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3 **ORDINANCE NO. 2026-12 AN ORDINANCE OF THE CITY COMMISSION**
4 **OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE**
5 **OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A MIXED-**
6 **USE URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED AT 610,**
7 **615, 617, 621, 622, 625, 626, 629, 630, AND 702 SOUTH H STREET TO**
8 **CONSTRUCT TWO MULTI-FAMILY BUILDINGS, CONTAINING A TOTAL**
9 **OF 92 DWELLING UNITS AS MORE PARTICULARLY DESCRIBED IN**
10 **EXHIBIT A, LOCATED WITHIN THE MIXED USE – DIXIE HIGHWAY (MU-**
11 **DH) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF**
12 **MIXED USE - EAST (MU-E) SUBJECT TO SPECIFIC DEVELOPMENT**
13 **STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF**
14 **APPROVAL SET FORTH IN EXHIBIT C; APPROVING A CONDITIONAL**
15 **USE PERMIT; APPROVING A HEIGHT, DENSITY, AND INTENSITY**
16 **BONUS INCENTIVE THROUGH THE CITY'S SUSTAINABLE BONUS**
17 **INCENTIVE PROGRAM, AND AFFORDABLE/WORKFORCE HOUSING**
18 **PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE**
19 **DEVELOPMENT OF A RESIDENTIAL PLANNED DEVELOPMENT;**
20 **PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE**
21 **DATE**
22

23 WHEREAS, the City Commission of the City of Lake Worth Beach, Florida, pursuant to the
24 authority granted in Chapters 163 and 166, Florida Statutes, and the Land Development
25 Regulations, as adopted by the City of Lake Worth Beach, is authorized and empowered to
26 consider petitions relating to zoning and land development orders; and
27

28 WHEREAS, Chapter 23, Article 3, Division 6. – Planned Development of City of Lake Worth
29 Beach's Land Development Regulations allows for the creation of and amendments to planned
30 development districts to incentivize innovative development through the utilization of incentive
31 programs and flexible dimensional and use requirements that are defined within and occur in
32 conformity with an approved master development plan; and
33

34 WHEREAS, Pinnacle on Sixth, LLC, (the applicant and owner) has petitioned the City of
35 Lake Worth Beach (the City) for the creation of a Mixed Use Urban Planned Development to allow
36 for the construction of one five-story and one four-story multi-family building, containing a total of
37 92 dwelling units, on a site located at the intersection of 6th Avenue South and 7th Avenue South
38 with South H Street (PCNs 38-43-44-21-15-203-0100, 38-43-44-21-15-203-0130, 38-43-44-21-15-
39 203-0140, 38-43-44-21-15-203-0150, 38-43-44-21-15-203-0160, 38-43-44-21-15-205-0010, 38-
40 43-44-21-15-205-0020, 38-43-44-21-15-205-0030, 38-43-44-21-15-205-0040, 38-43-44-21-15-
41 223-0080) as further described in Exhibit A (the Property) within the MU-DH Zoning District and
42 the MU-E Future Land Use designation, which, if approved, shall constitute an amendment to the
43 City's official zoning map; and

44 WHEREAS, the applicant requests use of the City's Sustainable Bonus Incentive
45 Program and Affordable/Workforce Housing Program to allow for additional height, density
46 and intensity to be considered in conjunction with the applicant's request for approval for
47 a major site plan for the construction of a residential development currently known as
48 "Pinnacle on Sixth" and containing 92 residential units to be constructed on this site; and

WHEREAS, on August 5, 2026, the Lake Worth Beach Planning and Zoning Board (PZB) considered the subject application for a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Affordable/Workforce Housing Program and recommended that the City Commission approve the creation of this residential planned development subject to specific district development standards and certain enumerated conditions; and

WHEREAS, on September 1, 2026, the City Commission voted to approve on first reading the subject application for a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Affordable/Workforce Housing Program 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, Conditional Use, Sustainable Bonus Incentive Program, and Affordable/Workforce Housing Program 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 MU-DH Zoning District with a future land use designation of MU-E, 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) Sustainable Bonus Incentive Program; (d) Conditional Use Permit; (e) Affordable/Workforce Housing Program; (**Exhibit B**); (f) conditions of approval (**Exhibit C**); (g) required plans including the site plan, landscape plan, and civil & drainage plans; (h) 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.

