

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00900001 (Ordinance 2024-02): A request for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as “Sunset Drive,” at 826 Sunset Drive to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units.

Note: The data and analysis for the associated Zoning Text Amendment is under a separate cover.

PZB Meeting Date: March 6, 2024 (continued from January 17, 2024)

Property Owner: Sunset Drive Holdings, LLC

Applicant: SCG Florida, LLC

Address: 826 Sunset Drive

PCN: 38-43-44-29-01-004-0240

Size: 4.017 acres (175,000 square feet)

General Location: South of Sunset Drive

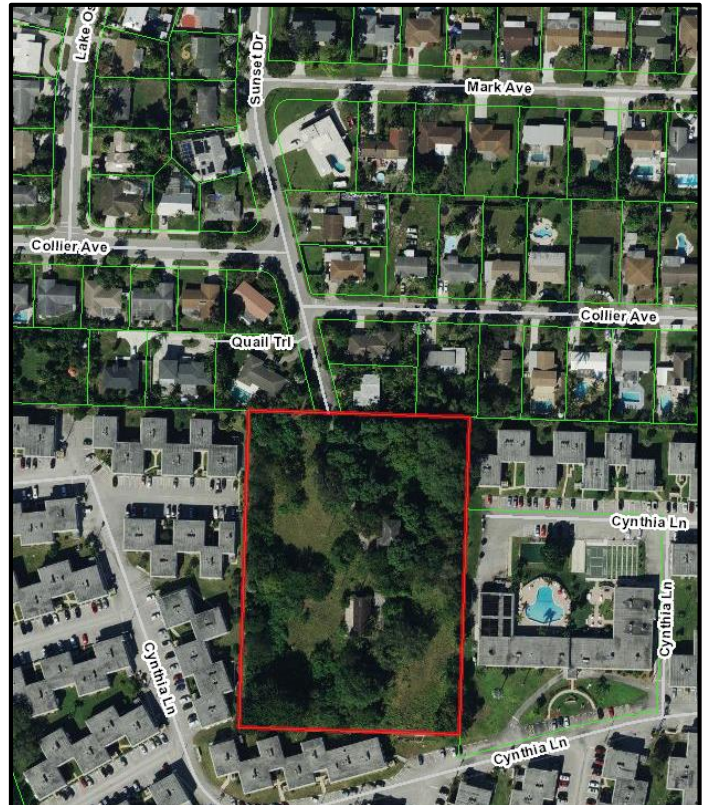
Existing Land Use: Single-family residential

Current Future Land Use Designation: Medium Density Residential (MDR)

Current Zoning District: Not Assigned

Proposed Zoning District: Single-Family Residential (SF-R)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 13 to 15 of this report.

PROJECT DESCRIPTION

The applicant, Chris Raley on behalf of SCG Florida LLC, is requesting approval of the following for the project commonly referred to as “Sunset Drive” at 826 Sunset Drive:

- **Residential Only Mixed-Use Urban Planned Development** to construct nine (9), two (2)-story townhouse buildings with 42 dwelling units total.
- **Major Site Plan** to construct a residential development with more than 7,500 square feet.
- **Conditional Use** to establish a residential use greater than 7,500 square feet.
- **Sustainable Bonus Program Incentive Program** for additional density.
- **Affordable/Workforce Housing Program** for additional density.
- **Transfer of Development Rights** for additional density.
- **Zoning Map Amendment** to assign a Single-Family Residential (SF-R) zoning district designation.

The applicant is proposing a residential townhouse development on a 4.017-acre site with the purpose of constructing nine (9) townhouse buildings with a total of 42 dwelling units. The site is configured with nine (9), two (2)-story townhouse buildings that are accessed from a new residential loop street. The development will include a covered workout pavilion, dog park and flexible recreation area, and a pedestrian circulation system.

The proposed building designs are contemporary. The exterior finishes include wood-look cladding, smooth stucco, and brick veneers. The proposed townhouse buildings will each accommodate between four (4) to five (5) units throughout the development. The project includes sustainable elements such as solar panels, rainwater collection systems, bioswales, electric vehicle charging, and a green building certification.

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COMMUNITY OUTREACH

At the time of this report’s publication, staff has received a letter of opposition for this application from the office representing the Murry Hills Association, Inc. Per LDR Section 23.2-19.1, *a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored new construction projects along the City’s major thoroughfares as well as those utilizing the City’s Sustainable Bonus Incentive Program, Transfer of Development Rights Program and/or Economic Investment Incentives.*

Notice requirements for the neighborhood meeting are established in LDR Section 23.2-19.1(c): “The notice and an affidavit of notice affirming the notice requirements have been met shall be hand-delivered to the department for community sustainability. The notice shall be mailed, posted at the property, and hand-delivered to the city clerk and CRA office (as applicable) for website posting at least fifteen (15) days before the public neighborhood meeting.”

