

ORDINANCE NO. 2025-12 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE AMENDMENT TO A PREVIOUSLY APPROVED MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT (RESIDENTIAL ONLY), LOCATED AT THE NW CORNER OF SOUTH DIXIE HIGHWAY AND 9TH AVENUE SOUTH TO CONSTRUCT TWO, SIX-STORY MULTI-FAMILY BUILDINGS, CONTAINING A TOTAL OF 182 DWELLING UNITS AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE TRANSIT ORIENTED DEVELOPMENT – EAST (TOD-E) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF TRANSIT ORIENTED DEVELOPMENT (TOD) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING AMENDMENTS TO A CONDITIONAL USE PERMIT AND A MAJOR SITE PLAN; APPROVING AMENDMENTS TO HEIGHT, DENSITY, AND INTENSITY BONUS INCENTIVES THROUGH THE CITY'S SUSTAINABLE BONUS INCENTIVE PROGRAM, TRANSFER OF DEVELOPMENT RIGHTS PROGRAM, AND AFFORDABLE/WORKFORCE HOUSING PROGRAM; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

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

WHEREAS, Chapter 23, Article 3, Division 6. – Planned Development of City of Lake Worth Beach's Land Development Regulations allows for the creation of and amendments to 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, New South Residential, LLC (the applicant) have petitioned the City of Lake Worth Beach (the City) on behalf of the property owners Madison Terrace, LLC and SP Tract 4, LLC, for amendments to a Mixed Use Urban Planned Development District to allow for the construction of two, six-story multi-family buildings, containing 182 dwelling units (on a site located at the NW corner of South Dixie Highway and 9th Avenue South (PCNs 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0031; 38-43-44-21-15-253-0020; and 38-43-44-21-15-253-0010) as further described in Exhibit A (the Property) within the TOD-E Zoning District and the TOD Future Land Use designation, which, if approved, shall constitute an amendment to the City's official zoning map; and

WHEREAS, the applicant requests use of the City's Sustainable Bonus Incentive Program, Transfer of Development Rights, and Affordable/Workforce Housing Program to allow for additional height, density, and intensity to be considered in conjunction with the applicant's request for approval for amendments to a major site plan for the creation of a residential development currently known as "Madison Terrace" containing 182 dwelling units to be constructed on this site;

WHEREAS, on September 3, 2025, the Lake Worth Beach Planning and Zoning Board (PZB) considered the subject application for amendments to a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program,

Transfer of Development Rights, and Affordable/Workforce Housing Program and recommended that the City Commission approve the amendments to this mixed use urban planned development subject to specific district development standards and certain enumerated conditions; and

WHEREAS, on October 7, 2025, the City Commission voted to approve on first reading the subject application for amendments to a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, Transfer of Development Rights, 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 amendments to a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, Transfer of Development Rights, 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 amendments to a Mixed Use Urban Planned Development District located within the TOD-E Zoning District with a future land use designation of TOD, as described more particularly in **Exhibit A**, are 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; (d) Conditional Use Permit; (e) Sustainable Bonus Incentive Program; (f) Transfer of Development Rights; (g) Affordable/Workforce Housing Program; (i) district development standards (**Exhibit B**); (j) conditions of approval (**Exhibit C**); (k) required plans including the site plan, landscape plan, and civil & drainage plans; (l) supplemental supporting documents, as well as all agreements, provisions and/or covenants which shall govern the use, maintenance, and continued protection of the mixed use urban planned development and any of its common areas or facilities. The applicant is bound to all elements and requirements of the Master Development Plan.

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

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

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

Section 6. Effective Date. This ordinance shall become effective ten (10) days after its final passage.

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

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

The Mayor thereupon declared this ordinance duly passed on first reading on the ____ day of _____, 2025.