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

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

The Mayor thereupon declared this ordinance duly passed on first reading on the 1st day of September, 2026.

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 Mimi May
Commissioner Sarah Malega
Commissioner Christopher McVoy
Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2026.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

EXHIBIT A
Property Description and Location Map

Addresses: 610, 615, 617, 621, 622, 625, 626, 629, 630, and 702 South H Street

PCNs: 38-43-44-21-15-203-0100, 38-43-44-21-15-203-0130, 38-43-44-21-15-203-0140, 38-43-44-21-15-203-0150, 38-43-44-21-15-203-0160, 38-43-44-21-15-205-0010, 38-43-44-21-15-205-0020, 38-43-44-21-15-205-0030, 38-43-44-21-15-205-0040, 38-43-44-21-15-223-0080

Size: 2.01 acres

General Location: South of the intersection of 6th Avenue South and South H Street and the intersection of 7th Avenue South with South H Street

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



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EXHIBIT B
Development Standards

Overall Site			
Development Standard	Base Zoning District Downtown (DT)	Mixed-Use Urban Planned Development (MUUPD) with SBIP and AWFH	Provided
Lot Size (min) In square feet (sf)	6,500 sf	0.5 acres	2.01 acres
Density (max)	30 du/ac (60.517 units)	Sustainable Bonus/MUUPDD (+25%): $60.517 \times 1.25 =$ 75.646 units AWFH Program (+15%) $= 75.646 \times 1.15 = 86.99$ units CRA Platted Lot Bonus: $86.99 + 13 \text{ units} =$ 99.99 units rounded up to <u>100 units pursuant</u> to <u>Sec. 23.2-39(b)(f).</u>	92 units

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Development Standard		Base Zoning District Mixed Use – Dixie Highway (MU-DH)	Residential Planned Development in MU- DH w/MUUPD, SBIP, AWHP	Provided
Lot Size (min) In square feet (sf)		6,500 sf	0.5 ac	2.01 ac
Lot Width (min)		50'	50'	Parcel A: 135' Parcel B: 135' Parcel C: 50'
Setbacks	Front (min build-to line)	10' not to exceed 22'	10' Front façade for third story and above must have front setback of eight (8) to twelve (12) feet in addition to minimum.	Parcel A: 10'/18'* Parcel B: 10'/18'* Parcel C: N/A
	Rear (min)	15'	N/A	Parcel A: 137.1' Parcel B: 84' Parcel C: N/A'
	Street Side (min build- to line)	10'	N/A	Parcel A: 10'* Parcel B: 10'* Parcel C: N/A
	Interior Side (min)	0'	0'	Parcel A: 15.9' Parcel B: 36' Parcel C: N/A

Impermeable Surface Coverage (maximum)		65%	65%	Parcel A: 66.51% Parcel B: 63.47% Parcel C: 60.6% Total: 64.47%
Building Coverage (max)		50%	50%	Parcel A: 28.5% Parcel B: 27.1% Parcel C: N/A Total: 25.76%
Density (max)		30 du/ac (60 units)	49.5 du/ac (100 units) Section 23.3-25.b) and FLUE Table 1 & Policy 1.1.1.1	45.67 du/ac (92 units) Section 23.3-25.b) and FLUE Table 1 & Policy 1.1.1.1
Building Height (max)		30' (max. 2 stories)	56.25' (5 stories)	Building A: 55.8' (5 stories)** Building B: 44.125' (4 stories)
Maximum Wall Height at Side Setback		30'	56.25'	Building A: 49'7" Building B: 39'
Floor Area Ratio (FAR) (max)		.9	1.4 Section 23.3-25.b) and FLUE Table 1 & Policy 1.1.1.1	1.10
Living Area (min)	1-bedroom units	600 sf	600sf	694-832sf
	2-bedroom units	750 sf	750 sf	946 sf
Parking		66 1-Bedroom 26 2-Bedroom Total: 144.5 spaces	66 1-Bedroom 26 2-Bedroom Total: 109 spaces (less 25%)	Parcel A: 69 spaces Parcel B: 39 spaces Parcel C: 3 spaces Total: 111 spaces Building A provides indoor storage for 32 bikes = 8 spaces 17 on-street spaces Total: 128 spaces
Workforce/Affordable Housing		100% of units will meet affordability requirements. Of these units, the following units must comply with the LWB AWHP: Tier 2 SBIP (25% density bonus or 7.5 du/ac at 15% affordable): 2.26 du Tier 2 SBIP (15% density bonus at 100% affordable): 11.3 du CRA Platted Lot Bonus: 5 du Total LWB AWHP: 19 du		
Is site in floodplain (Flood Zone / BFE), or in Wellfield Zone? Yes/No		Not in a Flood Zone/Wellfield Zone 4		

