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ORDINANCE NO. 2021-07 – 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 URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED ON THE NORTH SIDE OF 10TH AVENUE NORTH BETWEEN NORTH E STREET AND NORTH F STREET, CONSISTING OF APPROXIMATELY 0.71 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE MIXED USE - EAST (MU-E) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF MIXED USE – EAST (MU-E) 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 INCENTIVES THROUGH THE CITY’S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A 24-UNIT RESIDENTIAL URBAN PLANNED DEVELOPMENT; APPROVING A RIGHT-OF-WAY ABANDONMENT; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Worth Beach, Florida, (“the City”) 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, Mark Hunley of Charette International Architecture on behalf of 1212 Tenth Avenue North LLC (“the applicant”) has petitioned the City for creation of a Residential Urban Planned Development District to allow for the approval of a 24-unit residential development on a site located on the north side of 10th Avenue North between North E Street and North F Street (PCNS: 38-43-44-21-15-318-0010, 38-43-44-21-15-318-0140, 38-43-44-21-15-318-0150, and 38-43-44-21-15-318-0160) as further described in Exhibit A (“the Property”) within the MU-E Zoning District and the MU-E 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

46 request for approval for a major site plan for the construction of a residential urban
47 planned development currently known as “Lake Worth Apartment” that will contain 24
48 dwelling units to be constructed on this site;

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51 WHEREAS, on May 5, 2021, the Lake Worth Beach Planning and Zoning Board
52 (“P&Z Board”) considered the subject application for a Residential Urban Planned
53 Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus
54 Incentive Program, and recommended that the City Commission approve the creation of
55 this Residential Urban Planned Development subject to specific district development
56 standards and certain enumerated conditions; and;

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59 WHEREAS, the City Commission has considered all of the testimony and evidence
60 and has determined that the Residential Urban Planned Development District, Major Site
61 Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program, including the
62 development regulations and conditions, meets the requirements of the Land
63 Development Regulations, Section 23.3.25.

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66 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**

67 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

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70 Section 1. Recitals. The foregoing recitals are true and correct and are hereby

71 affirmed and ratified.

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74 Section 2. The Residential Urban Planned Development District located within the MU-
75 E Zoning District with a future land use designation of MU-E, as described more
76 particularly in **Exhibit A**, is hereby approved. This approval includes the approval of the
77 following elements to be known as the Master Development Plan: (a) Residential Urban
78 Planned Development (b) Major Site Plan (b) Sustainable Bonus Incentive Program (d)
79 Conditional Use Permit (e) district development standards (**Exhibit B**) (f) conditions of
80 approval (**Exhibit C**); (h) required plans including the site plan dated 8/4/2020, landscape
81 plan dated 9/24/2020, and civil & drainage plans dated 3/22/2021; (j) supplemental
82 supporting documents, as well as all agreements, provisions and/or covenants which
83 shall govern the use, maintenance, and continued protection of the residential urban
84 planned development and any of its common areas or facilities. The applicant is bound
85 to all elements and requirements of the Master Development Plan.

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88 Section 3. The City’s zoning maps shall be updated to reflect the changes to the

89 property described in **Exhibit A**.

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92 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.

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95 Section 5. Severability. If any provision of this ordinance or the application thereof is

held invalid by a court of competent jurisdiction, the invalidity shall not affect other

provisions of the ordinance which can be given effect without the invalid provision or

application, and to this end the provisions of this ordinance are declared severable.

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

The passage of this ordinance was moved by Commissioner McVoy, seconded by Vice Mayor Robinson, and upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared this ordinance duly passed on this 15th 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 _____, 2021.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Exhibit A

Exhibit A

DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION PROPERTY DESCRIPTION FOR PZB CASE No. 21-01400039

The subject site is a vacant 0.71 acre parcel and is located on the north side of 10th Avenue North between North E Street and North F Street.

Applicant	Mark Hunley of Charette International Architecture
Owner(s)	1212 Tenth Avenue North LLC (Lots 0010, 0140, & 0150) Lake Worth Beach CRA (Lot 0160 / 1,307 sf)
General Location	North side of 10 th Ave N between N E and F Sts
Existing PCN Numbers	38-43-44-21-15-318-0010; 38-43-44-21-15-318-0140; 38-43-44-21-15-318-0150; 38-43-44-21-15-318-0160
Existing Land Use	Vacant
Zoning	Mixed Use – East (MU-E)
Future Land Use Designation	Mixed Use – East (MU-E)

