

ORDINANCE NO. 2026-05 - 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 AT 13 S K STREET, 19 S K STREET, 25 S K STREET, 704 1ST AVENUE SOUTH, AND 710 1ST AVENUE SOUTH AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE DOWNTOWN (DT) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF DOWNTOWN MIXED USE (DMU) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING A MAJOR SITE PLAN; APPROVING A DEVELOPMENT OF SIGNIFICANT IMPACT; APPROVING A CONDITIONAL USE PERMIT; APPROVING HEIGHT INCENTIVES THROUGH THE CITY'S SUSTAINABLE BONUS INCENTIVE PROGRAM; INCLUDING A RIGHT-OF-WAY ABANDONMENT; AND PROVIDING 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, this is a City-initiated application for creation of a Mixed Use Urban Planned Development District to allow for the construction of a new parking garage structure and relocation of two historic structures, located at 13 S K Street, 19 S K Street, 25 S K Street, 704 1st Avenue South, and 710 1st Avenue South (PCNs 38-43-44-21-15-019-0220, 38-43-44-21-15-019-0230, 38-43-44-21-15-019-0290, 38-43-44-21-15-019-0301, and 38-43-44-21-15-019-0302) as further described in Exhibit A (the Property) within the DT Zoning District and the DMU 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 creation of a mixed use development to allow for new construction of a parking garage structure and relocation of two historic structures to the subject site; and

WHEREAS, on April 29, 2026, the Lake Worth Beach Historic Resources Preservation Board (HRPB) considered the subject application for a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment 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, on June 8, 2026, the City Commission voted to approve on first reading the subject application for a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment subject to specific district development standards and certain enumerated conditions and scheduled this Ordinance for second reading and public hearing; and

WHEREAS, the City Commission has considered all of the testimony and evidence and has determined that a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment 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 DT Zoning District with a future land use designation of DMU, 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) Mixed Use Urban Planned Development; (b) Major Site Plan; (c) Conditional Use Permit; (d) Sustainable Bonus Incentive Program; (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 mixed use 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 Vice Mayor May, seconded by Commissioner Malega and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Mimi May	AYE
Commissioner Sarah Malega	AYE
Commissioner Christopher McVoy	NAY

Commissioner Anthony Segrich AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 8th day of June, 2026.

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 Mimi May
Commissioner Christopher McVoy
Commissioner Sarah Malega
Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2026.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

EXHIBIT A

Property Description and Location Map

Addresses: 13 S K Street, 19 S K Street, 25 S K Street, 704 1st Avenue South, and 710 1st Avenue South, inclusive of 5' of proposed alley right-of-way abandonment

PCNs: 38-43-44-21-15-019-0220, 38-43-44-21-15-019-0230, 38-43-44-21-15-019-0290, 38-43-44-21-15-019-0301, and 38-43-44-21-15-019-0302

Size: 0.80 acres

General Location: Between the west side of South K Street and the north-south alleyway west of South J Street, and the east-west alleyway south of Lake Avenue and the north side of 1st Avenue South

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



EXHIBIT B
Development Standards

Overall Site			
Development Standard	Base Zoning District Downtown (DT)	Mixed-Use Urban Planned Development with SBIP	Provided
Lot Size (min)	6,500 sf	0.5 acres	± 0.8 acres
Density (max)	40 du/acre	<i>n/a; no residential development proposed</i>	<i>n/a; no residential development proposed</i>

Development Standard		Base Zoning District Downtown (DT)	Mixed-Use Urban Planned Development with SBIP	Provided
Lot Width (min)		50'	50'	135'
Setbacks	Front (min)	10' <i>Additional 8-12' setback required for 3rd story and above</i>	10' <i>Additional 8-12' setback required for 3rd story and above</i>	10' to relocated structure 50' to garage structure
	Rear (min)	10'	10' <i>Additional 8-12' setback required for 3rd story and above with SBIP</i>	15' (applicant has requested a waiver from the full additional setback requirement)
	Street Side (min)	10'	10' <i>Additional 8-12' setback required for 3rd story and above with SBIP</i>	10' (applicant has requested a waiver from the full additional setback requirement)

