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ORDINANCE NO. 2020-17 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED AT 1216, 1220, 1230, & 1310 LAKE AVENUE, AND 1207, 1209, 1211, 1213, 1215, & 1401 LUCERNE AVENUE CONSISTING OF APPROXIMATELY 1.1 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, THAT IS LOCATED WITHIN THE MIXED USE – EAST (MU-E) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF MIXED USE – EAST (MU-E) THAT INCLUDES THE SPECIFIC DEVELOPMENT STANDARDS DESCRIBED IN EXHIBIT B; APPROVING A CONDITIONAL USE PERMIT; APPROVING DENSITY AND HEIGHT BONUS INCENTIVES THORUGH THE CITY’S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A MIXED USE URBAN PLANNED DEVELOPMENT CONSISTING OF 41 RESIDENTIAL UNITS INCLUDING 10 LIVE/WORK UNITS; 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, InHabit Property Group (the Applicant), has petitioned the City of Lake Worth Beach (the City) for creation of a Mixed Use Urban Planned Development District to allow for the approval of a mixed use development on a site located at 1216, 1220, 1230, & 1310 Lake Avenue, and 1207, 1209, 1211, 1213, 1215, & 1401 Lucerne Avenue (PCNs 38-43-44-21-15-505-0120; 38-43-44-21-15-505-0130; 38-43-44-21-15-505-0160; 38-43-44-21-15-504-0130; 38-43-44-21-15-503-0050; 38-43-44-21-15-505-0010; 38-43-44-21-15-505-0020; 38-43-44-21-15-505-0030; 38-43-44-21-15-505-0040; 38-43-44-21-15-505-00500) as further described in Exhibit A (the Property) within the MU-E Zoning District and the MU-E Future Land Use designation, and 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 to allow for additional height and density to be considered in conjunction with

47 the Applicant's request for approval for a major site plan for the construction of a mixed
48 use urban planned development currently known as "Village Flats" that will contain 41
49 dwelling units, inclusive of 10 live/work units, to be constructed on this site;

50
51 WHEREAS, on October 7, 2020, the Lake Worth Beach Planning and Zoning
52 Board (P&Z Board) considered the subject application for a Mixed Use Urban Planned
53 Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus
54 Incentive Program and recommended that the City Commission approve the creation of
55 this mixed use urban planned development district; and

56
57 WHEREAS, the City Commission has considered all of the testimony and evidence
58 and has determined that the Mixed Use Urban Planned Development District, Major Site
59 Plan, Sustainable Bonus Incentive Program, and Conditional Use Permit, including the
60 development regulations and conditions, meets the requirements of the Land
61 Development Regulations, Section 23.3.25.

62
63 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
64 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

65
66 Section 1. Recitals. The foregoing recitals are true and correct and are hereby
67 affirmed and ratified.

68
69 Section 2. The Mixed Use Urban Planned Development District located within the MU-
70 E Zoning District with a future land use designation of MU-E, as described more
71 particularly in **Exhibit A**, is hereby approved. This approval includes the approval of the
72 following elements to be known as the Master Development Plan: (a) Mixed Use Urban
73 Planned Development (b) Major Site Plan (c) Sustainable Bonus Incentive Program (d)
74 Conditional Use Permit; (e) district development standards (**Exhibit B**) (f) conditions of
75 approval (**Exhibit C**); (g) required plans including the site plan, architectural plan,
76 landscape plan, and civil & drainage plans dated 9/21/2020; (h) supplemental supporting
77 documents, as well as all agreements, provisions and/or covenants which shall govern
78 the use, maintenance, and continued protection of the mixed use urban planned
79 development and any of its common areas or facilities. The Applicant is bound to all
80 elements and requirements of the Master Development Plan.

81
82 Section 3. The City's zoning maps shall be updated to reflect the changes to the
83 property described in **Exhibit A**.

84
85 Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
86 herewith are hereby repealed to the extent of such conflict.