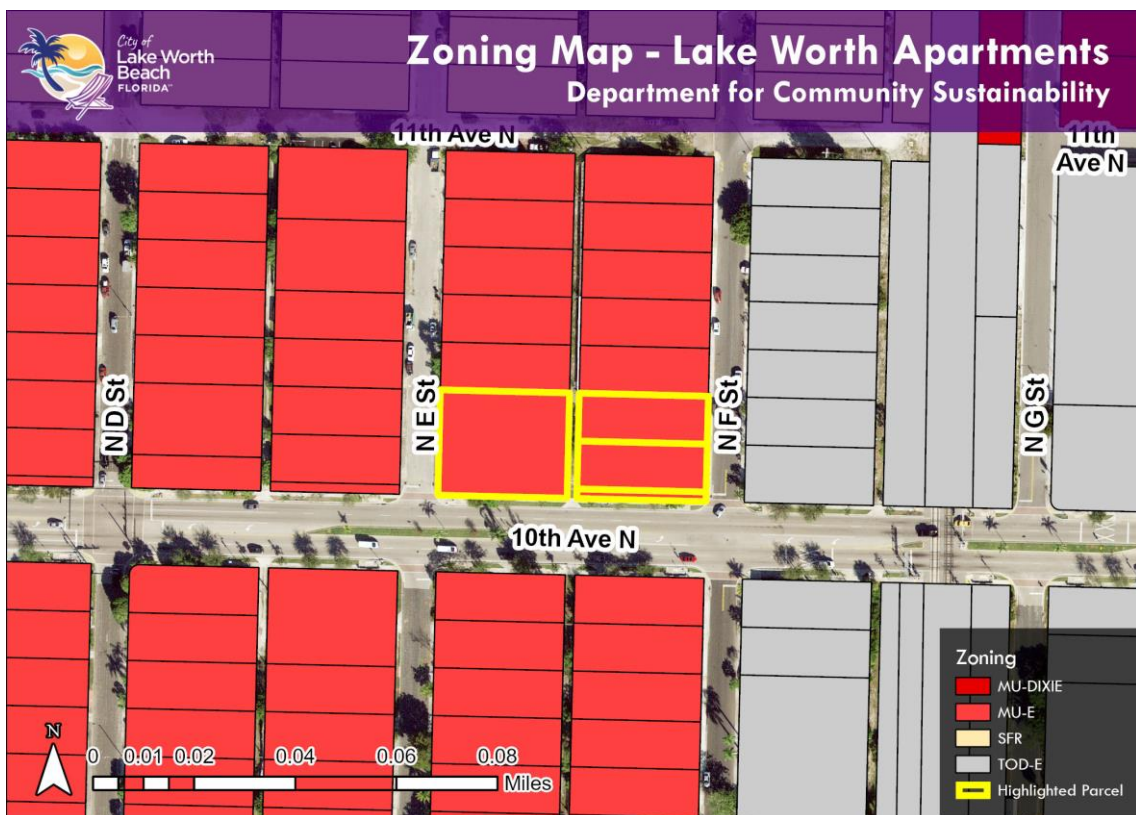


Exhibit B**DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
DEVELOPMENT STANDARDS FOR PZB CASE No. 21-01400039**

Development Standard		Base Zoning District	Mixed-Use Urban Planned Development w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		6,500 sf	Greater or equal to 21,780 sf (0.5 acres)	30,807 sf (0.71 acres)
Lot Width (min)		100'	100'	280'
Setbacks	Front (min) (10 th Ave N)	10' min. 22' max	10' min 22' max	10'
	Rear (min)	15' or 10%	15' or 10%	51.8'
	Side (min) (N E & F Sts)	10'	10'	10' (both)
Impermeable Surface Coverage (maximum)		65%	75%	74.9%
Structure Coverage (max)		55%	65%	32.5%
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: 607 sf (Qty. 8) 1-bed: 686 sf (Qty. 8) 2-bed: 777 sf (Qty. 8)
Parking		36	36	Off-Street: 21 Off-Street Compact: 7 On-Street: 6 8 Bike Spaces: 2 Total: 36
Density (max)		30 du/acre (21 units)	37.5 du/acre (26 units)	34 du/acre (24 units)
Building Height (max)		30'	56.25'	29.5'
Floor Area Ratio (FAR) (max)		.90	1.94	0.65

**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. 21-01400039

Electric Utilities:

1. Prior to application for building permit, the applicant shall meet with Lake Worth Beach Electric Utilities to confirm that either one or two single-phase padmount transformers will be required between the two buildings, depending on the size and amount of private service cable being run from the multi-meter banks to the padmount transformers. Lake Worth Beach will need at least 20-feet of width between the two apartment buildings to install two single-phase padmount transformers and also allow for the appropriate spacing between the buildings and each transformer. Lake Worth Beach Electric also requests that no landscaping be installed within 8-feet of the front of the padmount transformers and 3-feet of the sides and rear of the padmount transformers. No landscaping is currently proposed between the two buildings.
2. Prior to issuance of a Certificate of Occupancy,
 - a. Lake Worth Beach Electric will need a 10-ft wide utility easement for the underground primary line and the padmount transformers.
 - b. The developer and/or property owner shall be responsible for the cost of the new underground electric lines and padmount transformers for the proposed project. There will be another charge separate from the overhead relocation charge for the underground lines and transformers that will need to be installed for the project.
 - c. The developer and/or property owner shall be responsible for installing the 2-2" schedule-40 conduits down a minimum of 36" deep from the designated overhead pole to the padmount transformers.
3. Prior to the issuance of a Building Permit, Lake Worth Beach Electric has an existing overhead electric line and pole that looks to be in conflict with the parking lot. The property owner is responsible for the cost of removing this line and the other electric work that will be needed to prepare the overhead electric lines for the new underground service.

