

ORDINANCE NO. 2021-04 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 1715 NORTH DIXIE HIGHWAY CONSISTING OF APPROXIMATELY 2.29 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE MIXED USE – DIXIE HIGHWAY (MU-DH) 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 DEVELOPMENT OF SIGNIFICANT IMPACT; APPROVING A CONDITIONAL USE PERMIT; APPROVING DENSITY AND HEIGHT BONUS INCENTIVES THROUGH THE CITY’S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING THE TRANSFER OF DEVELOPMENT RIGHTS TO OBTAIN AN ADDITIONAL 10 UNITS PER ACRE; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A 127-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, IBI Group on behalf of Ricard Hernandez of OAG Investment 5 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 127-unit mixed use development on a site located at 1715 North Dixie Highway (PCN 38-43-44-16-06-014-0010) as further described in Exhibit A (the Property) within the MU-DH 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 height and 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 “Deco Green” that will contain 127

dwelling units and +/-7,450 square feet of commercial space to be constructed on this site;

WHEREAS, the applicant requests use of the City's Transfer Development Rights 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 "Deco Green" that will contain 127 dwelling units to be constructed on this site;

WHEREAS, on May 5, 2021, the Lake Worth Beach Planning and Zoning Board (P&Z Board) considered the subject application for a Mixed Use Urban Planned Development District, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, and Transfer of Development Rights 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 District, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, and Transfer of Development Rights 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-DH Zoning District with a future land use designation of MU-E, 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) Development of Significant Impact (c) Major Site Plan (d) Sustainable Bonus Incentive Program (e) Conditional Use Permit (f) Transfer of Development Rights; (g) district development standards (**Exhibit B**) (h) conditions of approval (**Exhibit C**); (i) required plans including the site plan, landscape plan, and civil & drainage plans dated 4/9/2021; (j) supplemental supporting documents including additional drainage information, 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 _____, 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 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 _____, 2021.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Exhibit A

DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION PROPERTY DESCRIPTION FOR PZB CASE No. 21- 00900001

The subject site is a vacant 2.29 acre parcel. The site is located at 1715 North Dixie Highway on the west side of North Dixie Highway, between 17th and 18th Avenues North.

Applicant	IBI Group on behalf of Ricard Hernandez of OAG Investment 5 LLC
Owner	Lake Worth Beach Community Redevelopment Agency
General Location	West side of Dixie Highway between 17 th & 18 th Aves N
Existing PCN Numbers	38-43-44-16-06-014-0010
Existing Land Use	Vacant
Zoning	Mixed Use – Dixie Highway (MU-DH)
Future Land Use Designation	Mixed Use – East (MU-E)