87
88 Section 5. Severability. If any provision of this ordinance or the application thereof is
89 held invalid by a court of competent jurisdiction, the invalidity shall not affect other
90 provisions of the ordinance which can be given effect without the invalid provision or
91 application, and to this end the provisions of this ordinance are declared severable.
92

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

95
96 The passage of this ordinance on first reading was moved by _____,
97 seconded by _____ and upon being put to a vote, the vote was as follows:

- 98
99 Mayor Pam Triolo
100 Vice Mayor Andy Amoroso
101 Commissioner Scott Maxwell
102 Commissioner Herman Robinson

103
104 The Mayor thereupon declared this ordinance duly passed on first reading on the
105 20th day of October, 2020.

106
107
108 The passage of this ordinance on second reading was moved by
109 _____, seconded by _____, and upon being put to a vote,
110 the vote was as follows:

- 111
112 Mayor Pam Triolo
113 Vice Mayor Andy Amoroso
114 Commissioner Scott Maxwell
115 Commissioner Herman

116
117
118 The Mayor thereupon declared this ordinance duly passed on the _____ day of
119 _____, 2020.

120
121 LAKE WORTH BEACH CITY COMMISSION
122 By: _____
123 Pam Triolo, Mayor

124 ATTEST:

125
126
127 _____
128 Deborah M. Andrea, City Clerk
129

Exhibit A

DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION PROPERTY DESCRIPTION FOR PZB CASE No. 20-01000001

The subject site encompasses 1216, 1220, 1230, & 1310 Lake Avenue, and 1207, 1209, 1211, 1213, 1215, & 1401 Lucerne Avenue. The site is comprised of select properties located between Lake & Lucerne Avenues, between North C & North F Street and is Mixed-Use East (MU-E). The subject properties PCNs are 38-43-44-21-15-505-0120, 38-43-44-21-15-505-0130, 38-43-44-21-15-505-0160, 38-43-44-21-15-504-0130, 38-43-44-21-15-503-0050, 38-43-44-21-15-505-0010, 38-43-44-21-15-505-0020, 38-43-44-21-15-505-0030, 38-43-44-21-15-505-0040, and 38-43-44-21-15-505-0050. A zoning map of the subject site is provided below.

PROPERTY DESCRIPTION:

Applicant	Corey O’Gorman and Jeff Costello of PLACE Planning & Design on behalf of Timothy Carey of InHabit Property Group
Owner	Lake Worth Beach Community Redevelopment Agency (CRA)
General Location	Multiple sites located between Lake & Lucerne Avenues, between North C & North F Streets.
Existing PCN Numbers	38-43-44-21-15-505-0120; 38-43-44-21-15-505-0130; 38-43-44-21-15-505-0160; 38-43-44-21-15-504-0130; 38-43-44-21-15-503-0050; 38-43-44-21-15-505-0010; 38-43-44-21-15-505-0020; 38-43-44-21-15-505-0030; 38-43-44-21-15-505-0040; 38-43-44-21-15-505-0050
Legal Description	Town of Lake Worth Lots 1-5, 12-13, & 16, Block E Town of Lake Worth Lots 13 & 14 (Less N 5ft Alley R/W) Block D Town of Lake Worth Lots 5-8 (Less S 5ft Alley R/W) Block C
Existing Land Use	Vacant Lots
Existing Zoning	Mixed-Use East (MU-E)
Proposed Zoning	Mixed Use Urban Planned Development
Future Land Use Designation	Mixed-Use East (MU-E)