On November 14, 2023, the applicant held a meeting with neighborhood residents at the Lake Osborne Church (2016 6th Avenue South). The meeting minutes are included as an attachment. The applicant also created a project webpage: www.sustainableconstructiongroup.com/sunset-drive. According to the applicant, the notices were mailed to all property owners within 400 ft of the project on October 26, 2023. A sign was placed on the property on November 1, 2023.

The required notice and affidavit were not submitted to Community Sustainability staff, nor was a notice delivered to the City Clerk, as required by LDR Section 23.2-19.1. The sign posting also did not meet the fifteen (15) day noticing requirement, as it was posted 13 days prior to the neighborhood meeting.

The Development Review Officer (DRO) has the authority to determine if the notice requirements have been met; the DRO is deferring to the PZB to determine whether the noticing provided was adequate and if notice requirements have been met. If the PZB determines that noticing was inadequate and/or the requirements were not met, the applicant must conduct another neighborhood meeting, which meets all of the noticing requirements.

The applicant also held a second voluntary neighborhood meeting on March 1, 2024 with the neighborhood residents.

BACKGROUND

Listed below is a summary of the subject property’s background:

- The subject property was annexed into the City in November 2005, with the City Commission approving the annexation and rezoning requests from Sunset Drive Holdings, LLC.

- On June 6, 2006, the City Commission approved a future land use map designation of Medium Density Residential (MDR), however, this designation was challenged by residents of the City.
- In August 2009, the City reversed the prior land use and zoning approvals.
- Since 2012, the City updated and revised its comprehensive plan, future land use map, and zoning map.
- The subject property currently has a City adopted land use designation of Medium Density Residential (MDR) but no City adopted zoning designation.
- The subject property does not have any active code compliance cases.
- On January 17, 2024, the project was scheduled to be considered by the Planning and Zoning Board (PZB). The project was requested to be continued by several affected parties. Public comment was provided to the Planning and Zoning Board (PZB) not supportive of the project. The Board voted to continue the item to the March 6, 2024 PZB Meeting.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Medium Density Residential (MDR). Per Policy 1.1.1.3, *the MDR category is intended primarily to permit development of two-family and multi-family structures. Two-family structures are those that provide two principal dwelling units, each for occupancy by one family or household. Multi-family structures are those that contain three or more principal dwelling units, each for occupancy by one family or household. Implementing zoning districts are SF/TF-14, MF-20 and NC. Zoning regulations shall protect two-family and medium density multi-family residential areas from the encroachment of incompatible land uses. At the same time, provision may be made for a limited number of nonresidential uses that are compatible by reason of their nature and limited frequency of occurrence with an overall medium-density, multi-family residential character. Zoning regulations shall provide for compatible nonresidential uses either through special zoning districts that may be mapped in areas designated SF/TF-14, MF-20 or NC, or through conditional use permit provisions. Academic schools that are determined to be compatible with the surrounding neighborhood shall be a conditionally permitted use within this land use category.*

Future development of multi-family structures in the medium- density residential category shall not exceed densities of 20 dwelling units per acre. Zoning regulations implementing this category shall set appropriate minimum lot area and lot width requirements and minimum site area per dwelling unit requirements.

Zoning regulations shall permit a variety of dwelling unit types in two-family and multi-family structures on lots that meet minimum lot size requirements for multi-family structures.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II and Pilar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, achieve economic and financial sustainability through a versatile and stable tax base, and ensure facility placement, construction and development that anticipates and embraces the future. The proposed project will contribute towards the City's Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

The proposed development and zoning map amendment requests are consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan as it provides additional housing in the City of Lake Worth Beach.

Consistency with the Land Development Regulations

The proposed application was reviewed for consistency with all applicable requirements in the City's Land Development Regulations (LDR), including the zoning district and planned development requirements. Per Section 23.3-25, planned

developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked to review planned development applications in accordance with the City’s LDRs, to assess compliance with the findings for granting planned developments (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied. The subject planned development is requesting to waive or relax the following requirements: reducing the townhouse separation distance requirement from 20 feet to 10 feet, and reducing the impermeable surface separation requirement for the driveways from one foot to zero.

Single-Family Residential (SF-R): Per LDR Section 23.3-7(a), the "SF-R single-family residential district" is intended primarily to permit development of one (1) single-family structure per lot. Provision is made for a limited number of nonresidential uses for the convenience of residents. These nonresidential uses are compatible by reason of their nature and limited frequency of occurrence with an overall single-family residential character. The "SF-R single-family residential district" implements the "single-family residential" land use category of the Lake Worth Comprehensive Plan.

