also responsible for the cost of the transformer and installing the transformer/transformers.
9. The owner/developer is responsible for all conduit, cable or any other required equipment past or downstream of the transformer/transformers.
10. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done
11. If any meter is over 320 amps for single phase, or over 200 amps for 3-phase, a CT cabinet and CT meter will need to be installed. All meters and CT cabinets will require a minimum of 36" (36in) clearance in front for installation of the meter.