

ORDINANCE NO. 2022-01 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED ON THE EAST SIDE OF BOUTWELL RD APPROXIMATELY 230 FEET SOUTH OF 10TH AVE NORTH AND CONSISTING OF APPROXIMATELY 0.52 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE MIXED USE - WEST (MU-W) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF MIXED USE – WEST (MU-W) 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 DENSITY BONUS INCENTIVE THROUGH THE CITY'S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A 18-UNIT MIXED USE 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, Giorgio Antoniazzi, AIA of Antoniazzi Architecture on behalf of Julie Cruz of Creative Financing, LLC (the applicant) has petitioned the City of Lake Worth Beach (the City) for creation of a Mixed Use Urban Planned Development District to allow for the approval of a 18-unit mixed use development, currently known as "Casa Bella" on a site located East side of Boutwell Rd approx. 230 feet south of 10th Ave N (PCN 38-43-44-20-01-033-0060) as further described in Exhibit A (the Property) within the MU-W Zoning District and the MU-W 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 density to be considered in conjunction with the applicant's request for approval for a major site plan for the construction of a mixed-use urban planned development currently known as "Casa Bella" that will contain 18 dwelling units and +/- 417 square feet of office space to be constructed on this site;

WHEREAS, on July 7, 2021, the Lake Worth Beach Planning and Zoning Board (P&Z Board) considered the subject application for a Mixed Use Urban 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 mixed use urban planned development subject to specific district development standards and certain enumerated conditions; and

WHEREAS, the City Commission has considered all of the testimony and evidence and has determined that the Mixed Use Urban Planned Development 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 Mixed Use Urban Planned Development District located within the MU-W Zoning District with a future land use designation of MU-W, 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 Urban Planned Development (b) Major Site Plan (c) Sustainable Bonus Incentive Program and (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 urban 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.

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 Commissioner Stokes, seconded by Commissioner Malega and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Herman Robinson	NAY
Commissioner Sarah Malega	AYE
Commissioner Christopher McVoy	NAY
Commissioner Kimberly Stokes	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 1st day of June 2021.

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 Herman Robinson
Commissioner Sarah Malega
Commissioner Christopher McVoy
Commissioner Kimberly Stokes

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

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Coyne, City Clerk

Exhibit A

DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION PROPERTY DESCRIPTION FOR PZB CASE No. 20-009000021 / Ordinance 2022-01

The subject site is a vacant 0.52-acre parcel. The site is located at 1715 North Dixie Highway on East side of Boutwell Rd approx. 230 feet south of 10th Ave N.

Applicant	Giorgio Antoniazzi, AIA of Antoniazzi Architecture
Owner(s)	Julie Cruz of Creative Financing, LLC
General Location	East side of Boutwell Rd approx. 230 feet south of 10 th Ave N
Existing PCN Numbers	38-43-44-20-01-033-0060
Existing Land Use	Vacant
Zoning	Mixed Use – West (MU-W)
Future Land Use Designation	Mixed Use – West (MU-W)