The table and topic area analysis below evaluate the proposed site features and the project’s compliance with the Code, and factoring in the Sustainable Bonus incentives, Planned Development incentives, Affordable/Workforce Housing Program, Transfer of Development Rights and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Single-Family Residential (SF-R)	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP, A/WHP, and TDR	Provided
Lot Size (min) In square feet (sf)		5,000 sf	.5 acres	4.017 acres
Lot Width (min)		50 feet	50 feet	350 feet
Setbacks	Front	20 feet	20 feet	61 feet
	Rear (min)	15 feet or 10% of lot depth for primary structures, whichever is less	15 feet or 10% of lot depth for primary structures, whichever is less	31 feet
	Street Side (min)	N/A	N/A	N/A
	Interior Side (min)	10 feet for lots over 100 feet in width	10 feet for lots over 100 feet in width	15 feet
Impermeable Surface Coverage (maximum)		50% (Large Lot)	60%	45.18% (79,060 square feet)
Structure Coverage (max)		30% (Large Lot)	40%	20.68% (36,204 square feet)
Building Height (max)		30 feet (2 stories)	30 feet (2 stories)	28 feet (2 stories)
Maximum Wall Height at Side Setback		Lots over 100 feet in width - 23 feet wall height at 10-foot setback For each additional foot of side setback an additional foot of wall	Lots over 100 feet in width - 23 feet wall height at 10-foot setback For each additional foot of side setback an additional foot of wall	28-foot wall height at 15-foot setback

	height is allowed to a maximum of 30 feet	height is allowed to a maximum of 30 feet	
Floor Area Ratio (FAR) (max)	0.45 (Large Lot)	0.55	0.2 (34,860 square feet)
Living Area (min)	800 square feet	800 square feet	2,160 square feet
Parking	1.25 spaces per unit	1.25 spaces per unit	Required: 53 spaces Proposed: 102 spaces
Is site in floodplain (Flood Zone / BFE), or in Wellfield Zone?	Wellfield Protection Zone 4		

The table below summarizes the project’s proposed density:

Development Standard	Base Zoning District Single-Family Residential (SF-R)	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP, A/WHP, and TDR	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP and TDR	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP, TDR A/WHP, and	Provided
Density (max)	7 du/acre	8.75 du/acre	9.13 du/acre	10.4995 du/acre	10.4995 du/acre
Dwelling units	28	35	36	42	42

Sustainable Bonus Incentive Program – Density Only

Per Policy 1.2.3.4 of the City’s Comprehensive Plan, a planned development may obtain a 25% bonus on density as outlined in Table 1 of the Comprehensive Plan. The applicant is requesting a bonus of 1.75 dwelling units (7.0305326 units) per acre for a residential only mixed-use urban planned development in the SF-R zoning district. The total SBIP square footage of bonus area is based on 7.0305326 dwelling units (2,160 square feet each) which is +/- 15,185.9504 square feet total. Therefore, the value of required improvements for the SBIP bonus areas are \$227,789.256 (15,185.9504 sf X \$15.00 per sf). Fifty percent (50%) of the incentive award value is \$113,894.628, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$113,894.628), the applicant may propose qualified on-site improvements or provide additional payment to the City.

The project will pursue a Florida Green Building Certificate which will reduce the required improvements by 50% per LDR Section 23.2-33(D)(1)(b). Public amenities in the form of a dog park/flex area and a covered workout pavilion are proposed within the development that counts towards the qualifying features or improvements. Also, a variety of green design features such as solar panels, bioswales, rain tanks, rooftop gardens, hydro panels, and electric vehicle charges are proposed which can count towards the SBIP incentive award.

Transfer of Development Rights (TDR):

Section 23.3-25(g) establishes the city’s Transfer of Development Rights program. Projects which utilize the Transfer of Development Rights program may obtain an increase in overall density of ten units per acre. The rights are valued at a cost of \$15 per square foot, and are payed to the City in exchange for development rights on City-owned properties with a future land use designation of Public.

The proposed project has gained an additional 0.38 units per acre (1.52662994) as part of the transfer of development rights bonus. The total development rights cost for the additional 1.52662994 units with a unit size of 2,160 square feet is \$49,461.8099 (1.52662994 units X 2,160 sf X \$15 per sf) which the applicant is required to pay to the City.

Below are the criteria projects must meet to qualify for the program.

1. Projects incorporating transfer development rights must be a mixed use urban planned development, planned development, mixed use planned development or residential planned development.

Analysis: The proposed project is a residential only mixed-use urban planned development which is a type of planned development. **Meets Criterion.**

2. Projects must have incorporated all of the density bonuses available under the sustainable bonus program prior to being eligible for the transfer development rights program.

Analysis: The proposed project has incorporated all of the density bonuses available under the sustainable bonus program. **Meets Criterion.**

Affordable/Workforce Housing Program

The applicant has elected to opt into the program to achieve greater density. An additional 1.36 dwelling units per acre (5.46372819 units) is achieved by utilizing the City's Affordable/Workforce Housing Program.

Analysis: The applicant is proposing 42 dwelling units of which 7 units (15% of the total number of units) will be income restricted. Staff has included a condition of approval to ensure this requirement is satisfied.

Section 23.4-10. - Off-street parking: This section provides general provisions for off-street parking. The standards "apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes."

Analysis: The parking for the dwelling units was calculated as follows:

- 42, single-family attached units (1.25 spaces per unit X 42 townhomes = 53 parking spaces)

A total of 53 parking spaces are required. The parking requirement has been exceeded with 102 parking spaces in the following configurations:

- 42 off-street garage spaces
- 42 off-street driveway spaces
- 18 on-street parking spaces (including 2 ADA spaces)

Section 23.6-1. - Landscape regulations: The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping".