	Interior Side (min)	0'	0'	10' (inclusive of 5' of proposed abandoned ROW)
Impermeable Surface Coverage (max)		80%	90% (Tier II SBIP Planned development permitted to use small lot calculations)	Option 1: 88% (30,922 sf) Option 2: 87% (30,571 sf)
Structure Coverage (max)		60%	70% (Tier II SBIP Planned development permitted to use small lot calculations)	Option 1: 69.8% (24,444 sf) Option 2: 68.7% (24,058 sf)
Building Height (max)		30' (max. 2 stories)	45' Tier I, 56.25' Tier II plus additional 10' additional allowance for elevator overrun	59' to top of elevator parapet
Maximum Wall Height at Side Setback		30'	56.25' Tier II plus additional 10' additional allowance for elevator overrun	57' to top of elevator enclosure wall
Floor Area Ratio (FAR) (max)		1.1	1.6	Option 1: 1.06 (37,163 sf) Option 2: 1.04 (36,418 sf) First 3 levels of garage structure exempted per Sec. 23.4-12
Parking		No parking requirement for parking facility, existing surface lot 57 spaces and 7 on street spaces.	No parking requirement for parking facility, existing surface lot 57 spaces and 7 on street spaces.	260 Spaces: - 211 standard spaces - 40 compact - 9 ADA - 4 bicycle spaces

	17 S M Relocation (institutional use) 1 space per 200 gsf (18 spaces)	17 S M Relocation (institutional use) 1 space per 200 gsf (18 spaces)	- 16 motorcycle spaces
Is site in floodplain (Flood Zone/BFE) or in Wellfield Zone?	Not located in a flood zone; Wellfield Zone 4		

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EXHIBIT C
Conditions of Approval

Planning & Zoning

1. Separate HRPB approval shall be required for the proposed mural on the parking garage structure. The mural shall be approved, permitted, and installed prior to the issuance of a Certificate of Occupancy.
2. Prior to the issuance of a certificate of occupancy, documentation shall be submitted by an independent third party to the Department of Community Sustainability that the project fulfills the City's project performance standards listed in LDR Section 23.2-31.
3. Prior to building permit application, submit a site plan amendment to address the following:
 - a. Correct the additional setback notation for buildings in excess of 30' in height as notated on site plan as this setback is currently notated as the required setback rather than in addition to the required setback.
 - b. Site-related comments provided by other departments, as applicable.
4. All light fixtures shall be fully shielded to mitigate light pollution and shall meet Dark Sky requirements, with a light temperature which shall be less than 3000K.
5. The 5 subject parcels shall be unified at or before the time of building permitting. The applicant has submitted a Unity of Title request, which shall be subject to the procedures outlined in Sec.23.2-14 and shall be reviewed and approved by the City prior to the recording of the unification with the clerk of the circuit court of Palm Beach County.
6. ROW abandonment (5') must be approved prior to recording Unity of Title and issuance of building permit.
7. Any substantial alterations to the site plan, including alternatives to relocation of 17 S M Street such as a Park, will be heard by the HRPB as a Major Site Plan Amendment.
8. The green wall and mural must remain as shown in Option 1 and shall not be eliminated.
9. The portion of the Sustainable Bonus Incentive fee (50%) which is required for payment to the City shall be waived.
10. A temporary residential parking and construction mitigation plan shall be established.

Historic Preservation

1. All conditions of approval from COAs #26-00100008 and 26-00100063 shall be adopted as part of the K Street Garage Mixed Use Urban Planned Development.
2. Any proposed alterations or additions to the relocated structures at 17 S M Street shall require subsequent HRPB approval and submittal of a Minor Site Plan amendment as applicable.