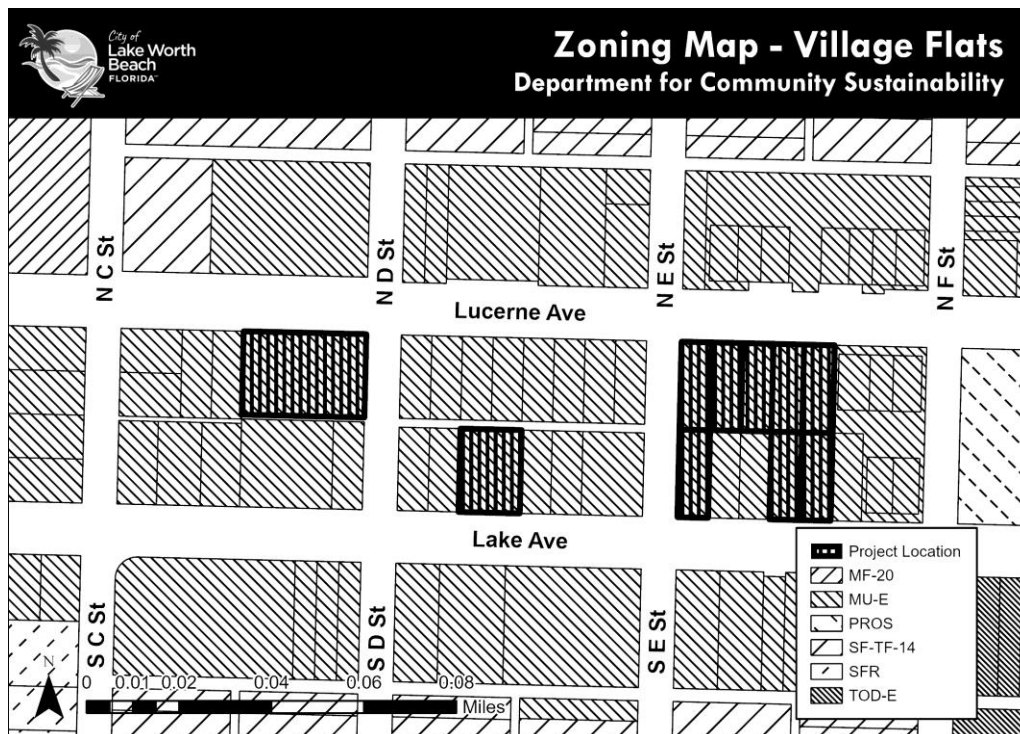


Exhibit B**DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
DEVELOPMENT STANDARDS FOR PZB CASE No. 20-01000001**

Development Standard		Base Zoning District	Mixed Use Urban Planned Development with Sustainable Bonus Incentive Program (SBIP)	Phase 1 Provided	Phase 2 Provided (approximate)
Lot Size (min) In square feet (sf)		6,500 sf	0.5 acres	47,950 sf (1.1 acres)	
Lot Width (min)		25'	100'	175'	70' + 140'
Setbacks	Front (min)	10'	10'	10'	10' & 20'
	Rear (min)	10'	10'	10'	41' & 43'
	Street Side (min)	10'	10'	10'	N/A
	Interior Side (min)	0'	0'	0'	11.5' & 5'/10'
Impermeable Surface Coverage (maximum)		75%	75%	72.4%	62.4%
Structure Coverage (max)		65%	65%	29.7%	27.9%
Living Area (minimum)	One bedroom units	600 sf	600 sf	Unit 1 (5): 715-723 sf Unit 3 (12): 686 sf Unit 4 (6): 710 sf	Building 3 Unit (6): 700 sf
	Two bedroom units	750 sf	750 sf	Unit 2 (7): 982-1041 sf	None
	Three bedroom units	900 sf	900 sf	None	Building 4 Unit (5): 1,550 sf
Parking		Phase 1: 47 / Phase 2: 24 / Office: 3 Total: 56 (74 – 25% mixed-use credit)		49 (36 spaces on-site, 13 on street)	29
Density (max)		30 du/acre (33 units)	37.5 du/acre (41.25 units)	37.27 du/acre (41 units)	
Building Height (max)		30 feet (2 stories)	56.25 feet (5 stories)	Building 1: 48.67' Building 2: 35.5'	Buildings 3 & 4: Not to exceed LDRs
Floor Area Ratio (FAR) (max)		1.5	1.94	.82	.64

