

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01400019: A major site plan and sustainable bonus incentive program request to construct a mixed-use building containing commercial space and 4 residential units. The sustainable bonus incentive program request is for an additional story (3 stories total). The subject site is zoned Mixed Use - Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: July 19, 2023

Property Owner: Michael Gizewski,
1432 N Dixie Holding, LLC

Applicant: Juan Contin,
Contin Architecture & Design

Address: 1432 North Dixie Highway

PCN: 38-43-44-15-16-047-0070

Size: ±0.218 acres/9,500 sf

General Location: On the southeast corner of North Dixie Highway and 15th Avenue North

Existing Land Use: Vacant

Current Future Land Use Designation: Mixed Use – East (MU-E).

Zoning District: Mixed Use - Dixie Highway (MU-DH)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Major Site Plan and Sustainable Bonus Incentive Program (SBIP) requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 8 and 9 of this report.

PROJECT DESCRIPTION

The Applicant, Juan Contin, is requesting approval of the mixed-use development known as Contin Mixed Use located at 1432 North Dixie Highway:

- A **Major Site Plan** for the development of a mixed-use building and additional site improvements.
- A **Sustainable Bonus** request for a bonus height of 1 story to allow a 3-story building.

The Applicant is proposing a 3-story, 4-unit mixed-use development on a .218-acre lot with the purpose of improving the area. The building is designed with a ground floor commercial space, and residential units on the second and third floors. Each residential unit will have a private garage that is accessed from the rear of the property abutting the alley.

The proposed development will be compatible with the surrounding mixed uses that include a mix of some commercial, as well as single and multi-family residential. The building is designed in a contemporary architectural style, with large vertically-proportioned windows as well as a ground-floor storefront system, a smooth stucco exterior finish, aluminum railings, flat roof, and eyebrow details.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application. Per LDR Section 23.2-20, Public Neighborhood Meeting, a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored **new construction projects** along the City's major thoroughfares as well as those **utilizing the City's Sustainable Bonus Incentive Program**, Transfer of Development Rights Program and/or Economic Investment Incentives.

On February 14, 2023, the applicant held a virtual meeting at 1 PM. Notices were mailed to all property owners within 400 ft of the project on January 25, 2023, and signs were placed on the property on January 30, 2023. There were three attendees at the meeting and no concerns were identified per the meeting minutes. The Applicant also has a project website: <https://www.nowbuilders.net/projects-8>

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: The subject site contained a circa 1948 duplex that was demolished in 2021 through Building Permit #21-404.

Use: The property is currently vacant.

Code Compliance: The subject site has an active code case (23-1267). The only outstanding violation is related to trash and debris on the property. Staff has added conditions of approval that require the code case to be resolved prior to the issuance of a building permit.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per policy 1.1.1.5, The Mixed Use – East category is *intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed Use – East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts.*

Analysis: The proposed commercial and residential uses are appropriate and intended in the MU-E FLU designation. The project would allow for the infill of a vacant property along of the City’s Major Thoroughfares with an architecturally appropriate and attractive design. The City’s Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II and Pilar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall diversify housing options; continue crime reduction and prevention in achieving a safe, livable and friendly community; achieve financial sustainability and stable tax base; and ensure facility placement, construction and development that anticipates and embraces the future. The proposed building and associated site improvements will contribute towards the City’s Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

Based on the analysis above, the proposed development request is consistent with the goals, objectives, and polices of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

Mixed Use – Dixie Highway (MU-DH): Per LDR Section 23.3-17(a), *the "MU-DH mixed use Dixie Highway district" is designed for Dixie Highway, Lake Worth's commercial spine. The MU-DH district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed use land use category of the Lake Worth Comprehensive Plan.*

The table and topic area analysis below evaluate the proposed site features and the project’s compliance with the Code, including factoring in the Sustainable Bonus incentives and the Comprehensive Plan maximums:

| Development Standard | Base Zoning District Mixed Use – Dixie Hwy (MU-DH) | MU-DH w/ Sustainable Bonus Incentive Program (SBIP) | Provided |
|---|--|---|----------|
| Lot Size (min) In square feet (sf) | 6,500 sf | 6,500 sf | 9,500 sf |
| Lot Width (min) East side of Dixie Hwy | 50’ | 50’ | 100’ |

