

ORDINANCE NO. 2022-08 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 PLANNED DEVELOPMENT DISTRICT, LOCATED AT 7 DETROIT STREET AND 26 BUFFALO STREET TO CONSTRUCT AN APPROXIMATELY 3-STORY, 60-UNIT MULTI-FAMILY MID-RISE RESIDENTIAL DEVELOPMENT AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE MIXED USE-WEST (MU-W) 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 BONUS INCENTIVE THROUGH THE CITY'S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE DEVELOPMENT OF A RESIDENTIAL 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, Pacific Land Holdings, LLC (the applicant) has petitioned the City of Lake Worth Beach (the City) for creation of a Residential Planned Development District to allow for the construction of an approximately 3-story, 60-unit multi-family mid-rise residential development (2 buildings) on a site located at 7 Detroit Street and 26 Buffalo Street (PCNs 38-43-44-20-14-002-0010 and 38-43-44-20-14-002-0390) as further described in Exhibit A (the Property) within the MU-W 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 containing approximately 60 residential units to be constructed on this site;

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WHEREAS, on June 15, 2022, the Lake Worth Beach Planning and Zoning Board (PZB) considered the subject application for a Residential Planned Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program and recommended that the City Commission approve the creation of this residential planned development subject to specific district development standards and certain enumerated conditions; and

WHEREAS, on June 21, 2022, the City Commission voted to approve on first reading the subject application for a Residential Planned Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive 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 the Residential Planned Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive 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 Residential Planned Development District located within the MU-W Zoning District with a future land use designation of TOD, as described more particularly in **Exhibit A**, is hereby approved. This approval includes the approval of the following elements to be known as the Master Development Plan: (a) Residential Planned Development; (b) Major Site Plan; (c) Sustainable Bonus Incentive Program; (d) Conditional Use Permit; (e) district development standards (**Exhibit B**); (f) conditions of approval (**Exhibit C**); (g) required plans including the site plan, landscape plan, and civil & drainage plans; (h) supplemental supporting documents, as well as all agreements, provisions and/or covenants which shall govern the use, maintenance, and continued protection of the residential 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.

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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 Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the ____ day of _____, 2022.

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 Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

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Exhibit A

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

Address: 7 Detroit Street & 26 Buffalo Street

PCNs: 38-43-44-20-14-002-0010 and 38-43-44-20-14-002-0390

Size: approx. 2.414 acres

General Location: South of 2nd Avenue North between Buffalo Street and Detroit Street.

Legal Description: Parcel 1: Lots One (1) through twenty-two (22), inclusive of Lots forty-seven (47) through fifty (5), inclusive of Block 2 of Buffalo Heights, according to the plat thereof recorded in Plat Book 4, Page 8 of the Public Records of Palm Beach County, Florida.

Parcel 2: Lots thirty-nine (39) through forty-six (46), inclusive of Block 2 of Buffalo Heights, according to the plat thereof recorded in Plat Book 4, Page 8 of the Public Records of Palm Beach County, Florida.



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

Development Standard		Base Zoning District Mixed Used – West (MU-W)	Residential Planned Development in MU-W with SBIP	Provided
Lot Size (min) In square feet (sf)		13,000 sf	0.5 acres	104,980 sf (2.414 acres)
Lot Width (min)		100'	100'	251.02'
Setbacks	Front (min build-to line)	20'	20'	20'
	Rear (min)	10'	10'	42'
	Street Side – 2 nd Avenue (min)	20'	20'	20'
	Side (min)	20'	20'	20'
Impermeable Surface Coverage (maximum)		65%	65%	62.7%
Structure Coverage (max)		50%	50%	30%
Density (max)		30 du/acre (72 units)	37.5 du/acre (90 units)	24.9 du/acre (60 units)
Building Height (max)		30' (max. 2 stories)	65' (Max. 6 stories)	Approximately 36' (3 stories) 43' 10.5" to top of the roof peak

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Maximum Wall Height at Side Setback		30'	65'	30'
Floor Area Ratio (FAR) (max)		1.3	3.75	.76
Living Area (minimum)	Studio	400 sf	400 sf	NA
	One-bedroom units	600 sf	600 sf	NA
	Two-bedroom units	750 sf	750 s	942 sf
	Three-bedroom units	900 sf	900 sf	1,070 sf
Parking		Parking Calculated per unit, room, and non-residential square footage. See page 7 for detailed parking analysis.	109 Required Spaces/ 77 spaces for 44 units 32 spaces for 16 units	90 spaces * (Requested waiver from parking requirement)