The passage of this ordinance on second reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2025.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

EXHIBIT A

Property Description and Location Map

Addresses: 821 South Dixie Highway, 818-832 South H Street, inclusive of vacated alleyway and vacated portion of 9th Avenue South ROW

PCNs: 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0031; 38-43-44-21-15-253-0020; and 38-43-44-21-15-253-0010

Size: 1.882 acres

General Location: North of 9th Avenue South, with frontage on South Dixie Highway to the east and South H Street to the west

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



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EXHIBIT B
Development Standards

Development Standard		Base Zoning District TOD-E	Mixed-Use Urban Planned Development w/ SBIP, AWFH, & TDR	Approved in Ordinance 2036-16 & PZ 24-01400037	Provided in Amendment
Lot Size (min)		13,00 sf	0.5 acres	1.8134 acres	1.882 acres
Lot Width (min)		100'	100'	320'	320'
Setbacks	Front (min build-to line)	10'	10' <i>Additional 8-12' setback required for 3rd story and above</i>	18' S Dixie Hwy* 143' S H St	15.5' (S Dixie Hwy) 15-143' S H St
	Rear (min)	n/a	n/a	n/a	n/a
	Street Side (min)	n/a	n/a	n/a	n/a
	Interior Side (min)	0'	0'	9' North 10' South	7.5' North 9.5' South
Impermeable Surface Coverage (max)		65%	65%	65.78% <i>conditioned to be reduced to 65%</i>	64.93%
Structure Coverage (max)		50%	50%	30.72%	30.64%
Density (max)		40 du/acre (75 units)	97.75 du/acre (189 units w/ bonus units per LDR 23.2-39(b)(1)(g))	97.05 du/acre (176 units)	96.8 du/acre (182 units)
Building Height (max)		30' (max. 2 stories)	71.25' (6 stories)	66'4" (6 stories)	68' (6 stories)
Maximum Wall Height at Side Setback		30'	71.25'	61'4"	68'
Floor Area Ratio (max)		1.10	3.6437	1.7 (134,268 sf)	1.68 (134,004 sf)
Parking		8 studio units 168 one-bedroom units Total: 269 spaces <i>See page 8 for detailed parking analysis.</i>	202 required spaces w/ AWFH reduction	123 spaces (parking rate of 0.7 spaces/unit)	129 Spaces:** - 110 off-street - 2 compact off-street - 8 ADA off-street - 16 bicycle (4 equivalent spaces) - 5 on-street
Is site in Flood Zone or in Wellfield Zone?		Not located in a flood zone; Wellfield Zone 4			
Living Area (minimum)	Studio	400 sf	340 sf w/ AWFH reduction	430 sf	430 sf
	One-bedroom	750 sf	510 sf w/ AWFH reduction	576 sf	576 sf

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*reduced to 15.5 feet at site plan amendment due to taking of land for Dixie Highway ROW

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**Continued waiver to parking rate requested

EXHIBIT C
Conditions of Approval

Planning & Zoning

1. All conditions from Ordinance 2023-16 and PZ #24-01400037 still apply, unless specifically superseded in this approval. See Development Orders for full conditions of approval.
2. A restrictive covenant shall be recorded for the age-restricted units prior to the issuance of a Certificate of Occupancy for the buildings, or the developer shall pay to the PBC school district any required school concurrency fees
3. Fifty percent of the additional sustainable bonus fee incurred through this amendment shall be paid to the City within two years of approval, or prior to the issuance of the building permit, whichever comes first.
4. The applicant shall provide qualifying sustainable bonus features equal to fifty percent of the additional sustainable bonus fee incurred through this amendment, 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.
5. The additional transfer of development rights fee incurred through this amendment shall be waived.
6. The standard parking space rate for additional parking incurred through this amendment shall be waived, and parking shall be calculated at a rate of 0.7 spaces per unit as approved in Ordinance 2023-16.
7. Ordinance 2025-12 shall be recorded with the Clerk of Court so that all development conditions will be of record for future purchasers and lienholders.
8. Transformers shall have decorative wrapping to help mitigate the visual impact of their proximity to the public open space.

Landscape

1. Prior to building permit application, submit a site plan amendment to address the following:
 - a. Revise landscape plans to provide required perimeter trees west of Building 2 and along the southern property line. Provide root barriers where necessary to prevent issues with nearby utilities.

Building Division

1. Submit a revision to building permit #24-3184 to correct 2nd floor occupant load (sheet A010).