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ORDINANCE NO. 2022-15 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 930 NORTH G STREE TO CONSTRUCT AN APPROXIMATELY 5-STORY, 91-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT 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 A CONDITIONAL USE PERMIT; APPROVING HEIGHT AND DENSITY BONUS INCENTIVES THROUGH THE CITY’S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE DEVELOPMENT OF A 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, Bridge Holding, LLC (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 construction of an approximately 5-story, 91-unit residential development (on a site located at 930 North G Street (PCNs 38-43-44-21-15-274-0080; 38-43-44-21-15-274-0070; 38-43-44-21-15-274-0040; 38-43-44-21-15-274-0030; 38-43-44-21-15-274-0020; and 38-43-44-21-15-272-0100) 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 to allow for additional height to be considered in conjunction with the applicant’s request for approval for a major site plan for the construction of a residential development currently known as “Lake Worth Station” and containing approximately 91 residential units to be constructed on this site;

47 WHEREAS, on August 3, 2022, the Lake Worth Beach Planning and Zoning Board
48 (PZB) considered the subject application for a Residential Urban Planned Development
49 District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive
50 Program and recommended that the City Commission approve the creation of this
51 residential planned development subject to specific district development standards and
52 certain enumerated conditions; and

53
54 WHEREAS, on January 7, 2022, the City Commission voted to approve on first
55 reading the subject application for a Residential Urban Planned Development District,
56 Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program
57 subject to specific district development standards and enumerated conditions herein; and

58
59 WHEREAS, the City Commission has considered all of the testimony and evidence
60 and has determined that the Residential Urban Planned Development District, Major Site
61 Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program including the
62 development regulations and conditions, meets the requirements of the Land
63 Development Regulations, Section 23.3-25.

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

67
68 Section 1. Recitals. The foregoing recitals are true and correct and are hereby
69 affirmed and ratified.

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

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

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

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

94
95 Section 6. Effective Date. This ordinance shall become effective ten (10) days after
96 its final passage.
97

98 The passage of this ordinance on first reading was moved by Commissioner
99 Malega, seconded by Commissioner Stokes and upon being put to a vote, the vote was
100 as follows:
101

| | | |
|-----|------------------------------|-----|
| 102 | Mayor Betty Resch | AYE |
| 103 | Vice Mayor Christopher McVoy | AYE |
| 104 | Commissioner Sarah Malega | AYE |
| 105 | Commissioner Kimberly Stokes | AYE |
| 106 | Commissioner Reinaldo Diaz | AYE |

107
108 The Mayor thereupon declared this ordinance duly passed on first reading on the
109 17th day of January, 2023.
110

111 The passage of this ordinance on second reading was moved by
112 _____, seconded by _____, and upon being put to a vote,
113 the vote was as follows:
114

| | |
|-----|------------------------------|
| 115 | Mayor Betty Resch |
| 116 | Vice Mayor Christopher McVoy |
| 117 | Commissioner Sarah Malega |
| 118 | Commissioner Kimberly Stokes |
| 119 | Commissioner Reinaldo Diaz |

120
121 The Mayor thereupon declared this ordinance duly passed on the _____ day of
122 _____, 2023.
123

124 LAKE WORTH BEACH CITY COMMISSION

125
126
127 By: _____
128 Betty Resch, Mayor

129 ATTEST:
130
131

132 _____
133 Melissa Ann Coyne, City Clerk
134

135

Exhibit A

DEPARTMENT FOR COMMUNITY SUSTAINABILITY
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
PROPERTY DESCRIPTION & LOCATION MAP

