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ORDINANCE NO. 2022-17 – 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 THE NE CORNER OF 2ND AVE NORTH AND THE LWDD E-4 CANAL TO CONSTRUCT AN APPROXIMATELY 5-STORY, 195-UNIT RESIDENTIAL PLANNED 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 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 DEVELOPMENT OF SIGNIFCANT IMPACT; APPROVING A CONDITIONAL USE PERMIT; APPROVING A 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, Brian Terry, Insite Studio, Inc, (the applicant) has petitioned the City of Lake Worth Beach (the City) on behalf of the property owner Richman Lake Worth Apartments, LLC for creation of a Residential Planned Development District to allow for the construction of an approximately 5-story, 195-unit multi-family development (on a site located at the NE corner of the E-4 Canal and 2nd Avenue N (PCNs 38-43-44-20-01-097-0020, 38-43-44-20-01-097-0010, and 38-43-44-20-01-096-0020) 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 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

47 currently known as “Residences of Lake Worth” and containing 195 residential units to be
48 constructed on this site;

49
50 WHEREAS, on November 16, 2022, the Lake Worth Beach Planning and Zoning
51 Board (PZB) considered the subject application for a Residential Planned Development
52 District, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and
53 Sustainable Bonus Incentive Program and recommended that the City Commission
54 approve the creation of this residential planned development subject to specific district
55 development standards and certain enumerated conditions; and

56
57 WHEREAS, on February 7, 2023, the City Commission voted to approve on first
58 reading the subject application for a Residential Planned Development District,
59 Development of Significant Impact, Major Site Plan, Conditional Use Permit, and
60 Sustainable Bonus Incentive Program subject to specific district development standards
61 and enumerated conditions herein; and

62
63 WHEREAS, the City Commission has considered all of the testimony and evidence
64 and has determined that the Residential Planned Development District, Development of
65 Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus
66 Incentive Program including the development regulations and conditions, meets the
67 requirements of the Land Development Regulations, Section 23.3-25.

68
69 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
70 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

71
72 Section 1. Recitals. The foregoing recitals are true and correct and are hereby
73 affirmed and ratified.

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

87
88 Section 3. The City’s zoning maps shall be updated to reflect the changes to the
89 property described in **Exhibit A**.

90
91 Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
92 herewith are hereby repealed to the extent of such conflict.

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

98
99 Section 6. Effective Date. This ordinance shall become effective ten (10) days after
100 its final passage.

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

- 105
- 106 Mayor Betty Resch
- 107 Vice Mayor Christopher McVoy
- 108 Commissioner Sarah Malega
- 109 Commissioner Kimberly Stokes
- 110 Commissioner Reinaldo Diaz

111
112 The Mayor thereupon declared this ordinance duly passed on first reading on the
113 ____ day of _____, 2023.

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

- 118
- 119 Mayor Betty Resch
- 120 Vice Mayor Christopher McVoy
- 121 Commissioner Sarah Malega
- 122 Commissioner Kimberly Stokes
- 123 Commissioner Reinaldo Diaz

124
125 The Mayor thereupon declared this ordinance duly passed on the _____ day of
126 _____, 2023.

127
128 LAKE WORTH BEACH CITY COMMISSION

129
130
131 By: _____
132 Betty Resch, Mayor

133 ATTEST:

134
135
136 _____
137 Melissa Ann Coyne, City Clerk

138

Exhibit A

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

139 **Address:** 2559, 2441, 2431 2nd Ave N

140 **PCNs:** 38-43-44-20-01-097-0020

141 38-43-44-20-01-097-0010

142 38-43-44-20-01-096-0020

143

144 **Size:** 7.40 acres

145 **General Location:** North of 2nd Ave N, and just east of the LWDD E-4 Canal.

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



Exhibit B

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	7.3985 acres (322,278.64 sf)
Lot Width (min)		100'	100'	401.62'
Setbacks	Front (min build-to line)	20'	20'	20'
	Rear (min)	10'	10'	178'
	Street Side (min)	20'	20'	N/A
	Side (min)	20'	20'	20' – west side 41' – east side
Impermeable Surface Coverage (maximum)		65%	65%	49% (157,900 SF)
Structure Coverage (max)		50%	50%	13.4% (43,293 SF) – Buildings 1.15% (3,722 SF) – Communication Tower
Density (max)		30 du/acre (221 units)	37.5 du/acre (277 units)	26.36 du/acre (195 units)
Building Height (max)		30' (max. 2 stories)	65' (Max. 6 stories)	59'-4" – top of parapet (5 stories)
Maximum Wall Height at Side Setback		30'	65'	+/- 59'
Floor Area Ratio (FAR) (max)		1.3	3.75	.6

Living Area (minimum)	Studio	400 sf	400 sf	N/A
	One-bedroom units	600 sf	600 sf	+/-716 sf- 729 sf
	Two-bedroom units	750 sf	750 s	+/- 1013 sf
	Three-bedroom units	900 sf	900 sf	N/A
Parking See page 5 for detailed analysis.		Parking Calculated per unit, room, and non-residential square footage.	237 spaces* w/ 30 workforce housing units Max alternate spaces = 59 spaces	279 spaces w/ 12 alternate (compact) spaces Additional parking that exceeds parking requirements: 42 compact parking spaces & 39 bicycle spaces = 9 parking spaces
Workforce/Affordable Housing		15% of Total Project	30 Income Restricted Units	30 Income Restricted Units (14 one-bedroom units and 16 two-bedroom units)