| Development Standard | | Base Zoning District Mixed Use – Dixie Hwy (MU-DH) | MU-DH w/ Sustainable Bonus Incentive Program (SBIP) | Provided |
|--|------------------------------|---|---|--|
| Setbacks | Front (min build-to line) | 10 ft. minimum not to exceed 22 ft. | Front façade for third story and above must have front setback of 8' to 12' feet in addition to minimum <u>18 ft. min for third story</u> | 10'-0" first and second story/ 18'-0" third story |
| | Rear (min) | 15 ft. or 10% of lot depth when next to residential zoning district | Rear façade for third floor and above must have rear setback of 8' to 12' in addition to minimum <u>18 ft. min for third story</u> | 21'-10" |
| | Street Side (min) | 10' | 10' | 22'-0" |
| | Side Interior (min) | 0' | 0' | 5'-1" |
| Impermeable Surface Coverage (maximum) | | 65% | 65% | 61.8% (5,874 sf) |
| Structure Coverage (max) | | 45% | 45% | 42.1% (4,003 sf) |
| Density (max) | | 20 du/acre (4 units) | 20 du/acre (4 units) | 4 units |
| Building Height (max) | | 30' (max. 2 stories) | Additional 5 ft. of height under Sustainable Bonus Incentive Program (not to exceed 3 stories) <u>35'-0" total height</u> | 33'-0" (3 Stories) |
| Maximum Wall Height at Side Setback | | 30' | Additional 5 ft. of height under Sustainable Bonus Incentive Program (not to exceed 3 stories) <u>35'-0" total height</u> | 33'-0" (3 Stories) |
| Floor Area Ratio (FAR) (max) | | 0.90 | 0.90 | 0.81 (7,698 sf) |

| Development Standard | | Base Zoning District Mixed Use – Dixie Hwy (MU-DH) | MU-DH w/ Sustainable Bonus Incentive Program (SBIP) | Provided |
|--|-------------------|--|--|--|
| Living Area (minimum) | Two-bedroom units | 750 sf | 750 sf | 1,487 sf |
| Parking | | 9 spaces | 9 spaces | 11 spaces (see full parking analysis on page 5) |
| Is property in flood plain or Wellfield Zone? Yes/No | | Wellfield Zone 4 | | |

Section 12-7, Dumpster Requirements: *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

Analysis: The refuse will be collected in City approved trash cans/bins and stored away in a designated refuse location on the north side of the property. The refuse area is screened by a masonry wall and landscaping.

Section 23.4-3, Exterior Lighting: *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

Analysis: Staff has included a condition of approval that a revised photometric plan (consistent with the final site plan) shall be submitted in a Minor Site Plan to demonstrate compliance with the exterior lighting requirements in Section 23.4-3. A recommended condition of approval has been provided requiring the proposed lighting to comply with Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000K or less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

Section 23.4-10. - Off-street parking: *This section provides general provisions for off-street parking. The standards “apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes.”*

Analysis: The required parking for the mixed-use use proposal is 9 spaces. The parking spaces were calculated at the following rates:

- 1.75 spaces/unit for the multi-family 2-bedroom unit proposal (7 spaces for 4 units)
- 1 space/500 sf of retail space (4 spaces for 1,940 sf)

A total of 9 parking spaces are required when the 25% parking reduction for mixed-use projects is applied. The project exceeds the minimum required parking with a mix of off-street (7 spaces including 1 ADA space), on-street (3 spaces), and bicycle racks (4 spaces that count as 1 parking space).

Section 23.5-1- Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. The proposed signage will be reviewed at building permit for consistency with these requirements.

Section 23.6-1. - Landscape regulations: The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the City. Per Section 23.6-1(c)(2), “on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping” consistent with this section including a landscape strip ten (10) feet in depth.

Analysis: The development proposal provides perimeter landscaping and shade trees. The proposed landscaping is generally consistent with the City's landscape regulations and the Major Thoroughfare Design Guidelines. Tree species include a mix of Gumbo Limbo and Live Oak trees with multiple native shrubs, grasses and groundcovers for the perimeter and interior plantings. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff.

The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. Although one tree with a condition rating of 30% is proposed to be removed from the site to facilitate the construction, no mitigation is required due to onsite replacement. Since the tree that is proposed to be removed is greater than 18 inches in diameter it must be replaced with a tree that is at least 6 inches in diameter.

On the northwest corner of the property there is an interruption in the required trees and landscape treatments within the buffer. Staff has added a condition of approval to revise the landscape plan in order to comply with the code required tree spacing along North Dixie Highway and 15th Avenue North.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards are intended to *"promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards."* These qualitative standards are applicable to site plan applications as well as all conditional uses. The Major Thoroughfare Design Guidelines are an adopted component of these Site Design Qualitative Standards as per Section 23.2-31(j), which are applicable to properties adjacent to the City's major thoroughfares inclusive of the subject site. Compliance determination with the applicable standards in Section 23.2-31 is provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A and in the Major Thoroughfare Design Guidelines.**

