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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 effective upon its final
84 passage.

85
86
87 The passage of this ordinance on first reading was moved Commissioner McVoy,
88 seconded by Stokes, and upon being put to a vote, the vote was as follows:

89
90 Mayor Betty Resch AYE
91 Vice Mayor Herman Robinson NAY
92 Commissioner Sarah Malega AYE

93 Commissioner Christopher McVoy AYE
94 Commissioner Kimberly Stokes AYE

95
96
97
98
99

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

100 The passage of this ordinance on second reading was moved by
101 _____, seconded by _____, and upon being put to a vote,
102 the vote was as follows:
103

104 Mayor Betty Resch
105 Vice Mayor Herman Robinson
106 Commissioner Sarah Malega
107 Commissioner Christopher McVoy
108 Commissioner Kimberly Stokes

109
110

111 The Mayor thereupon declared this ordinance duly passed on the _____ day of
112 _____, 2021.

113
114
115
116

LAKE WORTH BEACH CITY COMMISSION

117
118

By: _____
Betty Resch, Mayor

119
120
121
122

ATTEST:

123 _____
124
125

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

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

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

Location Map:



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.	636 sf. per unit*
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>			

130 **Exhibit C**

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

131 **Electric Utilities:**

- 132 1. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
- 133 a. Provide electrical plans and ensure the plans include the electrical riser diagram.
- 134 b. Indicate the voltage the project requires and whether a three-phase or single-phases is
- 135 needed.
- 136
- 137 2. The electrical services for the proposed building will come from the rear alley.
- 138
- 139 3. If the customer is wanting the service to be fed by a padmount transformer, the City will need a
- 140 10-ft-wide utility easement for the padmount transformer location and the electrical line that will
- 141 be run from the new pole to the padmount transformer. A padmount transformer will need 8-ft
- 142 minimum clearance in front of it and 3-ft minimum clearance on the sides and rear of it, including
- 143 any landscaping. The customer will be responsible for installing any electrical conduit needed by
- 144 Lake Worth Beach and at the proper depths.
- 145
- 146 4. If the electric service will only need one meter, and if this service is larger than 320 amps, the
- 147 electric service will need to be run through a CT Cabinet and be CT-metered.
- 148

149 **Planning and Zoning:**

- 150 1. Per LDR Section 23.6-1(c)(3)(h), all ground level mechanical equipment shall be screened with
- 151 shrub hedging or opaque fencing or walls, regardless whether it is visible from the street.
- 152
- 153 2. While the building and mechanical equipment may be located in the 20-foot abandoned ROW
- 154 area, they shall not be located within utility easement. If an easement is required, an updated
- 155 survey shall be submitted prior to the issuance of a building permit and reflect the easement and
- 156 the right of way abandonment.
- 157
- 158 3. A Declaration of Unity of Title shall be required combining all properties prior to issuance of a
- 159 building permit.
- 160
- 161 4. All lighting shall be shielded (full cut-off) so as to not trespass upon neighboring residential
- 162 properties or districts in excess of 12.57 lumens when measured from the property line and shall
- 163 comply with lighting code regulations in [LDR Section 23.4-3](#). LED lighting shall have a warm tone
- 164 of 2700K or less and light fixtures shall be consistent with the architectural style of the building.
- 165 Manufacturing cut-sheets for proposed fixtures and sconces in compliance with this condition
- 166 shall be provided prior to issuance.
- 167
- 168 5. Prior to the issuance of a building permit, submit the manufacturing details of the pervious
- 169 parking pavers. The details shall include the pavers' percolation rate which shall be at least 50%
- 170 relative to the ground percolation rate. a paver maintenance plan to ensure that it will maintain
- 171 its permeability over time.
- 172

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

185 **Public Works:**

- 186 1. Prior to the issuance of a building permit, the following actions shall be completed:
187 a. Permits from the Lake Worth Drainage (LWDD) District's Engineering Department and the
188 South Florida Water Management District's (SFWMD) Engineering Department shall be
189 obtained, if necessary, and furnish to the City.
190 b. An Erosion Control plan shall be submitted and indicate the BMP's and NPDES compliance
191 practices.
192 c. The dumpster location may be required to be modified to a 45-degree angle towards
193 Federal Highway depending on the alley access configuration. Modification of the
194 dumpster location shall require a minor site plan amendment only and shall be required
195 to be modified to the 45-degree configuration at the direction of the Public Works
196 Department.
197
- 198 2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
199 a. The entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, alley,
200 curbing, stormwater system piping and structures, valve boxes, manholes, landscaping,
201 striping, signage, and other improvements shall be restored to the same or better
202 condition as prior to construction.
203 b. All disturbed areas shall be fine graded and sodded with Bahia sod.
204 c. Broom sweep all areas of the affected right of way and remove of all silt and debris
205 collected as a result of construction activity.
206 d. Restore the right of way to a like or better condition. Any damage to pavement, curbing,
207 striping, sidewalks or other areas shall be restored in kind.
208 e. These conditions of approval shall be satisfied under jurisdiction of the Dept. of Public
209 Works.
210 f. The 10-ft wide alley shall be improved at the cost of the applicant or property owner
211 along the 40ft length of the abandoned segment of 9th Avenue South.
212 g. The applicant or property owner shall contribute to the cost of the off-site
213 improvements of 9th Ave South west to South N Street as directed by the City
214 Commission.
215

- 216 3. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code
217 and all other applicable standards including but not limited to the Florida Department of
218 Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake
219 Worth Public Works Construction Standards and Policy and Procedure Manual.
220
- 221 4. Prior to performing work in the right of way, the issuance a "Right of Way/Utility Permit" is
222 required for the scope of work being performed.
223

224 **Utilities Water & Sewer:**

- 225 1. Prior to the issuance of a building permit, the following actions shall be completed:
226 b. Obtain approval from FDOT on Access Management for driveway cuts.
227 a. Submit proof of approval from the Florida Department of Transportation (FDOT) on
228 access management for driveway cuts.
229 b. Prepare a sketch and legal descriptions for the easement over the fire hydrant. There are
230 two sketch and legal descriptions anticipated since the fire hydrant will be centered over
231 what will now be the property lines.
232 c. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be
233 provided for the project site.
234 d. Reserved capacity fees for water and sewer shall be paid in full in accordance with the
235 current City Ordinance.