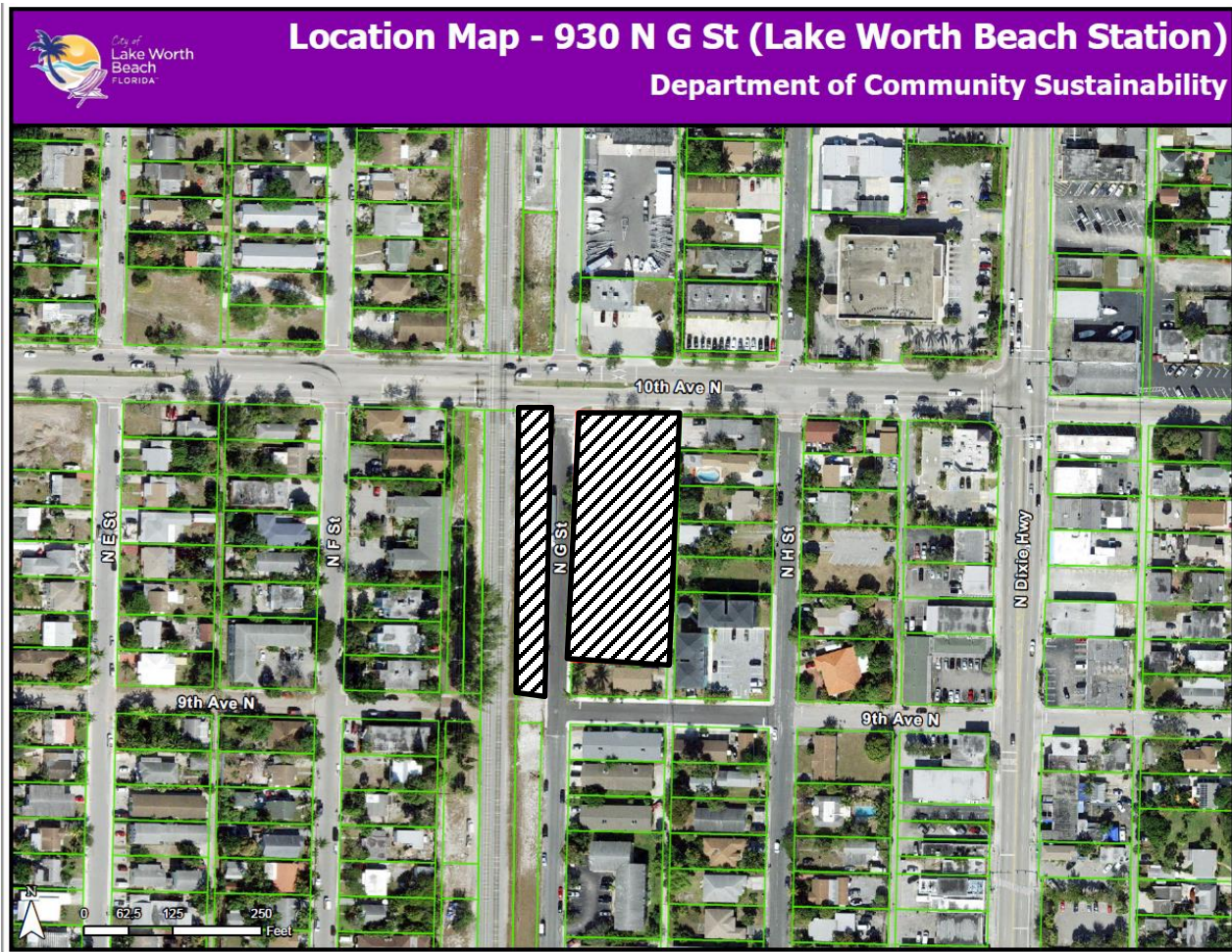
136 **Address:** 930 N G Street

137 **PCNs:** 3838-43-44-21-15-274-0080; 38-43-44-21-15-274-0070; 38-43-44-21-15-274-0040; 38-43-44-21-15-274-
138 0030; 38-43-44-21-15-274-0020; and 38-43-44-21-15-272-0100

139
140 **Size:** approx. 1. 438 acres

141 **General Location:** Corner of 10th Avenue and North G Street

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



143

Exhibit B

DEPARTMENT FOR COMMUNITY SUSTAINABILITY PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION DEVELOPMENT STANDARDS

| Development Standard | | Base Zoning District Transit Oriented Development - East (TOD-E) | Urban Planned Development in TOD-E w/ Sustainable Bonus Incentive Program(SBIP) | Updated Plans 12/12/22 |
|--|---|---|---|---|
| Lot Size (min) In square feet (sf) | | 13,000 sf | 0.5 acres min | 1.438 acres (62,640 sf) |
| Lot Width (min) | | 100' | 100' | 135' |
| Setbacks | Front (min) | 10' | 18' - 22' ¹ | 15'* |
| | Rear (min) | 10' | 18'-22' ¹ | 84.4' |
| | Street Side (min) – west (North G Street) | 10' | 10' | 10' *Balconies may overhang the setback by an additional 4' to 5' total maximum |
| | Alley Side (min) – east | 0' | 0' | 13' |
| Impermeable Surface Coverage (maximum) | | 65% | 65% | 65% |
| Structure Coverage (max) | | 50% | 50% | 28% |
| Density (max) | | 40 du/acre (43 units- Old Plan/57 units – New Plan) | 75 du/acre ⁴ (107 units – New Plan) | 63.28 du/acre (91 units) |
| Building Height (max) | | 30' (max. 2 stories) | 68.75' ⁴ (30' Plus 25' = 55' x 25%) | 54'-8" 5 stories - N. G Street side 4 stories – 10 th Ave N. side |
| Maximum Wall Height at Side Setback | | 30' | 68.75 ⁴ | 50' |
| Floor Area Ratio (FAR) (max) | | 1.1 | 3.313 ⁴ | 1.32 |