Analysis: The development proposal provides perimeter and interior landscaping that is generally consistent with the City's landscape regulations. Tree species include a mix of Gumbo Limbo, Green Buttonwood, Silver Buttonwood, Dahoon Holly, Bay Rum and Slash Pine trees for the perimeter and interior plantings with multiple native and non-native shrubs, grasses, and groundcovers throughout the site. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. The diameter at breast height (DBH) for existing trees is used to calculate the tree replacement requirements and replacement of trees eighteen (18) DBH inches or more shall require replacement trees to be at least six (6) DBH inches. After the review of the Tree Survey, Disposition Plan and Landscape Plan staff determined that there is a tree replacement and mitigation shortfall. Therefore, staff has proposed a condition of approval requiring updated landscape and tree disposition plans that comply with code section 23.6-1(m), *Tree Preservation*.

The revised tree replacement and/or mitigation and the final landscape plan will be reviewed for compliance in a minor site plan application. If the required replacement trees cannot be located on site, the trees shall be mitigated by paying into the tree canopy restoration fund in accordance with code section 23.6-1 (m)(7)(c).

Section 23.5-1- Signage: Signage is required to comply with the size and design requirements of LDR Section 23.5-1, *Signs*. Ground or monument signage are required to be depicted on both the site and landscape plans, and are reviewed for consistency with the sign code requirements and planned development at building permit.

Analysis: One (1) freestanding monument sign is proposed. Per LDR Section 23.5-1(E)(5), a lot with frontage between 301-400 feet is permitted 150 square feet of signage. A maximum sign height of 8' is permitted with a minimum setback of 3'. The sign will have a height of 4', an area of 12 square feet, and a setback that exceeds the minimum requirement. Therefore, the proposed monument sign is code compliant. No waivers are being requested for the signage. However, it is staff's analysis that the sign design is not compatible with the development's contemporary buildings. A recommendation is proposed to update the design at minor site plan review.

Section 12-7, Dumpster Requirements: *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

Analysis: The refuse of each dwelling unit will be placed in refuse bins/carts. A separate dumpster is not proposed. The Public Works Department reviewed the proposal and added conditions of approval to ensure consistency with City requirements.

Section 23.4-3, Exterior Lighting: *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

Analysis: A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3 and does not allow light trespass upon neighboring residential properties or districts in excess of 12.57 lumens. A condition of approval has been provided requiring further review to ensure compliance with Dark Skies lighting recommendations and for consistency with the architecture of the buildings. Further, proposed fixtures shall be required to have a warm tone setting of 3000K or less.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards are intended to *"promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards."* These qualitative standards are applicable to site plan applications as well as all conditional uses. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

Site Design Qualitative Standards Analysis (including vehicular use areas):

The site is configured with nine (9), two (2)-story townhouse buildings that are accessed from a new residential loop street. The development will include a covered workout pavilion, dog park and flexible recreation area, and a pedestrian circulation system. The proposed building designs are contemporary with a flat roof. The exterior finishes include wood-look cladding, smooth stucco, and brick veneers. The proposed townhouses will accommodate between four (4) to five (5) units throughout the development.

Vehicular ingress and egress are proposed from Sunset Drive. The pedestrian and vehicular site circulation safely connects to the existing public right-of-way. Further, the site pedestrian circulation system is appropriately insulated from vehicular circulation. Adequate landscaping is proposed to screen the perimeter of the site and provide internal vegetation; these improvements were further discussed in the landscape section of this report.

According to the project narrative (included as an attachment) the project will satisfy the performance standards listed in LDR Section 23.2-31(c)(16). A workout pavilion and a dog park/flex open space are provided which will encourage community pride and social interaction.

The applicant submitted a separate statement (included as an attachment) that explains how the planned development achieves sustainable qualities, values, and principles as listed in LDR Section 23.2-31(c)(17). The complete compliance analysis is provided in Attachment A.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Unincorporated Palm Beach County	Unincorporated Palm Beach County	Single-family residential
South	Medium Density Residential	Medium Density Multi-Family Residential (MF-30)	Multi-family residential
East	Medium Density Residential	Medium Density Multi-Family Residential (MF-30)	Multi-family residential
West	Medium Density Residential	Medium Density Multi-Family Residential (MF-30)	Multi-family residential

The proposed use and site improvements will not negatively affect the existing surrounding properties and uses. They are harmonious and compatible with the existing residential area.

Community Appearance Criteria:

The proposed development and associated site improvements represent a substantial improvement in the general appearance of the property by providing new landscape around the perimeter of the property, and new architecturally compatible townhouse buildings. The proposed architecture of the building is appropriate and in harmony with the surrounding area. Overall, the development proposal represents a substantial improvement in the visual appearance of the property.