Exhibit C

DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION CONDITIONS OF APPROVAL FOR PZB CASE No. 20-01000001

Planning:

1. Phase 1 & 2 Conditions:
 - i. Prior to the issuance of a building permit for Phase 1, provide a TPS Letter from the Palm Beach County Traffic Division. The TPS letter may be for only Phase 1 or both Phase 1 & 2. Should the TPS Letter only be for Phase 1, a second TPS letter shall be applied for prior to Site Plan approval for Phase 2, and said letter shall be submitted prior to the issuance of a building permit.
 - ii. Prior to the issuance of a building permit, designate 3 parking spaces as electric vehicle parking and outfit each parking space with electric vehicle charging equipment as outlined in LDR Section 23.4-10.
 - iii. Exterior lighting shall be shielded and in conformance with the Major Thoroughfare Design Guidelines. Exterior LED lighting shall have a warm color temperature (<3000K).
 - iv. Prior to the issuance of a building permit, a color scheme more characteristic with the aesthetic of Lake Worth Beach shall be approved by the Development Review Official.
 - v. Prior to the issuance of a certificate of occupancy, all fences shall comply with Section 23.4-4.
2. Phase 1 Conditions:
 - i. Prior to the issuance of a building permit, push back the north wall of Building 2 so that it lies 5' south of the existing gravity sewer running east/west through the site.
 - ii. Prior to the issuance of a building permit, screen the recycling area from all rights-of-way.
 - iii. Prior to the issuance of a building permit, submit a signage plan that provides consistent signage theme, sizing and materials.
3. Phase 2 Conditions:
 - i. Phase 2 shall obtain final site plan approval through a Site Plan amendment process to be approved administratively by staff or by the Planning & Zoning Board as applicable.
 - ii. An application for final site plan approval for Phase 2 shall be required no later than one (1) year of the planned development approval with an administrative extension of up to six (6) months if approved by the City's Development Review Official.
 - iii. Phase 2 shall be restricted to 11 units total. Should additional units be sought through the city's Transfer of Development Rights program, the site plan shall be amended through a Major Site Plan amendment process.
 - iv. Aside from waivers granted through the Planned Development, Phase 2 shall be designed in accordance and comply with Chapter 23 of the city's Land Development Regulations.
 - v. Prior to the issuance of a building permit, submit a signage plan that provides consistent signage theme, sizing and materials.

Public Works:

1. The issuance of any permits shall comply with all provisions of the Lake Worth Beach 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. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application
3. Prior to the issuance of a building permit, the following shall be completed:
 - i. the applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City.
 - ii. the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary,
 - iii. the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
4. Prior to the issuance of a certificate of occupancy, the following shall be completed:
 - i. all conditions of approval shall have been satisfied under jurisdiction of the Department of Public Works,
 - ii. the applicant shall construct new Type F curb/Valley gutter and a new 5-foot wide sidewalk along the east side of North E Street from the south property line to the north property line in compliance with the Public Works Department's specifications and Policy and Procedure Manual,
 - iii. the applicant shall construct a 1" mill and overlay for the entire lane on the east side of North E Street from Lake Ave to Lucerne Ave; current proposed design has a partial lane mill and overlay,
 - iv. the Applicant shall 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,
 - v. the applicant shall fine grade and sod all disturbed areas with bahia sod,
 - vi. the applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity,
 - vii. the applicant shall 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.

Utilities Water & Sewer:

1. Provide the Utilities Department unimpeded access to utilities within the easement.
2. Prior to the issuance of a building permit, the following shall be completed:
 - a. adjust and expand the east/west utility easement such that there is an easement that exists 4 feet north of the existing watermain (and encompasses the electric) and continues to 5 feet south of the existing gravity sewer.
the MEP shall verify the 2-inch service size for 24 residential units, and 1-inch service size for 16 residential units, is adequate to meet the demand.