| Development Standard | | Base Zoning District Transit Oriented Development - East (TOD-E) | Urban Planned Development in TOD-E w/ Sustainable Bonus Incentive Program(SBIP) | Updated Plans 12/12/22 |
|--------------------------------|---------------------|--|---|--|
| Living Area (minimum) | Studio | 400 sf | 400 sf | 507 sf |
| | One-bedroom units | 600 sf | 600 sf | 600 sf |
| | Two-bedroom units | 750 sf | 750 sf | 888 sf |
| | Three-bedroom units | 900 sf | 900 sf | 1,232 sf |
| Parking | | - Efficiency – 1.25 spaces per unit - 1-Bed – 1.5 spaces per unit - 2-Bed – 1.75 spaces per unit - Greater than 2-Bed – 2 spaces per unit | 107 spaces | 110 |
| Flood Zone / Wellfield Zone | | Flood Zone X not in floodplain / Wellfield Zone 4 | NA | NA |
| Workforce / Affordable Housing | | NA | 15% of all units | 14 units – Required (15% of all units) 39 units – Proposed deed restricted |

146 *A relaxing or waiving of zoning district requirements was requested with the previous plan for two
147 requirements. The new plan requires one (1) waivers or modifications to the zoning district requirements
148 to reduce the build-to-line (front setback). This is requested by the applicant as the building needs to be
149 moved forward to allow for the preservation of the pines. The second waiver would allow for balconies on
150 the street side to overhang by 4' to 5' in total. The balcony depth may be limited by safety concerns or
151 ROW impacts by staff in building permit review.

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Exhibit C

DEPARTMENT FOR COMMUNITY SUSTAINABILITY
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
CONDITIONS OF APPROVAL

Planning & Zoning

- 159 1. Fifty percent (50%) of the sustainable bonus fee and any portion of the remaining sustainable
160 bonus fee (up to an additional 50%) after qualifying improvements are deducted shall be paid to
161 the City within one year of approval, or prior to the issuance of the building permit, whichever
162 comes first.
- 163 2. Fourteen (14) units shall be income restricted in accordance with the City's affordable/workforce
164 housing program requirements.
- 165 3. Qualifying improvements shall include the proposed 25 workforce housing units, the linear
166 educational park along the FEC ROW, and the public plaza along 10th Avenue N.
- 167 4. Prior to building permit application,
 - 168 a. A Unity of Title will be required for all applicable parcels.
 - 169 b. An address application shall be required to be submitted prior to application for building
170 permit for vertical construction.
- 171 5. Prior to the issuance of a building permit, the applicant submit an updated tree mitigation table
172 to determine the final mitigation payment if any into the City's Tree Canopy Restoration fund.
- 173 6. Prior to issuance of a building permit, the applicant shall submit the final School District
174 Availability Determination from the PBC School District and shall pay all applicable fees to PBC
175 prior to the issuance of a building permit.
- 176 7. The proposed residential project shall comply with Palm Beach County's Unified Land
177 Development Best Management Practices for Wellfield Protection as applicable.
- 178 8. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. Further, lighting
179 fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less
180 for LED lighting, and shall be consistent with the architectural style of the project as determined
181 by the Development Review Official.
- 182 9. Bollard lighting shall be placed along the linear park (solar preferred).
- 183 10. A fully screened (landscaping) vinyl coated chain link shall be permitted along the FEC ROW
184 property line. Any fence visible from 10th Ave N shall not be chain link, but shall be consistent
185 with the requirements for fencing material in the LDRs.
- 186 11. The linear educational park shall be required, and planted with local native species (Eastern Palm
187 Beach County) and include educational signage. Pines should be included if feasible.
- 188 12. A public access/sidewalk easement may be required for the linear park by the City.
- 189 13. The balconies on the street side shall be increased in size to be functional with a depth of no more
190 than 5'.
- 191 14. A video security system shall be required for the property.
- 192 15. Artificial turf in the dog park and tot lot shall NOT be permitted unless allowed by ordinance at a
193 later date.
- 194 16. Prior to or concurrent with the issuance of building permit for commercial signage, a Site Plan
195 modification for a Uniform Signage Plan regulating the development's signage shall be established
196 in accordance with the City's Land Development Regulations is required. Directional signage shall
197 be exempt from the site plan requirement provided that is appropriately scaled and
198 architecturally consistent.