Conditional Use Findings (Attachment B)

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a

particular location and to prevent or minimize potential adverse impacts to the surrounding area. **The project proposal includes a conditional use request to establish a residential development greater than 7,500 square feet.**

Per LDR Section 23.4-13(c)(11), townhouses are subject to the additional standards as part of the CUP review process:

- (1) Front setback shall be ten (10) feet, with an open porch permitted in a minimum of five (5) feet of setback;
- (2) Distance between townhouse structures shall be twenty (20) feet; however, distance between double-stacked townhouse structures shall be thirty (30) feet;
- (3) Rear setback shall be twenty (20) feet with ten (10) feet for accessory structures;
- (4) Townhouse structures shall not exceed one hundred twenty (120) feet in overall length or six (6) units;
- (5) The maximum number of attached townhouse units within a townhouse building fronting on Federal Highway shall be four (4) units, unless a planned development district is approved; and
- (6) No front door access from alleys when abutting single family residential use or district.
- (7) For all stories above the second story, both the front façade and rear façade must be setback an additional distance beyond the minimum, except three-story townhouses not higher than thirty-five (35) feet shall meet the minimum front and rear setback requirements.

Analysis: At present, townhouses are not allowed in the SF-R zoning district. The applicant is requesting, under separate application, concurrent approval of a privately-initiated amendment to the City's Land Development Regulations (LDR) to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Residential Only Mixed Use Urban Planned Development (Ordinance 2024-03). Should Ordinance 2024-03 not be approved, the development application for 826 Sunset Drive would be considered moot and would need to be revised and resubmitted to comply with the existing LDRs.

If Ordinance 2024-03 is approved, the proposed townhouse buildings comply with the requirements noted above, except for the minimum distance between buildings. A waiver is being requested as part of the planned development to reduce the distance between the three (3) southern buildings to 10 feet between each.

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The applicant is proposing townhouse buildings that do not utilize the maximum development potential. The buildings will be served by existing municipal services, including water, sewer, refuse, fire and police. The proposed associated site improvements would provide new landscaping and an improved condition of the parcel while providing new housing options.

Zoning Map Amendment

Consistency with the City's Land Development Regulations

The zoning map amendment will assign a Single-Family Residential (SF-R) zoning district designation. A concurrent zoning text amendment (analysis provided under separate cover) will allow residential planned developments located within the SF-R zoning district to propose townhouses. As a result, the property will be redeveloped with a townhouse project which provide additional housing within the City of Lake Worth Beach. The property is adjacent to single-family uses to the north and multi-family uses to the east, west, and south.

The LDRs also require all zoning requests without a concurrent Future Land Use Map (FLUM) Amendment be analyzed for consistency with the review criteria in Section 23.2-36(3). Staff's full analysis of the review criteria is provided below. The analysis demonstrates that the proposed zoning complies with the review criteria and that the required findings can be made in support of the zoning designation request.

Section 23.2-36(4): Review Criteria for the Rezoning of Land

The Department of Community Sustainability is tasked in the Code to review rezoning applications for consistency with the findings for granting rezoning applications in LDR Section 23.2-36 and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

At the hearing on the application, the Planning and Zoning Board or Historic Resources Preservation Board shall consider the zoning map amendment application and request, the staff report including recommendations of staff, and shall receive testimony and information from the petitioner, the owner, city staff, and public comment. At the conclusion of the hearing, the Board shall make a recommendation on the zoning map amendment request to the City Commission.

The land development regulations require all zoning map amendment rezoning requests without a concurrent future land use map amendment be analyzed for consistency with **Section 23.2-36(3)**. Staff has reviewed the rezoning against this section and has determined that the rezoning complies with the following review criteria:

- a. **Consistency:** Whether the proposed rezoning amendment would be consistent with the purpose and intent of the applicable comprehensive plan policies, redevelopment plans, and land development regulations. Approvals of a request to rezone to a planned zoning district may include limitations or requirements imposed on the master plan in order to maintain such consistency

Analysis: The zoning map amendment request furthers the implementation of the City's Comprehensive Plan with the proposed adoption of a zoning district that is consistent with the Medium Density Residential (MDR) Future Land Use (FLU) designation on the subject site. **Meets Criterion.**

- b. **Land use pattern:** Whether the proposed rezoning amendment would be contrary to the established land use pattern, or would create an isolated zoning district unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude rezoning that would result in more desirable and sustainable growth for the community.

Analysis: The zoning map amendment request will not be contrary or incompatible to the established land pattern, nor will it create an isolated zoning district unrelated to the adjacent and nearby classifications or constitute a grant of special privilege to the petitioner as contrasted with the protection of the public welfare. **Meets Criterion.**

- c. **Sustainability:** Whether the proposed rezoning would support the integration of a mix of land uses consistent with smart growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.