Planning and Zoning:

1. Prior to the issuance of a building permit all applicable plans shall reflect the following conditions of approval, and on-site improvements shall comply with the following conditions prior to the issuance of a certificate of occupancy:
 - a. All lighting shall be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line and shall comply with lighting code regulations in [LDR Section 23.4-3](#). If using LED lighting, a warm light tone not to exceed 2700 K is required. Lighting fixtures should comply with dark skies fixture recommendation and be consistent with the architectural style of the project.
 - b. The parking space immediately south of the ingress and egress onto both North E and F streets shall be removed for traffic visibility and safety purposes.
 - c. Continuous landscape screening material/s such as a hedge shall be planted along the north property line, utilizing Florida natives. The landscape screen shall be installed at a minimum planting height of no less than 24 inches, and shall form a continuous hedge within one year of planting

2. Prior to the issuance of a certificate of occupancy, the property shall be platted. The plat shall depict all utility easements and showing the revised boundaries of the property, including the required right-of-way abandonment and unity of title.
3. Prior to the issuance of a certificate of occupancy, the developer shall pay \$21,600 toward the City's sustainability incentive trust account.

Public Works:

1. Prior to the issuance of a building permit:
 - a. 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.
 - b. Provide evidence of any required permit(s) from the Lake Worth Drainage (LWDD) District's Engineering Department and South Florida Water Management District's (SFWMD) Engineering Department, as required. Provide evidence of discussions and outreach to the LWDD and SFWMD, including required permits.
 - c. Provide an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
2. Prior to the issuance of a certificate of occupancy:
 - a. All conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
 - b. A new driveway curb cut on North F Street and North E Street shall be constructed that complies with the Public Works Department's specifications and Policy and Procedure Manual.
 - c. 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 shall be restored to the same condition prior to construction or better.
 - d. All disturbed areas shall be fine graded and sod all disturbed areas with bahia sod.
 - e. The property shall be broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
 - f. A "Right of Way/Utility Permit" is required.
 - g. All rights 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

Utilities Water & Sewer:

1. Prior to the issuance of building permit:
 - a. If the platted alleyway be will be abandoned a Utility Easement will need to be established. Utility easements are a minimum of 15 feet wide and should be centered over the existing to provide a minimum of 7 feet east of the Sanitary Sewer.
 - b. Detailed drainage calculations that meet the City's stormwater policy of containing the 3-year 1-hour storm event or 2.6 inches of precipitation over the entire site. If a connection to the City storm system is proposed, the calculations must meet attenuation time and pre/post discharges. Provide the elevation cross sections at each property line to confirm the site contains the 3-year 1-hour storm.
 - c. Provide the geotechnical analysis for the percolation rate (K).
 - d. Provide an Erosion Control plan with BMPs and NPDES compliance.

- e. Pay in full all reserved capacity fees for water and sewer must be in accordance with the current City Ordinance.

Lake Worth Beach Community Redevelopment Agency:

1. A portion of this project requires the transfer of parcel #38-43-44-21-15-318-0160 from the Lake Worth Community Redevelopment Agency (CRA) to '1212 Tenth Avenue North, LLC', a Florida limited liability company.
2. The owner of the project, '1212 Tenth Avenue North LLC', shall have four hundred twenty five (425) days following the Closing Date as provided in the CRA's Purchase and Sale Agreement to obtain a certificate of occupancy for the development on the Property. Such failure to obtain the certificate of occupancy, subject, however, to extensions for delays attributable to Force Majeure which extensions must be approved by the CRA Board of Commissioners. Closing date between '1212 Tenth Avenue North LLC' and the Lake Worth Beach Community Redevelopment Agency (CRA) is expected to take place no later than the end of June 2021.

May 5th, 2021 Planning & Zoning Board Condition:

1. Prior to the issuance of a building permit, architecturally adjust the staircase element to provide additional architectural significance or design components to staircase as consistent with the Board discussion at the meeting.

June 15th, 2021 City Commission Conditions:

1. Prior to the issuance of a building permit all applicable plans shall reflect the following conditions of approval, and on-site improvements shall comply with the following conditions prior to the issuance of a certificate of occupancy:
 - a. Provide a 6-8' opaque fence or wall along the north property line.
 - b. Adjust the height of the parking lot and site lighting to be at a height no higher than the base of the second floor.
 - c. Provide security cameras and video doorbells to enhance the safety of the site.
2. Prior to the issuance of a building permit, the property owners and/or applicant shall work with appropriate departments to locate the dumpster farther to the east on the property as feasible and with the purpose to minimize impacts to residential properties to the north.