199 17. A minor site plan amendment shall be required to implement site modifications related to
200 changes based on City Commission direction at the public hearings. Staff will conduct a full
201 technical review to ensure consistency across all plans and with the direction of the Commission.
202

203 **Public Works**

204 **Standard Conditions of Approval:**

- 205 1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code
206 and all other applicable standards including but not limited to the Florida Department of
207 Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake
208 Worth Public Works Construction Standards and Policy and Procedure Manual.
209 2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied
210 under jurisdiction of the Department of Public Works.
211 3. In the event of a legal challenge to this approval, the applicant/owner shall be responsible for all
212 costs to defend the action of the city in approving any and all permits related to this application.
213 Should the applicant fail to enter into an agreement to fund the costs of litigation, the city, at its
214 discretion, may rescind this approval and revoke all permits issued.
215

216 **Additional Conditions of Approval**

- 217 1. Prior to issuance of a building permit:
218 a. The applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering
219 Department and obtain any required permit(s), if necessary, and furnish to the City.
220 b. The applicant shall contact the South Florida Water Management District's (SFWMD)
221 Engineering Department and obtain any required permit(s), if necessary.
222 c. The applicant shall meet with a representative from Public Works Solid Waste and
223 Recycling Division to confirm dumpster enclosure location, accessibility and demand on
224 property and that it is compatible with the requirements of the Department of Public
225 Works. Solid Waste and Recycling Division contact number is 561-533-7344.
226 d. The applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES
227 compliance practices.
228 2. Prior to the issuance of a certificate of occupancy:
229 a. Public Works, DCS, and the City Engineer shall approve the final design of any ROW
230 modifications required by the project's redesign. The applicant shall restore the right of
231 way to a like or better condition.
232 b. Alleyway improvements consisting of 4-inch asphalt millings, graded and compacted, shall
233 be constructed from 10th Avenue North to 9th Avenue North.
234 c. The applicant shall ensure the entire surrounding off-site infrastructure inclusive of the
235 roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes,
236 manholes, landscaping, striping, signage, and other improvements are in the same
237 condition as prior to construction. A pre-construction video of the entire perimeter shall
238 be performed and submitted to the City.
239 d. The applicant shall fine grade and sod all disturbed areas with bahia sod. The applicant
240 shall broom sweep all areas of the affected right of way and remove of all silt and debris
241 collected as a result of construction activity.
242 e. The applicant shall restore the right of way to a like or better condition. Any damages to
243 pavement, curbing, striping, sidewalks or other areas shall be restored in kind.

- 244 f. Prior to performing work in the right of way, the applicant shall apply for and receive
 245 issuance of a "Right of Way/Utility Permit" application.
 246 g. The sidewalk on the east side of North G Street that is bisected by the project property
 247 line shall be maintained solely by the property in perpetuity and the City will not be held
 248 legally responsible for injuries associated with it.
 249

250 Utilities – Water & Sewer

- 251 1. Prior to building permit issuance, capacity fees are due.
 252 2. Provide a public access easement along the sidewalk that is outside the N G Street right of way.
 253 3. Prior to approval of the required minor site plan:
 254 a. The driveway access configuration off 10th Ave N as presented at the public hearings shall be
 255 sent in for review to Palm Beach County traffic along with a traffic study. Provide the County's
 256 TPS review prior to minor site plan approval.
 257 b. Identify if decorative crosswalk in 10th Ave N be damaged by the proposed curb and sidewalk
 258 work? If so, the applicant will be required to restore to a like or better condition.
 259 c. The note regarding the modifications drainage structure in North G Street near 10th Ave N
 260 (east) is not adequate. Detailed information must be provided. This can be addressed during
 261 building permit. The limits of the valley gutter installation in N. G St. are not shown in the
 262 PGD plan. The curb transition located in the southwest side of N G St is not
 263 constructible. With this proposed transition there will be raise curb in front a parking space.
 264 d. Callout the conflict crossing elevations at both locations where the storm main crosses the
 265 12-inch watermain.
 266 e. Install a catch basin in the dumpster enclose that connects to an oil and grease interceptor
 267 box that discharges to CB2.
 268 f. There appears to be a significant amount of runoff in the North East corner of the proposed
 269 project that will not be contained or treated. Additionally, on the east parcel there is no
 270 containment or treatment to north and/or west of the building. On the west parcel is
 271 completely missing a stormwater containment area. This area is likely using a pervious
 272 system, but there is contradicting information in the plans. The PGD plan calls this area as
 273 asphalt surface. Clarify plans at minor site plan. Plans shall require approval of the City
 274 Engineer prior to the issuance of building permit.
 275 g. Pedestrian mobility shall be addressed at the sidewalk located on the west side of N G St at
 276 9th Ave N. An ADA ramp shall be installed on the west side of the intersection to make a cross
 277 walk to the ramp located at the NE corner.
 278 h. Revise the callout on the type of material of the existing gravity sewer to be VCP. The
 279 condition to line the sewer main remains as noted. The gravity sewer located in the alleyway
 280 from 10th Ave N to 9th Ave N is found to be in poor condition and it's not scheduled to be
 281 replaced by the water department. This development shall line the interior of the pipe with
 282 a cured in place liner from the manhole just south of the 10th Ave N ROW to the manhole just
 283 north of the 9th Ave N ROW.
 284 i. The domestic potable water meter shall be constructed to match the utility design standard
 285 of a Siamese configuration. Show the lay length accurately on the plans. The lay length of
 286 the meter strainer, meter and spool pipe is a 49-inches. This lay length does not include the
 287 required RPZ and dual gate valves.
 288 j. Provide verification that the single 6-inch sewer lateral is adequate for all the apartment units
 289 proposed in this project.
 290 k. Depending on the final driveway alignment the existing fire hydrant may need to be relocated
 291 (extend underground pipe away from access).