***Applicant is choosing to opt-in to the recently adopted workforce housing program ordinance (Ordinance 2022-12), which allows for a 25% parking requirement reduction for income restricted units.**

-Exhibit C

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

151 **Planning & Zoning**

- 152 1. Fifty percent of the sustainable bonus fee (\$428,321.25) shall be paid to the City within two
153 years of approval, or prior to the issuance of the building permit, whichever comes first.
- 154 2. The applicant shall provide qualifying sustainable bonus features equal to \$428,321.25, or
155 shall be required to pay the remaining portion of the 50% of the incentive value (\$428,321.25)
156 prior to the issuance of a certificate of occupancy.
- 157 3. Thirty (30) units shall be restricted for workforce housing in accordance with the City's
158 Affordable/Workforce Housing Program prior to the issuance of a Certificate of Occupancy
159 for the buildings
- 160 4. A unity of title shall be required to applied for and shall be recorded prior to the issuance of
161 a building permit.
- 162 5. An address application shall be required to be submitted prior to application for building
163 permit.
- 164 6. A video security system shall be required for the property.
- 165 7. Exterior lighting shall be required to comply dark sky lighting guidelines, including using fully
166 shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins.
167 www.darksky.org Specifically, the lighting fixtures shall be reviewed at building permit for
168 consistency with the dark sky guidelines and the architecture of the buildings.
- 169 8. A designated delivery and/or ride share space shall be provided.
- 170 9. Dumpster enclosure material shall be reviewed for architectural consistency and for
171 compliance with all applicable City requirements at building permit.
- 172 10. Prior to the issuance of a building permit, a minor site plan amendment or modification shall
173 be approved to update the site plan data table to remove errors.

174

175 **Utilities (Water, Sewer & Stormwater)**

- 176 1. There are several locations where proposed storm chamber overlaps with the water/storm
177 utility easements. The easement shall be free of obstructions.
- 178 2. Provide inlet protection on the storm collection structures in 2nd Avenue North and show the
179 erosion control and sedimentation plan.
- 180 3. Capacity fees are due prior to building permit issuance.
- 181 4. The title block of all plans shall be updated to say Lake Worth Beach instead of Lake Worth.

182

183 **Public Works**

- 184 1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code
185 and all other applicable standards including but not limited to the Florida Department of
186 Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake
187 Worth Public Services Construction Standards and Policy and Procedure Manual. No
188 Certificate of Occupancy shall be granted until all conditions of approval have been satisfied
189 under jurisdiction of the Department of Public Services.
- 190 2. Prior to the issuance of a building permit, the applicant shall contact the Lake Worth Drainage
191 (LWDD) District's Engineering Department and obtain any required permit(s), if necessary,
192 and furnish to the City. Prior to the issuance of a building permit, the applicant shall contact
193 the South Florida Water Management District's (SFWMD) Engineering Department and obtain
194 any required permit(s), if necessary.

- 195 3. Prior to the issuance of a building permit, the Applicant shall contact and meet with a
196 representative from the Public Works Solid Waste and Recycling Division to confirm dumpster
197 enclosure location, accessibility and demand on property and that it is compatible with the
198 requirements of the Department of Public Works. Solid Waste Division contact number is 561-
199 533-7344.
- 200 4. Prior to the issuance of a certificate of occupancy, the Applicant shall ensure the entire
201 surrounding offsite infrastructure inclusive of the roadway, sidewalk, curbing, stormwater
202 system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other
203 improvements are in the same condition as prior to construction.
- 204 5. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan
205 and indicate the BMP's and NPDES compliance practices.
- 206 6. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all
207 disturbed areas with bahia sod.
- 208 7. Prior to the issuance of a Certificate of Occupancy, the applicant shall broom sweep all areas
209 of the affected right of way and remove of all silt and debris collected as a result of
210 construction activity.
- 211 8. Prior to performing work in the right of way, the applicant shall apply for and receive issuance
212 of a "Right of Way/Utility Permit" application.

213
214 **Electric Utility**

- 215 1. Before or at the time of application for a Building Permit, Developer must provide the Load
216 Calculation, Voltage requirements and Riser diagram. We will need to know the location of
217 the Pad-Mount Transformers for the building. The Transformer locations must be accessible
218 to our vehicles, and must have 8-ft minimum clearance in front of them and 3-ft clearance to
219 the side or rear, including landscaping (None trees, plants, shrubs or vegetations are allowed
220 within the clearance). The Transformers also must not be under or inside any structure.
- 221 2. Before the issuance of a Building permit, we will need a 10-ft wide utility easement for the
222 underground electric, transformers and other equipment that will need to be installed to
223 provide power to this project.
- 224 3. The customer will be responsible for installing All Schedule 40 PVC Conduit that will be needed
225 by Lake Worth Beach for this project for the primary cable. This conduit must be installed at
226 a 24" minimum depth. Pad specs will be given to the customer to show the proper orientation
227 of conduit at the pad mount transformers.
- 228 4. Before the issuance of a Building permit, we will need to know if any other services will be
229 needed for the project such as irrigation, lift station, lighting, gates, etc., and where these
230 services will be.
- 231 5. Developer to show the location of the meter center on the site plan.
- 232 6. Developer will be responsible for installing their own lightning for the parking areas.
- 233 7. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this
234 project.
- 235 8. Before the issuance of a Certificate of Occupancy, the utility easement must be recorded.
- 236 9. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be
237 done.

238
239 **Building Division**

- 240 1. Pedestrian connections to the club house will require enhanced striping.