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**ORDINANCE NO. 2021-16 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A RESIDENTIAL URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED AT 825 & 827 SOUTH FEDERAL HIGHWAY CONSISTING OF APPROXIMATELY 0.53 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE MIXED USE – FEDERAL HIGHWAY (MU-FH) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF MIXED USE – EAST (MU-E) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING A CONDITIONAL USE PERMIT; AND APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A 7-UNIT RESIDENTIAL URBAN PLANNED DEVELOPMENT; PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE**

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

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

WHEREAS, Cotleur & Hearing, a land development firm, on behalf of The Lord’s Place, Inc. (the applicant) has petitioned the City of Lake Worth Beach (the City) for creation of a Residential Urban Planned Development District to allow for the approval of a 7-unit residential development on a site located at 825 & 827 South Federal Highway (PCNS 38-43-44-27-01-021-0140 and 38-43-44-27-01-021-0160) as further described in Exhibit A (the Property) within the MU-FH Zoning District and the MU-E Future Land Use designation, which, if approved, shall constitute an amendment to the City’s official zoning map; and

WHEREAS, on September 1, 2021, the Lake Worth Beach Planning and Zoning Board (P&Z Board) considered the subject application for a Residential Urban Planned Development District, Major Site Plan, and Conditional Use Permit, and recommended that the City Commission not approve the creation of this residential urban planned development subject to specific district development standards and certain enumerated conditions; and

46 WHEREAS, on October 5, 2021, the City Commission voted to approve on first  
47 reading the subject application; and

48  
49 WHEREAS, the City Commission has considered all of the testimony and evidence  
50 and has determined that the Residential Urban Planned Development District, Major Site  
51 Plan, and Conditional Use Permit including the development regulations and conditions,  
52 meets the requirements of the Land Development Regulations, Section 23.3.25.

53  
54 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
55 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

56  
57 Section 1. Recitals. The foregoing recitals are true and correct and are hereby  
58 affirmed and ratified.

59  
60 Section 2. The Residential Urban Planned Development District located within the MU-  
61 FH Zoning District with a future land use designation of MU-E, as described more  
62 particularly in **Exhibit A**, is hereby approved. This approval includes the approval of the  
63 following elements to be known as the Master Development Plan: (a) Residential Urban  
64 Planned Development (b) Major Site Plan, (c) Conditional Use Permit, (d) district  
65 development standards (**Exhibit B**), (e) conditions of approval (**Exhibit C**); (f) required  
66 plans including the site plan, landscape plan, and civil & drainage plans; (g) supplemental  
67 supporting documents, as well as all agreements, provisions and/or covenants which  
68 shall govern the use, maintenance, and continued protection of the residential urban  
69 planned development and any of its common areas or facilities. The applicant is bound  
70 to all elements and requirements of the Master Development Plan.

71  
72 Section 3. The City's zoning maps shall be updated to reflect the changes to the  
73 property described in **Exhibit A**.

74  
75 Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict  
76 herewith are hereby repealed to the extent of such conflict.

77  
78 Section 5. Severability. If any provision of this ordinance or the application thereof is  
79 held invalid by a court of competent jurisdiction, the invalidity shall not affect other  
80 provisions of the ordinance which can be given effect without the invalid provision or  
81 application, and to this end the provisions of this ordinance are declared severable.

82  
83 Section 6. Effective Date. This ordinance shall become upon its final passage.

84  
85  
86 The passage of this ordinance on first reading was moved by \_\_\_\_\_, seconded by  
87 \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- 88  
89 Mayor Betty Resch  
90 Vice Mayor Herman Robinson  
91 Commissioner Sarah Malega  
92 Commissioner Christopher McVoy

Commissioner Kimberly Stokes

The Mayor thereupon declared this ordinance duly passed on first reading on the 5<sup>th</sup> day of October, 2021.

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 Herman Robinson
- Commissioner Sarah Malega
- Commissioner Christopher McVoy
- Commissioner Kimberly Stokes

The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Ann Coyne, City Clerk

### Exhibit A

**DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION**  
**PROPERTY DESCRIPTION FOR PZB CASE No. 20-01400036**

124 The subject site is a vacant 0.53 acre sit comprised of two parcels. The site is located at 825 & 827 South Federal  
 125 Highway on the west side of South Federal Highway and includes the northern 20 ft of the abandoned 9<sup>th</sup> Avenue  
 126 South right-of-way adjacent and south of 827 South Federal Highway.