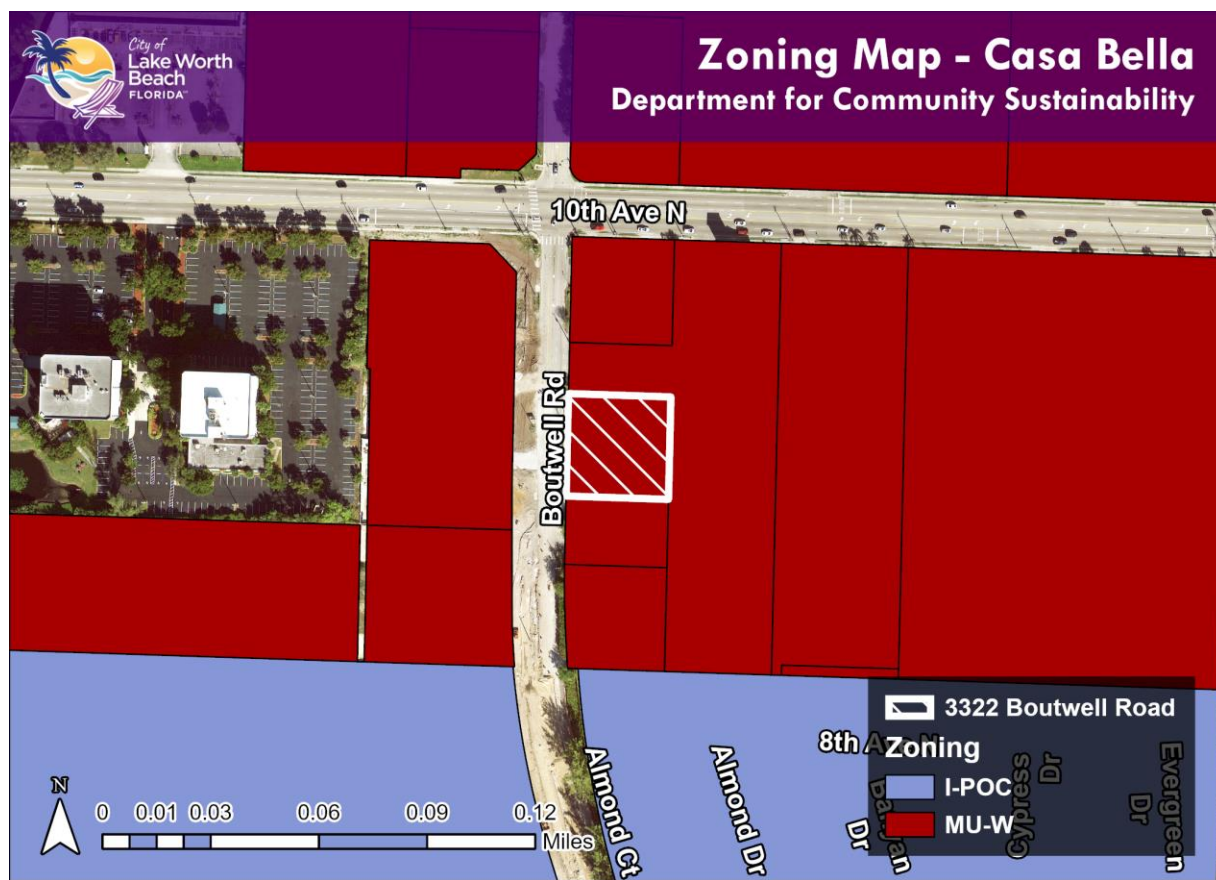


Exhibit B**DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
DEVELOPMENT STANDARDS FOR PZB CASE # 20-00900002**

Development Standard		Base Zoning District	Mixed-Use Urban Planned Development w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		13,000 sf	Greater or equal to 21,780 sf (0.5 acres)	22,500 sf (0.52 acres)
Lot Width (min)		100'	100'	150'
Setbacks	Front (min) (Boutwell Rd)	20' min. 32' max	20' min. 32' max	16.5'*
	Rear (min)	15' or 10%	15' or 10%	15'
	Side (min)	10'	10'	11'
Impermeable Surface Coverage (maximum)		65%	65%	69.8%*
Structure Coverage (max)		50%	50%	33%
Living Area (min)		Efficiency: 400 sf 1-bed: 600 sf 2-bed: 750 sf	Efficiency: 400 sf 1-bed: 600 sf 2-bed: 750 sf	Efficiency: +/-557 sf (Qty. 4) 1-bed: +/-650 sf (Qty. 6) 2-bed: +/-815 sf (Qty. 8)
Parking		22	22	23
Density (max)		30 du/acre (15 units)	37.5 du/acre (19 units)	34.6 du/acre (18 units)
Building Height (max)		30'	81.25'	24'
Floor Area Ratio (FAR) (max)		1.3	3.75	0.60

*A relaxing or waiving of base zoning district requirements is requested.