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PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION**

CONDITIONS OF APPROVAL

Planning & Zoning

1. Fifty percent of the sustainable bonus fee (\$79,950) and the remaining incentive value after qualifying improvements were deducted (\$23,606) shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first for a total of \$103,556 (\$103,556 = \$79,950 + \$23,606)
2. The applicant shall provide qualifying sustainable bonus features equal to \$56,344, or shall be required to pay the remaining 50% of the incentive value in its entirety (\$79,950).
3. On-street parking shall be provided along 2nd Ave North and/or Detroit street subject to approval by the City Engineer, Public Services and the Department of Community Sustainability to reduce the parking waiver request.
4. A unity of title shall be required to applied for prior to subsequent minor site plan amendment and shall be recorded prior to the issuance of a building permit.
5. An address application shall be required to be submitted prior to application for building permit.
6. A video security system shall be required for the property.
7. The applicant shall submit the final School District Availability Determination from the PBC School District and shall pay all applicable fees to PBC prior to the issuance of a building permit.
8. Minor site plan amendment shall be required prior to the issuance of a building permit to address the following modifications:
9. Two (2) Bike racks will be required and appropriately placed on site to alleviate parking requirements. Site and landscape plans to reflect the location of the bike racks.
10. Exterior lighting shall be required to comply dark sky lighting guidelines, including using fully shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins. www.darksky.org
11. A detailed landscape plan with plant counts and symbols shall be required to address the following:
 - a. Add notes to the Landscape Notes identifying that the irrigation system will meet LDR requirements, jurisdictional requirements, and source of water.
 - b. Landscaped areas shall be protected from vehicular encroachments, appropriate curbing or wheel stops shall be provided as approved by staff.
 - c. Revise the Plant Material List to include in table format on the landscape plan (Sheet L1.01), the species, height, drought tolerant, native versus nonnative, etc.
 - d. Identify all vegetation on the landscape plan. Please identify the symbols or add symbols to the Plant Material List Table.
 - e. An additional site plan sheet depicting the location of all impermeable, semi-permeable and permeable surfaces shall be required.
 - f. All mechanical equipment shall be fully screened. The screening shall be depicted on the landscape plan.
12. On-street parking shall be depicted on the site plan to reduce the parking waiver request in so far as feasible.
13. A designated delivery and/or ride share space shall be provided in the on-street parking area

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14. Dumpster enclosure material shall be reviewed for architectural consistency and for compliance with all applicable City requirements.
15. Finalized street side architectural elevations are required for both Detroit Street and Buffalo Street. Architecture should engage the street along both rights-of-way and be complimentary to the architectural elevations provided.

Utilities (Water, Sewer & Stormwater)

1. Prior to building permit issuance, the Applicant shall provide the following:
 - a. All meter boxes, risers to DDCA & meter, and fire hydrants should be situated as close to the property line as possible in order to minimize the amount of easement dedication necessary.
 - b. Utility easements are a minimum of 15 feet wide.
 - c. Provide the SFWMD ERP.
 - d. Include an erosion control and BMP plan.
 - e. Provide the irrigation service line and meter size on the water and sewer plan sheet.
 - f. Capacity fees are due prior to permit issuance. The fee schedule can be referenced from the City website, under the finance division – Schedule of fees and charges.
2. Prior to Certificate of occupancy the easement dedication must be executed and recorded.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth 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. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. Prior to the issuance of a building permit, 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.
4. Prior to the issuance of a building permit, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
5. Prior to the issuance of a certificate of occupancy, 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
6. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
7. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all disturbed areas with bahia sod.
8. Prior to the issuance of a Certificate of Occupancy, 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.
9. 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.

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10. Prior to the issuance of a Certificate of Occupancy, 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.
11. ` of a Building permit, we will need to know the location of the pad-mount transformers for each building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in front of them and 3-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure.
12. Before the issuance of a Building permit, we will need a 10-ft wide utility easement for the underground electric, transformers and other equipment that will need to be installed to provide power to this project.
13. Before the issuance of a CO, the utility easement must be recorded.
14. Before the issuance of a Building permit, we will need to know if any other services will be needed for the project such as irrigation, lift station, lighting, gates, etc., and where these services will be.
15. The customer will be responsible for installing all schedule -40 gray conduit that will be needed by Lake Worth Beach for this project for the primary cable. This conduit must be installed at a 42" minimum dept. Pad specs will be given to the customer to show the proper orientation of conduit at the pad mount transformers.

Building Division

1. Finished floor must be 12 inches above the crown of the road.