Landscape

1. Proposed tree removals will require a stand-alone tree removal permit.
2. Root barriers shall be used for all plantings that are within 5 feet of a utility easement or any other underground utility. Include a root barrier detail and indicate the root barrier locations on the landscape plan.
3. All landscaped areas shall be provided with an irrigation system, automatically operated, to provide complete coverage of all plant materials to be maintained. This system should be designed to automatically shut off when raining. The source of water may be either from city water or non-potable water. The use of recycled water is encouraged.
4. Prior to the issuance of a building permit for new construction, the applicant shall pay any required in-lieu mitigation fees into the City's Tree Canopy Restoration fund.
5. Prior to building permit application, submit a site plan amendment to address the following:

- a. Trees/palms that are removed must be mitigated (replacement and/or in-lieu fee) in accordance with LDR Section 23.6-1(m). Please provide mitigation calculations for all removed trees/palms. Mitigation chart provided but calculations should be clarified and conditions provided as percentages.
- b. Palms shall contribute no more than twenty (20) percent of the required trees. Palms considered susceptible to lethal yellowing shall not be used to fulfill this requirement. Three (3) Coconut, Sabal, or Royal Palms will equal one (1) shade tree and must be a minimum of twelve (12) feet in height with six (6) feet of grey wood at time of planting. The use of native palms is encouraged. Please provide details on compliance with this requirement.
- c. Required 75% of all trees and 75% of all other landscaping must be native. Please show compliance with this requirement as calculated on landscape plan. Indicated at 71% on plans for trees.
- d. Show relocated utility pole near garage entrance and proposed injection well location on Landscape plan once location is identified to verify that there will not be a conflict with proposed tree locations. Live Oak appears to be proposed at or near location of pole to be relocated.
- e. Visibility triangle required at all street-street and street-alley intersections. Please dimension all visibility triangles and verify that proposed tree/plant material will not obstruct sight triangle locations. See section 23.4.4
 - i. 1st Avenue South and alley intersection sight triangle shall be dimensioned

Water & Sewer Utilities

1. Please provide detailed information how the stormwater, from the North, East, and West sites of property, will be routed to the proposed catch-basin, and ultimately to the proposed exfiltration trenches.
2. From the drawing it seems that most of the stormwater will be routed to the exiting catch-basin at the 1st Ave S. Please note that a complete onsite retention of 3-yr 1-hr storm event is needed.
3. During the building permit application:
 - a. The sewer lateral tie-in shown is located at the alley north to the site. The city does have a 6-in water main located just south of the sewer tie-in location which will create a conflict. Please call out the existing water main located at the alley and show the conflict elevation.
 - b. Please provide a utility drawing showing the locations of the city's existing water and sewer utilities at the alley west of the site.
 - c. Please provide a drainage calculation report showing the complete retention of 3-yr 1-hr storm event.
 - d. Size on size tapping is not recommended. Please consider other options (such as: T-cut) for the proposed fire-line.
 - e. Please call out the proposed size of the water meter and the back-flow preventer.
 - f. Please call out the size of the proposed sanitary clean-out.
 - g. Please provide city applicable details/specifications for the water and sewer utilities.
 - h. Please provide an erosion control plan with applicable details/specifications.

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 the jurisdiction of the Department of Public Works.
3. 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. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
4. 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 by the contractor and submitted to the City.
5. 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.
6. Prior to performing work in the City Right-of-Way (ROW), apply for and receive issuance of a "Right of Way/Utility Permit" application.
7. Prior to the issuance of a Certificate of Occupancy, restore the right of way via grading and new paving to condition level of 100. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.

Electric Utilities

1. Electric Utility has identified a conflict with proposed location of the south garage entrance due to an existing primary pole located in that area. Electric Utilities to coordinate relocation of pole and include in Minor Site Plan Approval.
2. If the developer will install EV charger must provide what kind of EV charger will be utilized. We recommend leaving adequate space for adding one more transformer if it is needed to expand the EV charging spaces at some point in the future. All load calculations must be included at the time of permit application.
3. We saw only one transformer. If the developer wants to install level -3 charger we need to install one more transformer just for the EV charger.