292 i. Add the DDCA detail for the fire line.

293

294

295 **Electric Utilities**

296 1. Prior to application and the issuance of a building permit, Electric Utilities is requesting the
297 following:

298 2. Items in regards to the facility's Electrical Site Plan drawings (Electrical Details - E21_222028 BH)
299 are needed to more accurately determine the location of the Electrical Equipment, the Electrical
300 Connections, and Wiring, including Underground (UG)

301 3. An appropriate Power Distribution Planning to ensure that there is adequate capacity (transformer
302 capacity and feeder capacity) to meet the load demands of the facility shall be specified

303 4. The facility's potential annual electric energy (power consumption) shall be determined

304 5. If Electric Vehicle (EV) Chargers are considered: Please provide the number of EV chargers to be
305 installed as well as type of chargers. For example, does the applicant intend to install Level II
306 charger or Level III DC Fast chargers? Quantities of each type? And will these be connected from
307 the facility's main meter or connected directly to the City's electric utility distribution system?

308 6. The Electric Utility Dept. is requesting a review meeting with the developer & electrical engineers
309 to review and clarify any additional electrical related items.

310 **Prior to the issuance of a building permit:**

311 7. Show the location of the Padmount Transformers, Automatic Transfer Switch (ATS), and the meter
312 banks. The Padmount Transformer locations will need to be in an accessible location to our trucks
313 and will need 8-ft (8 feet) of minimum clearance in the front and 3-ft (3 feet) of minimum clearance
314 on the sides and rear. This clearance includes landscaping. None trees, plants, shrubs or
315 vegetations are allowed within the clearance

316 8. Provide the electric riser diagrams for all buildings, the proposed electrical loads and the voltages
317 required, including proposed Electrical Cable Schedules

318 9. Provide the Amp Sizes and Voltages for any other services needed than the commercial units, such
319 as lighting, irrigation, etc. If any meter is over 320 amps for Single Phase, and over 200 amps for 3

- 320 Phase, a CT Cabinet and CT Meter Can will need to be installed. All meters and CT Cabinets will
321 need a minimum of 36" (36 in) of clearance in front of them
- 322 10. Provide a 10-ft (10 feet) wide utility easement for the underground electric lines, Padmount
323 Transformers & Switchgear that will serve this project. The Main Electric Line Routing from the
324 Poles to the Padmount Transformers will be determined by the Lake Worth Beach design engineer
- 325 11. Transformer & Electrical Equipment Box Pad Elevations shall be FEMA 100 yr. Flood-Plain Elevation
326 + 1-ft (1 feet)
- 327 12. Provide details for Temporary Power during construction, Voltage & Amps and approximate
328 Location of service point
- 329 13. Complete payment to Lake Worth Beach for electrical infrastructure costs for labor & materials to
330 serve this project
- 331 14. The customer will be responsible for installing any Secondary Conduit at a minimum of 24" (24 in)
332 deep from the Secondary Winding of the Transformer of the property to the building
- 333 15. The customer will be responsible for Any and All labor and material costs for providing electric
334 service to this project.
- 335 16. The CLWB will procure one (1) Padmount Transformer and Box Pad to serve the facility, the
336 owner/developer is responsible for the reimbursement costs to the City. The City will procure one
337 (1) Spare Padmount Transformer at the City's expense.

338

339 **Prior to the issuance of a Certificate of Occupancy:**

- 340 1. Provide copy of recorded Utility Easement.
Note that No permanent power can NOT be provided until a Final Electrical Inspection is done.