Analysis: The zoning map amendment request supports the integration of residential use consistent with smart growth and sustainability initiatives. In particular, approval of the request could lead to compatible land uses that could strengthen and direct development to the vacant property. This is a smart growth principle that will allow the City to benefit from a stronger tax base, will increase efficiency of already-developed land, and will add to the redevelopment potential in the area. The uses immediately surrounding the properties are primarily single-family residential and multi-family residential. Approval of the zoning map amendment will allow for land uses that are complementary to the existing residential uses surrounding the property. **Meets Criterion.**

- d. **Availability of public services/infrastructure:** Requests for rezoning to planned zoning districts shall be subject to review pursuant to [section 23.5-2](#).

Analysis: The development will be served by existing municipal services, including water, sewer, refuse, fire and police. The Electric, Water, Sewer, & Storm Utilities Departments included conditions of approval to adequately ensure community facilities and services are available to sustain the demands. **Meets Criterion.**

- e. *Compatibility:* The application shall consider the following compatibility factors:
1. Whether the proposed rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties.
 2. Whether the proposed rezoning is of a scale which is reasonably related to the needs of the neighborhood and the city as a whole.

Analysis: The lack of an official zoning designation of the subject property is not consistent with the adopted future land use. Assigning a zoning district designation to the subject site will increase compatibility with the adoption of a zoning district that is intended to implement the vision of the Medium Density Residential (MDR) FLU designation. **Meets Criterion.**

- f. *Direct community sustainability and economic development benefits:* For rezoning involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:
1. Further implementation of the city's economic development (CED) program;
 2. Contribute to the enhancement and diversification of the city's tax base;
 3. Respond to the current market demand or community needs or provide services or retail choices not locally available;
 4. Create new employment opportunities for the residents, with pay at or above the county average hourly wage;
 5. Represent innovative methods/technologies, especially those promoting sustainability;
 6. Support more efficient and sustainable use of land resources in furtherance of overall community health, safety and general welfare;
 7. Be complementary to existing uses, thus fostering synergy effects; and
 8. Alleviate blight/economic obsolescence of the subject area.

Analysis: The project known as "Sunset Drive" will have several economic benefits for the community. Approval of the zoning map amendment would allow for the redevelopment of the site as sustainable residential development. The proposed residential planned development will also result in the construction of seven (7) affordable/workforce housing dwelling units. Therefore, housing options in Lake Worth Beach will be further diversified. **Meets Criterion.**

- g. *Economic development impact determination for conventional zoning districts:* For rezoning involving rezoning to a conventional zoning district, the review shall consider whether the proposal would further the economic development program, and also determine whether the proposal would:
1. Represent a potential decrease in the possible intensity of development, given the uses permitted in the proposed land use category and/or zoning district; and
 2. Represent a potential decrease in the number of uses with high probable economic development benefits.

Analysis: The proposed application would allow for the development of the subject site. **Meets Criterion.**

- h. *Master plan and site plan compliance with land development regulations*: When master plan and site plan review are required pursuant to section 2.D.1.e. above, both shall comply with the requirements of the respective zoning district regulations of article III and the site development standards of [section 23.2-32](#).

Analysis: The zoning analysis for the residential planned development was provided in this report. Based on the data and analysis and the supporting materials by the applicant, the use is not anticipated to negatively impact adjacent residential property. Further, the proposed site improvements are consistent with the City's LDR requirements. **Meets Criterion.**

The analysis has shown that the required findings can be made in support of the zoning map amendment. Therefore, the proposed request is consistent with the review criteria for zoning designations as outlined in LDR Section 23.2-36.

Project Phasing and Re-Plat

The residential planned development will be constructed in one phase. As depicted on the site plan, the project will include 42 fee-simple residential parcels, a residential loop, and common area tracts. A subsequent re-plat to create these parcels and tracts along will be required. The re-plat will also contain utility easements.

CONCLUSION AND CONDITIONS

If the PZB determines that noticing was inadequate and/or the requirements were not met, the applicant must conduct another neighborhood meeting, which meets all of the noticing requirements.

If the PZB determines that noticing was adequate and/or the requirements were met, the applicant may continue with the development application. Based on the data and analysis in this report and the supporting materials by the applicant, the proposed residential only mixed-use urban planned development will be complimentary to the adjacent residential properties. The project will provide sustainable townhomes and seven (7) affordable/workforce units. Further, the proposed improvements are consistent with the City's LDR requirements. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning, Zoning, and Landscape Services

Incentive Programs Conditions of Approval

1. Fifty percent of the sustainable bonus fee shall be paid to the City within one year 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. The transfer of development rights fee shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
4. Seven (7) units shall be restricted for affordable/workforce housing in accordance with the City's Affordable/Workforce Housing Program (or an alternative program as restrictive or more) prior to the issuance of a Certificate of Occupancy for the building.

Project Phasing Conditions of Approval

5. The project shall be constructed in one (1) phase.
6. Final plat approval is required prior to the issuance of a Certificate of Occupancy.