Site Design Qualitative Standards Analysis (including vehicular use areas) and Major Thoroughfare Design Guidelines: The proposed improvements to the site, including landscaping and architecture, are generally consistent with the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the vision for the Major Thoroughfare Design Guidelines, providing for vibrant, diverse, safe, inviting, and sustainable features. The Applicant is proposing a 3-story, 4-unit mixed-use development on a .218-acre lot with the purpose of improving the area. The building is designed with a ground floor commercial space and residential units on the second and third floors. Each residential unit will have a private garage that is accessed from the rear of the property abutting the alley. The proposed development will be compatible with the surrounding mixed uses that include a mix of some commercial, as well as single and multi-family residential. Adequate interior and perimeter landscaping are provided with a variety of trees and hedges. The landscaping of the perimeter buffers is designed to compliment the architectural style of the building. The proposed improvements to the site are harmonious as a whole, will improve the aesthetics of the site, and will be an asset to the neighborhood.

The existing uses in the surrounding area are as follows:

| Direction | Future Land Use | Zoning District | Existing Use |
|-----------|----------------------------------|---|---|
| North | Mixed Use – East (MU-E) | Mixed Use – Dixie Highway (MU-DH) | Auto sales (across 15 th Avenue North) |
| South | Mixed Use – East (MU-E) | Mixed Use – Dixie Highway (MU-DH) | Auto Repair/Retail |
| East | Medium Density Residential (MDR) | Single-Family and Two-Family Residential (ST-TF-14) | Multi-family and single-family residential |
| West | Mixed Use – East (MU-E) | Mixed Use – Dixie Highway (MU-DH) | Service station (across North Dixie Highway) |

The proposed uses and site improvements will not negatively affect the existing surrounding properties and uses. The proposed changes are harmonious and compatible with the existing mixed-use area.

Community Appearance Criteria:

The proposed mixed-use development project includes new construction, new landscaping, and associated site improvements that represent an enhancement in the general appearance of the property over the existing vacant lot. The proposed contemporary architectural style of the building is appropriate and in harmony with the surrounding residential and nonresidential area. Consistent with the chosen architectural style, the exterior finishes large vertically proportioned windows as well as a ground-floor storefront system, a smooth stucco exterior finish, aluminum railings, flat roof, and eyebrow details. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines, and the City’s Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned.

Section 23.2-33(c) - Sustainable Bonus Incentive Program (SBIP)

The City of Lake Worth Beach Sustainable Bonus Incentive Program (SBIP) is intended to implement Objective 1.2.3 of the City’s Comprehensive Plan which states the City shall establish incentives to help support the creation of a compact, sustainable, community-oriented development by implementing a Sustainable Bonus Incentive Program. The Program offers the opportunity to attain an option for increased height in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

Per Policy 1.2.3.4 of the City’s Comprehensive Plan, *“incorporation of Sustainable features is required for developments over two stories, which allows for increases in density, height and intensity over base line maximums. Annually, the City Commission shall establish base line sustainable bonus values required to participate in the program.”* The applicant is asking for a bonus height which is less than the maximum allowances that can be permitted for height through a sustainable bonus incentive in a MU-E zoning district.

The total square footage of the bonus area above the second floor is +/- 2,876 square feet. Therefore, the value of required improvements for the SBIP bonus areas is \$21,570 (2,876 square feet x \$7.50 per sf). Fifty percent (50%) of the incentive award value is \$10,785, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$10,785), the applicant may propose qualified on-site improvements or provide additional payment to the City.

The Applicant is proposing the following qualified improvements per LDR Section 23.2-33. These improvements include 10 bicycle racks (that are not required to meet parking requirements); water conservation through low flow water

fixtures, shower heads, and high-performance toilets; increased energy efficiency through ENERGY STAR appliances; and community health and safety through antimicrobial door handles. The estimated value of these improvements is \$21,118.30.

CONCLUSION AND CONDITIONS

The Mixed Use – Dixie Highway (MU-DH) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

Based on the data and analysis in this report and the supporting materials by the applicant, the proposed site plan, building design, landscaping, and site circulation are appropriate and consistent with the City's Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, and Land Development Regulations. The proposed site circulation, parking, and refuse are anticipated to minimize and/or mitigate any impacts of the mixed-use proposal on the adjacent and proximate uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent of the sustainable bonus fee shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall provide qualifying sustainable bonus features equal to fifty percent of the sustainable bonus fee, or shall be required to pay the remaining incentive value in its entirety prior to the issuance of a certificate of occupancy.
3. Prior to issuance of a building permit, any and all outstanding code compliance violations, fees or fines related to the property shall be paid and resolved.
4. The proposed project shall comply with Palm Beach County's Unified Land Development Best Management Practices for Wellfield Protection.
5. A video security system shall be required for the property.
6. Prior to building permit application, an address application shall be required to be submitted prior to application for building permit.
7. Prior to the issuance of building permit, a Minor Site Plan shall be submitted to implement the following:
 - a. The site table shall be revised to list the correct FAR maximums in accordance with MU-DH regulations.
 - b. The site data table shall be revised to update the building setbacks on the site data table to be consistent with site plan measurements.
 - c. The site table shall be revised to update the parking calculations to account for the 25% reduction for a mixed-use project in accordance with LDR Section 23.4-10(h)(1).
 - d. A revised photometric plan shall be submitted. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
 - e. Dimensioned detailed drawings shall be submitted for the rooftop mechanical equipment screening to demonstrate that it is architecturally complementary to the building design in accordance with LDR Section 23.4-21.
 - f. Incorporate any plan changes based on the conditions of approval from other departments.