Exhibit C

DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION CONDITIONS OF APPROVAL FOR PZB CASE No. 20-00900002 (Ordinance 2022-01)

Electric Utilities:

1. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. Provide the voltage requirements on the site plan.
 - b. Provide the electrical riser diagram and load calculations.
 - c. Provide 3-foot clearance of the padmount transformer from the nearby parking space, or provide a bollard.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
 - a. Provide and record a 10-foot utility easement at the padmount transformer location.
 - b. Pay all fees associated with the new service (materials and construction fees).
 - c. Complete a final electrical inspection.

Planning:

1. Prior to the issuance of a building, submit the unity of title documentation from when the lots were combined. If unity of title documentation cannot be submitted, a new unity of title form shall be filled out with the City (see attached form). The lot does not show record of being platting. Instead, it appears the lots were joined by unity of title or by parcel combination for tax deed purposes.
2. Within six (6) months of ordinance adoption or prior to the issuance of a building permit, whichever is sooner, fifty percent (50%) of the sustainable bonus fee (\$21,600.00) shall be paid to the City. The required fee payment is \$10,800.00.
3. Prior to building permit and subject to concurrent minor site plan review, the photometric plan shall be updated to provide the lighting level at the southern property line to ensure compliance with LDR Section 23.4-3(c)(4), which states that "lighting shall be shielded and located to not allow light to trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line." Further, LED lighting shall have a warm tone (not to exceed 3000K) with fixtures that are dark sky compliant. Specifically, the wall fixture identified in the photometric plan shall be replaced with a dark sky compliant fixture.
4. Prior to the issuance of a building permit, a sign plan shall be submitted that depicts a minimum of 50% of the face of one of the monument signs shall be dedicated to the proposed office and small internal directional signage approximately 2 sf in size shall be provided
5. The office shall have a separate business license from the multi-family complex in order for the project to qualify as mixed-use.
6. Prior to the issuance of a business license, all code violations shall be remediated.

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. Thirty days prior to first reading at the City Commission, contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works.
3. Prior to the issuance of a Certificate of Occupancy:
 - a. All conditions of approval shall be satisfied under jurisdiction of the Department of Public Works.
 - b. 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.
 - c. Fine grade and sod all disturbed areas with bahia sod.
 - d. Broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
 - e. The right of way shall be restored to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
4. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City.
5. Prior to the issuance of a building permit, the contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.

Utilities Water & Sewer:

The building department Engineering Submittal shall include the following:

1. At time of engineering submittal, provide a full drawing set of the proposed drainage calculations and any permits or permitting information from SFWMD and LWDD.
2. The irrigation service and the lift station service shall use an RPZ device/s instead of a pressure vacuum breaker.
3. Provide PBC county right of way permit for utility work and driveway cut.
4. Provide the PBC department of Health permit for the sewer transmission system and water distribution system.
5. Show water & sewer services, drainage structures, and stormmains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
6. Fireflow calculations based on a recent hydrant test. Contact Pedro Segovia with Palm Beach County at psegovia@pbcgov.com
7. Water will require a dedicated 15-foot utility easement.
8. Signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.
9. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.

10. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
11. Engineering plans shall include cross-sections along each property line and with grading showing the design storm (3 yr, 1 hour (2.6")) runoff being maintained on site.
12. Provide existing and proposed site grades.
13. Indicate vertical datum on all plan drawings with grades.
14. All applicable City of Lake Worth details.
15. capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.
16. Prior to Certificate of Occupancy, a Bill of Sale for the public utilities and easements must be dedicated for recording.

City Commission:

1. The landscape and site plan shall be modified prior to the issuance of a building permit to depict the location of the required bicycle rack and dog bag dispenser.
2. The floor plan and site plan shall be modified prior to the issuance of a building permit to reflect the requirement that laundry shall be provided in each unit.
3. Security cameras and doorbell security cameras shall be installed prior to the issuance of certificate of occupancy.