Site Conditions of Approval

7. Prior to the issuance of any building permits, a minor site plan shall be required to address the following:

- a. Provide updated landscape and tree disposition plans that comply with code section 23.6-1(m) Tree Preservation.
 - b. Submit an updated photometric plan demonstrating that the exterior lighting complies with dark sky lighting guidelines, including using fully shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins. Specifically, the lighting fixtures shall be reviewed at building permit for consistency with the dark sky guidelines and the architecture of the buildings.
 - c. Provide setbacks for the monument signage.
 - d. Update any site data table errors or discrepancies.
 - e. If applicable, incorporate changes required by other departments.
8. 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).
9. Prior to the issuance of a 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) silver certification or equivalent certification to fulfill the City's project performance standards listed in LDR Section 23.2-31.

General Conditions of Approval

10. The applicant shall coordinate with Palm Beach County (PBC) regarding required utility and right-of-way connections to Sunset Drive. PBC permits shall be submit to the City (as applicable), to confirm the viability of the work.
11. Prior to the issuance of any building permits, a structural report shall be submitted to City that confirms the integrity of the perimeter site wall.
12. 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.
13. Any zoning district regulations not specified in the residential planned development shall be governed by the Single-Family Residential (SF-R) zoning district, including but not limited to, mechanical equipment location, generator location, and accessory structure size and location.
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.
16. Staff recommends that the monument signage design is changed to be consistent with the contemporary architecture of the townhouse buildings.

Utilities (Water, Sewer & Stormwater)

1. Prior to issuance of a building permit application, the developer shall provide calculations to demonstrate the necessary water and sewer capacity to serve the overall project.
2. The following drainage comment(s) can be addressed at building permit submittal:
 - a. Activities involving more than one acre of construction require NPDES stormwater construction general permit, submittal of the Notice of Intent (NOI) to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b). A copy of the NOI will need to be submitted with Building Permit application.

- b. Provide paver manufacturer's specification including percolation rate as supporting documentation to demonstrate that the pavers meet the City's definition of semi-pervious paver (material percolation rate of at least 50% relative to the ground percolation rate).
- c. Provide geotechnical report establishing hydraulic conductivity value for soil and ground water table elevation to support both the exfiltration calculations and compare with the percolation rate of the semi-pervious pavers.
- d. Provide drainage analysis report and calculations.
- e. Storm Drainage Plan should show treatment volume calculations, exfiltration trench detail, proposed ground elevations, and runoff flow lines.

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 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 on garbage bin storage location and screening, garbage bid pickup location, and number of bins required. Solid Waste and Recycling can be contacted by email at PublicServicesPermit@lakeworthbeachfl.gov. The agreed upon refuse location and enclosure (if applicable) shall be depicted on the site plan.
6. Prior to issuance of a building permit, a location shall be designated on the site plan for the storage of refuse carts on non-collection days. Plans shall also indicate how the refuse carts will be screened from public view on non-collection days.
7. Prior to the issuance of a Certificate of Occupancy, fine grade and sod all disturbed areas with bahia sod.
8. Advisory Comment. The specific details concerning the ownership of the ROW for the section of Sunset Drive indicated in the plans provided is currently being researched by the Public Works Department of the City of Lake Worth Beach. Should the results of this investigation be that the City owns the ROW then the following conditions shall apply. Should the results of the investigation be that Palm Beach County owns the ROW then coordination with the County shall be required.
 - a. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
 - b. 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.
 - c. Prior to issuance of a Certificate of Occupancy, the proposed continuation of Sunset Dr. beyond the property line indicated on the Civil Plans provided, shall be platted as a private road and all construction and maintenance shall be the sole responsibility of the developer or future owner.

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. The location of the pad-mount transformers for the buildings shall be

indicated. The transformer locations must be accessible to our vehicles, and must have 10-ft minimum clearance in front of them and 4-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure.

2. Before the issuance of a Building permit, a 10-ft wide utility easement shall be required for the underground electric, transformers and other equipment that will need to be installed to provide power to this project. The electric utility is planning a looped underground primary service for this project.
3. Before the issuance of a Building permit, the utility easement must be recorded.
4. Before the issuance of a Building permit, any other services that will be needed for the project such as irrigation, lift station, lighting, gates, etc., shall be indicated and where these services will be.
5. Developer to show the location of the meter center on the site plan.
6. Developer will be responsible for installing their own lightning for the parking areas.
7. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
8. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

BOARD POTENTIAL MOTIONS:

Neighborhood Meeting:

I **move to approve** the neighborhood meeting noticing that was provided by the applicant and find that it meets the requirements of LDR Section 23.2-19.1.

I **move to disapprove** the neighborhood meeting noticing that was provided by the applicant and find it does not meet the requirements per LDR Section 23.2-19.1. The applicant shall conduct another neighborhood meeting prior to the development application moving forward.

Development Application:

I move to **recommend approval with conditions** of Ordinance 2024-02 for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as "Sunset Drive," to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units at the subject site based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **recommend disapproval** Ordinance 2024-02 for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as "Sunset Drive," to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units at the subject site. The project does not meet the LDRs for the following reasons [Board member please state reasons.].

Consequent Action: Final decision by the City Commission.