157 * Per LDR Section 23.3-17(d)(4)(A)(3): A build-to line of 10' is required from rights-of-way, which
158 can be increased to 18' if a public arcade or plaza is proposed. The site plan currently shows

setbacks of 10.2' and 10.3' which is intended to allow flexibility in selection of final exterior materials which can vary in thickness. The final building design will be sited with the proper 10-foot build-to line. A condition for approval has been proposed to ensure compliance.

**The plans submitted measure building height to the top of the flat roof deck at 49'7." According to LDR Division 2 – Definitions, building height should be measured to the average of the parapet, with up to 10% of the roof deck area being permitted to exceed the maximum height by ten (10) feet, or 66.25 feet. The applicant has provided a height exhibit that indicates that the majority of the roof parapets do not exceed 56.25 feet in total height. However, three portions of the Building A parapet will exceed 56.25 feet in height (60'6", 59'6", and 55'6") which in total do not exceed 10% of the roof surface area. A condition has been added for the architectural elevations to be revised to properly show the building height as part of a site plan modification.

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EXHIBIT C
Conditions of Approval

Planning & Zoning

Incentive Programs Conditions of Approval

1. The applicant shall pay \$30,000 to the City's Tree Restoration Fund, and \$30,000 to the City's Sustainable Bonus Improvement Program within two years of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall provide qualifying sustainable bonus features equal to fifty percent of the sustainable bonus fee, or shall be required to pay the remaining portion of the fifty percent of the incentive value prior to the issuance of a certificate of occupancy.
3. All units shall be restricted for affordable/workforce housing in accordance with the City's Affordable/ Workforce Housing Program (and any alternative program as restrictive or more) prior to the issuance of a Certificate of Occupancy for the building.
4. Final plat approval, with all requested easements, is required prior to the issuance of a building permit.

Site Conditions of Approval

1. The building facades shall include the tile mosaic and mural artwork as depicted on the architectural renderings to create visual interest. This public art shall be reviewed by both the Planning and Zoning Board and the CRA's LULA program prior to installation. The murals shall be approved and installed prior to the certificate of occupancy being issued for each phase.
2. Prior to the issuance of any building permits, a minor site plan shall be required to address the following:
 - a. Provide an updated landscape plan that meets the mitigation requirements of the Land Development Regulations.
 - b. Submit an updated photometric plan demonstrating that the exterior lighting complies with dark sky lighting guidelines. www.darksky.org Specifically, the lighting fixtures shall be reviewed at building permit for consistency with the dark sky guidelines and the architecture of the buildings.
 - c. Update site data table errors.
 - d. Provide the proper building height measurement.
 - e. The proposed site plan shall be amended to reflect the modified plan for parcel C as presented at first reading.
3. Temporary fencing: Per LDR Section 23.4-4(j), 1. Screening details shall be submitted with the temporary construction fence permit application. Wind screening shall be substantial enough to avoid rips or tears due to wind or sun, and shall have no less than eighty-five (85) percent opacity. Screening shall be maintained in good condition at all times. Screening graphics shall be approved with a permit pursuant to the provisions of section 23.5-1, signs, of the zoning and land development regulations of this Code; 2. Temporary construction fencing must be associated with an active building permit unless approved by the development review official in lieu of a permit. The development review official may require the removal of a temporary fence in absence of an active permit or for safety issues;

and 3. Acceptable materials include screened chain link and any other permitted materials identified in section 23.4-4(c).