<b>Applicant</b>	Cotleur & Hearing on behalf of The Lord’s Place, Inc.
<b>Owner</b>	Lords Place Inc.
<b>General Location</b>	Northwest corner of South Federal Highway and 9 <sup>th</sup> Avenue South
<b>Existing PCN Numbers</b>	38-43-44-27-01-021-0140; 38-43-44-27-01-021-0160
<b>Existing Land Use</b>	Vacant
<b>Zoning</b>	Mixed Use – Federal Highway (MU-FH)
<b>Future Land Use Designation</b>	Mixed Use – East (MU-E)



**Exhibit B****DEVELOPMENT STANDARDS FOR PZB CASE No. 20-01400036 (Ordinance 2021-16)**

Development Standard		Base Zoning District	Residential Urban Planned Development with Sustainable Bonus Incentive Program (SBIP)	Proposed
Min. Lot Size in square feet (sf)		5,000 sf	Greater or equal to 21,780 sf (0.5 acres)	22,950 sf (0.52 acres)
Min. Lot Width		50 ft.	50 ft.	170 ft.
Min. Setbacks	Front	10 ft.	10 ft.	10 ft.
	Rear	13.5 ft.	15 ft.	14 ft.
	Street Side	10 ft.	10 ft.	20 ft.
	Interior Side	10 ft.	10 ft.	53 ft.
Max. Impermeable Surface Coverage		55%	55%	50.68%
Max. Structure Coverage		45%	45%	33.3%
Min. Pervious Landscaped Area in Front Yard		900 sf.	900 sf.	1,121 sf.
Min. Living Area for a Three-Bedroom Unit		900 sf.	900 sf.	<b>636 sf. per unit*</b>
Parking Spaces		14 spaces	14 spaces	14 spaces (13 spaces + 4 bike rack spaces)
Max. Density		20 du/acre or 10 units	25 du/acre or 13 units	14 du/acre or 7 units

Development Standard	Base Zoning District	Residential Urban Planned Development with Sustainable Bonus Incentive Program (SBIP)	Proposed
Max. Building Height	30 ft.	43.75 feet	19 ft.8 in. to the average height between the eave and ridge  21'2" to the top of the ridge
Floor Area Ratio (FAR) Limitations	0.6	1.2	0.33
<p><i>* Request to relax these items is addressed as part of the Residential Urban Planned Development analysis.</i></p>			

128 **Exhibit C**

**DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION**  
**CONDITIONS OF APPROVAL FOR PZB CASE No. 20-01400036**

129 **Electric Utilities:**

- 130 1. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
- 131 a. Provide electrical plans and ensure the plans include the electrical riser diagram.
- 132 b. Indicate the voltage the project requires and whether a three-phase or single-phases is
- 133 needed.
- 134
- 135 2. The electrical services for the proposed building will come from the rear alley.
- 136
- 137 3. If the customer is wanting the service to be fed by a padmount transformer, the City will need a
- 138 10-ft-wide utility easement for the padmount transformer location and the electrical line that will
- 139 be run from the new pole to the padmount transformer. A padmount transformer will need 8-ft
- 140 minimum clearance in front of it and 3-ft minimum clearance on the sides and rear of it, including
- 141 any landscaping. The customer will be responsible for installing any electrical conduit needed by
- 142 Lake Worth Beach and at the proper depths.
- 143
- 144 4. If the electric service will only need one meter, and if this service is larger than 320 amps, the
- 145 electric service will need to be run through a CT Cabinet and be CT-metered.
- 146