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, architectural plans & supporting documents)
- D. Draft Ordinance 2024-03

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
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<p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	In compliance
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<p>2. Preservation of natural conditions. The natural (refer to landscape code, article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in chapter 12, health and sanitation, article V, fertilizer friendly use regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.</p>	Not Applicable
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<p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	In compliance
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<p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p>	In compliance
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<p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	In compliance
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- 6. Access to public ways.** All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided. **In compliance**
- 7. Pedestrian circulation.** There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system. **In compliance**
- 8. Design of ingress and egress drives.** The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians. **In compliance**
- 9. Coordination of on-site circulation with off-site circulation.** The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization. **In compliance**
- 10. Design of on-site public right-of-way (ROW).** On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels. **In compliance**
- 11. Off-street parking, loading and vehicular circulation areas.** Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**
- 12. Refuse and service areas.** Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**
- 13. Protection of property values.** The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property. **In compliance**
- 14. Transitional development.** Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious and complementary transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, height, rhythm of openings and character. Special consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development. **In compliance**
- 15. Consideration of future development.** In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development. **In compliance**

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
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- 1. Buildings or structures which are part of a present or future group or complex shall have a unity of character, style, integrity and design. Their architectural style(s) shall be clearly expressed and detailed appropriately to vocabulary of the style(s) and be of high quality in terms of materials,** **In compliance**

craftmanship and articulation. The relationship of building forms through the use, texture and color of material(s) shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale, height, setback, massing and location on the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.

2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony and compatibility with the surroundings as is possible under the circumstances. The overall building fenestration, orientation, rhythm, height, setback, mass and bulk of an existing streetscape shall be respected. If a building is built in an undeveloped area, nine (9) primary requirements shall be met, including honest design construction, proper design concepts, appropriate use of high-quality materials, compatibility with the overall character of the city, appreciation of location, respectful transition, activation of the streetscape, building form(s) following proposed function(s) and overall sustainability.

In compliance

3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building. Facades shall have visual breaks every 75 feet at a minimum. The breaks shall be setbacks of either eight (8) inches or twelve (12) inches or more to create reveal lines or step backs on the façade and to add rhythm. Buildings in Lake Worth Beach typically have facades arranged in twenty-five-foot or fifty-foot increments. Breaks in facades also may be achieved through the use of differing but complementary and harmonious architectural styles. The massing elements of each façade shall have a height to width ratio approximating the golden ratio of 1.618, either vertically or horizontally.

In compliance

4. The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, floor to floor height, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression.

In compliance

5. Look-alike buildings shall not be allowed unless, in the opinion of the reviewing entity, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the reviewing entity, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.

In compliance

6. Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the reviewing entity. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.

In compliance

7. Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to

In compliance

the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.

- 8. Building surfaces, walls, fenestration and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
- 9. "Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not applicable**
- 10. All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
- 11. All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not applicable**
- 12. Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
- 13. No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
- 14. Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**
- 15. All buildings shall address both the public right-of-way and improve the overall pedestrian experience through the inclusion of the following components:* **In compliance**
- a. Clearly articulated entrances,*
 - b. Expanses of fenestration at the ground level,*
 - c. Provision of shade through porches, awnings, galleries, arcades and/or loggias as well as other appropriate forms to the chosen architectural style(s),*
 - d. Integrated signage,*
 - e. Pedestrian scaled lighting,*
 - f. Buildings that define at least fifty (50) percent of the street frontage, and*
 - g. Openings that approximate a golden ratio of 1.618.*
- 16. All new buildings of seven thousand five hundred (7,500) gross square feet or larger shall incorporate design principles, practices and performance standards to achieve the following through a project proforma description and analysis prepared by the developer and verified by an independent third party:* **In compliance as conditioned**
- a. Overall ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards,*

- b. Overall ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards,
- c. Overall twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards,
- d. Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable,
- e. Overall twenty (20) percent reduction in water usage during operation of the building as compared to industry standards,
- f. Efficient use of natural resources through use reduction, reuse, reclamation, and recycling,
- g. Incorporation of design features and uses that support multi-modal transportation options,
- h. Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors,
- i. Incorporation of amenities that are conducive to enhancing community pride and social interaction, and

17. In addition to the items enumerated above, all new planned developments shall strive to incorporate design elements, performance standards and/or specifications to enhance the public's awareness and appreciation of the community's commitment to the preservation and enhancement of the following sustainability qualities, values and principles: **In compliance**
- a. Cultural resources,
 - b. Historical resources,
 - c. Ecological/natural resources,
 - d. Diversity and inclusion,
 - e. Social justice,
 - f. Economic investment,
 - g. Neighborhood vitality,
 - h. Sense of place,
 - i. Education, and
 - j. Recreation.

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
1. Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.	In compliance
2. Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.	In compliance
3. The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating	In compliance

entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.

4. Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.

In compliance

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<i>1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i>	In compliance
<i>2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i>	In compliance
<i>3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.</i>	In compliance
<i>4. The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i>	In compliance

ATTACHMENT B - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance

Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance

4. *The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.* **In compliance**

5. *The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.* **In compliance**

6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **In compliance**

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**

8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**