Landscape Services

1. Prior to the issuance of building permit, a Minor Site Plan shall be submitted to revise the landscape plan in order to comply with the code required tree spacing along North Dixie Highway and 15th Avenue North.

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. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
4. Prior to the issuance of a certificate of occupancy, alleyway improvements consisting of milling and asphalt surfacing from 15th Avenue North to the south property line of the parcel shall be constructed.
5. Prior to the issuance of a certificate of occupancy, 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. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
6. Prior to the issuance of a building permit, submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
7. Prior to the issuance of a Certificate of Occupancy, fine grade and sod all disturbed areas with bahia sod.
8. Prior to the issuance of a Certificate of Occupancy, 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, apply for and receive issuance of a "Right of Way/Utility Permit" application.
10. Prior to the issuance of a Certificate of Occupancy, 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 – Electric

1. Before or at the time of application for a Building Permit, Developer must provide the Load Calculation, Voltage requirements, and a Riser diagram. The proposed location of the service meters is acceptable.
2. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
3. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

Utilities – Water & Sewer

1. Prior to Building Permit, please the following items shall be addressed:
 - a. The northern trench still appears to have perforated pipe called out between the west end of the trench and the structure. Perforated pipe should discontinue for 4 ft minimum before/after a structure.
 - b. More information needs to be provided to show how stormwater is retained onsite and routed to the exfiltration system.
 - c. Please note that capacity fees will be due at building permit for the new water services and sanitary lateral.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for the Major Site Plan and Sustainable Bonus Incentive Program (SBIP) requests for the project located at 1432 North Dixie Highway based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for the Major Site Plan and Sustainable Bonus Incentive Program (SBIP) requests for the project located at 1432 North Dixie Highway. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

ATTACHMENTS

- A. Qualitative Development Standards
- B. Architectural Plans
- C. Survey
- D. Justification Statement

ATTACHMENT A – Qualitative Development Standards

| Section 23.2-31(c) –Qualitative Development Standards | Analysis |
|---|-------------------------------------|
| <p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p> | In compliance |
| <p>2. Preservation of natural conditions. The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four feet or more.</p> | In compliance as conditioned |
| <p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p> | In compliance |
| <p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p> | In compliance |
| <p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p> | In compliance |
| <p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p> | In compliance |
| <p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p> | In compliance |
| <p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p> | In compliance |

- 9. Coordination of on-site circulation with off-site circulation.** *The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.* **In compliance**
- 10. Design of on-site public right-of-way (ROW).** *On-site public street and rights-of-way shall be designed to for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited access to parcels.* **Not applicable**
- 11. Off-street parking, loading and vehicular circulation areas.** *Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.* **In compliance**
- 12. Refuse and service areas.** *Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.* **In compliance**
- 13. Protection of property values.** *The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property.* **In compliance**
- 14. Transitional development.** *Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.* **In compliance**
- 15. Consideration of future development.** *In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.* **In compliance**

| Section 23.2-31(d) - Qualitative Buildings, generally | Analysis |
|---|----------------------|
| <p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p> | In compliance |
| <p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</i></p> | In compliance |

3. *All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.* **In compliance**
4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.* **In compliance**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **Not Applicable**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **Not Applicable**
7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance as conditioned**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not Applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not Applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **Not Applicable**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**

14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance as conditioned**

| <u>Section 23.2-31(h) – Criteria for parking lots and vehicular use areas</u> | <u>Analysis</u> |
|---|-------------------------------------|
| <p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p> | In compliance |
| <p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p> | In compliance |
| <p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.</i></p> | In compliance |
| <p>4. <i>Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.</i></p> | In compliance as conditioned |

| <u>Section 23.2-31(l) – Community Appearance Criteria</u> | <u>Analysis</u> |
|--|------------------------|
| <p>1. <i>The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i></p> | In compliance |
| <p>2. <i>The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i></p> | In compliance |

3. *The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.* **In compliance**

4. *The proposed structure or project is in compliance with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.* **In compliance**