147 **Planning and Zoning:**

- 148 1. Per LDR Section 23.6-1(c)(3)(h), all ground level mechanical equipment shall be screened with
- 149 shrub hedging or opaque fencing or walls, regardless whether it is visible from the street.
- 150
- 151 2. While the building and mechanical equipment may be located in the 20-foot abandoned ROW
- 152 area, they shall not be located within utility easement. If an easement is required, an updated
- 153 survey shall be submitted prior to the issuance of a building permit and reflect the easement and
- 154 the right of way abandonment.
- 155
- 156 3. A Declaration of Unity of Title shall be required combining all properties prior to issuance of a
- 157 building permit.
- 158
- 159 4. All lighting shall be shielded (full cut-off) so as to not trespass upon neighboring residential
- 160 properties or districts in excess of 12.57 lumens when measured from the property line and shall
- 161 comply with lighting code regulations in [LDR Section 23.4-3](#). LED lighting shall have a warm tone
- 162 of 2700K or less and light fixtures shall be consistent with the architectural style of the building.
- 163 Manufacturing cut-sheets for proposed fixtures and sconces in compliance with this condition
- 164 shall be provided prior to issuance.
- 165
- 166 5. Prior to the issuance of a building permit, submit the manufacturing details of the pervious
- 167 parking pavers. The details shall include the pavers' percolation rate which shall be at least 50%
- 168 relative to the ground percolation rate. a paver maintenance plan to ensure that it will maintain
- 169 its permeability over time.
- 170

- 171 6. All proposed signage shall be applied for on a city building permit and shall comply with the sign  
172 code, LDR Section 23.5-1.
- 173
- 174 7. The architectural plans shall be revised to depict the total length of the east elevation and the  
175 measurements for each opening prior to first reading by the City Commission.
- 176
- 177 8. Florida Green Building certification shall be obtained prior to the issuance of a Certificate of  
178 Occupancy.
- 179
- 180 9. The minimum living area requirement in Section 23.3-20(c)(4)(B)(4) shall be met through the  
181 provision of a minimum unit size of 636 sf per 3-bedroom unit, as proposed, and the equivalent  
182 indoor common space area that is accessible to residents for a total of 900 sf per each 3-bedroom  
183 unit. Should the Lord's Place cease operations at this facility, then the residential units shall be  
184 modified to comply with the minimum unit size.
- 185

186 **Public Works:**

- 187 1. Prior to the issuance of a building permit, the following actions shall be completed:
  - 188 a. Permits from the Lake Worth Drainage (LWDD) District's Engineering Department and the  
189 South Florida Water Management District's (SFWMD) Engineering Department shall be  
190 obtained, if necessary, and furnish to the City.
  - 191 b. An Erosion Control plan shall be submitted and indicate the BMP's and NPDES compliance  
192 practices.
- 193
- 194 2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
  - 195 a. The entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing,  
196 stormwater system piping and structures, valve boxes, manholes, landscaping, striping,  
197 signage, and other improvements shall be restored to the same or better condition as  
198 prior to construction.
  - 199 b. All disturbed areas shall be fine graded and sodded with Bahia sod.
  - 200 c. Broom sweep all areas of the affected right of way and remove of all silt and debris  
201 collected as a result of construction activity.
  - 202 d. Restore the right of way to a like or better condition. Any damage to pavement, curbing,  
203 striping, sidewalks or other areas shall be restored in kind.
  - 204 e. These conditions of approval shall be satisfied under jurisdiction of the Dept. of Public  
205 Works.
- 206
- 207 3. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code  
208 and all other applicable standards including but not limited to the Florida Department of  
209 Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake  
210 Worth Public Works Construction Standards and Policy and Procedure Manual.
- 211
- 212 4. Prior to performing work in the right of way, the issuance a "Right of Way/Utility Permit" is  
213 required for the scope of work being performed.
- 214

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**Utilities Water & Sewer:**

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1. Prior to the issuance of a building permit, the following actions shall be completed:

218

b. Obtain approval from FDOT on Access Management for driveway cuts.

219

a. Submit proof of approval from the Florida Department of Transportation (FDOT) on access management for driveway cuts.

220

221

b. Prepare a sketch and legal descriptions for the easement over the fire hydrant. There are two sketch and legal descriptions anticipated since the fire hydrant will be centered over what will now be the property lines.

222

223

224

c. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.

225

226

d. Reserved capacity fees for water and sewer shall be paid in full in accordance with the current City Ordinance.

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