4. Prior to the issuance of a final certificate of occupancy, documentation shall be submitted to the Department of Community Sustainability that the project qualifies at a minimum as a National Green Building Standard (NGSB) certification or equivalent certification to fulfill the City's project performance standards listed in LDR Section 23.2-31.
5. Buildings A and B shall be built to the ten (10) foot and eighteen (18) foot build-to lines required by LDR Section 23.3-17 d) 3.. A site plan modification will be required once final materials are selected.
6. The site plan shall be revised to provide four (4) bicycle parking spaces on both Parcel A and B.
7. Any future ground signs shall comply with Section 23.5-1 Signs and shall be designed to complement the architectural theme of the development.
8. Building A shall be designed and constructed to have two elevators.

Plat Requirements

9. Applicant shall receive City approval of a replat of the property unifying ownership and control of all three parcels of land.
10. Prior to issuance of a building permit, the applicant shall agree to and record a declaration of *unity* of title that shall constitute a covenant running with the land, as provided by law, and shall be binding upon the parties thereto and their heirs, successors and assigns, and all persons claiming under them until such time as the declaration may be released or amended by a properly authorized representative of the city. by a properly authorized representative of the city.
11. Prior to issuance of a building permit, the applicant shall provide to the city any agreements, contracts, or deed restrictions and covenants that ensure the development will occur in accordance with the master development plan; and that the developer, his successors, assignees, or heirs, are responsible for the continued maintenance and operation of common areas and facilities, including sodding, watering down and fencing of undeveloped areas earmarked for future stages of development that are disturbed during development.
12. As part of the replat, the proposed art and dog park, as shown on the site plan, shall be dedicated to public as a park to be maintained into perpetuity by the applicant or successors.

General Conditions of Approval

13. At building permit, documentation shall be submitted to demonstrate that the material utilized for the semi-pervious parking areas has a percolation rate of at least fifty (50) percent relative to the ground percolation rate.
14. An address application shall be required to be submitted prior to application for building permit.
15. A video security system shall be required for the property.

Utilities (Water, Sewer & Stormwater)

16. During the building permit application:

- A. Since the site is larger than one (1) acre, NPDES ERP and CGP permitting are required. Please provide an update of the permitting.
- B. Please provide the cross-sections for each of the property line showing how the stormwater will be stopped from flowing to the neighborhood properties.
- C. Identify all the utility crossings/conflicts and provide conflict elevations.

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, alleyways improvements consisting of new base, asphalt and header curbs shall be constructed from 7th Ave S to 6th Ave S, in compliance with the Public Works Construction Standards and Policy and Procedures Manual.
5. 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.
6. Coordinate with the Solid Waste and Recycling Division to determine the number of containers required and the designated placement location on scheduled collection days. The Division may be contacted by email at SolidWasteInfo@lakeworthbeachfl.gov.
7. Prior to the issuance of a Certificate of Occupancy, broom sweep all areas of the affected right of way and removal of all silt and debris collected as a result of construction activity.
8. Prior to performing work in the City Right-of-Way (ROW), apply for and receive issuance of a "Right of Way/Utility Permit" application.
9. Prior to the issuance of a Certificate of Occupancy, restore the right of way to a like or better condition. Any damage to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
10. Prior to the issuance of a Building Permit, the applicant shall submit an approved FDOT Permit for the driveway / sidewalk work at 6th Ave S.

Electric Utility

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram. If a pad mount transformer is requested, we will need to know the location of the pad-mount transformers for the building.

- 305 The transformer locations must be accessible to our vehicles and must have 10-ft minimum
306 clearance in front of them and 5-ft clearance to the side or rear, including landscaping. They
307 also must not be under or inside any structure.
- 308 2. As part of the replat, if a pad-mount transformer will be requested, the applicant shall
309 provide a 10-ft wide utility easement for the underground electric, transformers and other
310 equipment that will need to be installed to provide power to this project.
- 311 3. Any other required utility easements must be recorded prior to the issuance of a Certificate
312 of Occupancy.
- 313 4. Developer will be responsible for installing their own lighting for the parking areas.
- 314 5. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be
315 done.
- 316 6. The applicant shall work with the Electric Utility regarding the final design and construction
317 of the necessary undergrounding of utilities, and pay the City for the materials and labor for
318 the work outlined in the Contribution in Aid of Construction estimate dated May 15, 2026.