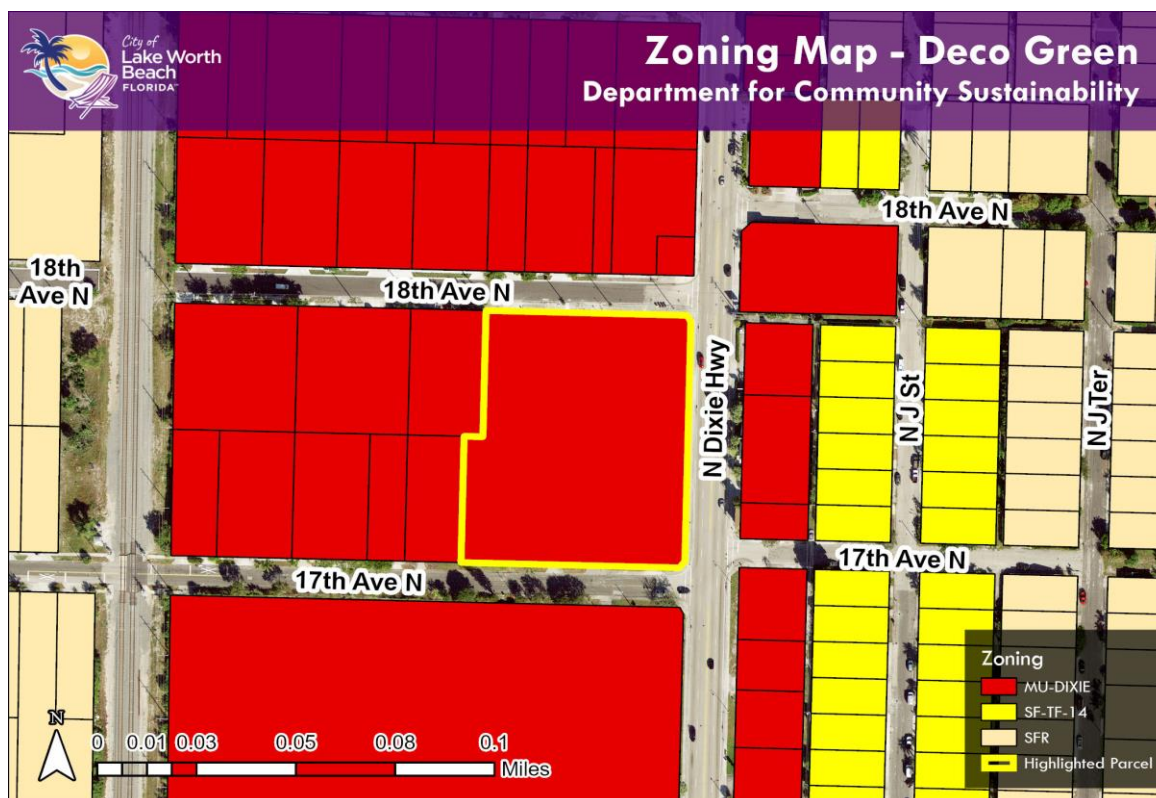


Exhibit B**DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
DEVELOPMENT STANDARDS FOR PZB CASE No. 21-00900001**

Development Standard		Base Zoning District	Mixed-Use Urban Planned Development w/ Sustainable Bonus Incentive Program (SBIP) & Transfer of Development Incentive Program (TDIP)	Provided
Lot Size (min) In square feet (sf)		13,000 sf	Greater or equal to 21,780 sf (0.5 acres)	99,914 sf (2.29 acres)
Lot Width (min)		100'	100'	350'
Setbacks	Front (min) (N Dixie Hwy)	20'	20'	Buildings 1 & 3: 12' Building 2: 115.2'
	Rear (min)	15'	15'	Buildings 1 & 3: 201' 8" Building 2: 45' 9"
	Side (min) (North and South)	10' (Maximum Wall Height at Setback: 45')	10' (Maximum Wall Height at Setback: 45')	Buildings 1 & 3: 10' Building 2: 22' 5"* Building 2 Wall Height: 76'*
Impermeable Surface Coverage (maximum)		65%	65%	67.3%*
Structure Coverage (max)		45%	45%	36.7%
Living Area (min)		1-bed: 600 sf 2-bed: 750 sf 3-bed: 900 sf	1-bed: 600 sf 2-bed: 750 sf 3-bed: 900 sf	1-bed: 680-900 sf 2-bed: 994-1,235 sf 3-bed: 1,280 sf
Density (max)		20 du/acre (45 units)	55 du/acre (127 units)	55 du/acre (127 units)
Building Height (max)		30'	82.5'	Bldgs 1 & 3 – 42' Bldg 2 – 78' 10"
Floor Area Ratio (FAR) (max)		1.40	2.325	1.92

**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. 21-01400002

Electric Utilities:

1. Prior to the issuance of a building permit,
 - a. Provide the voltage requirements of the three buildings proposed on the site. Building 2 will need to be three-phase since a single-phase transformer cannot handle the load of the building.
 - b. Provide the location requested for the padmount transformers and the meter centers for each building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in the front of them and 3-ft minimum clearance on the sides and rear, including landscaping. They also must not be under or inside any structure.
 - c. Provide the load calculations for all buildings, the electrical riser diagrams for all buildings, and the construction plans showing the water, sewer, drainage, paving, landscaping, and lighting for the project.
2. Before the issuance of a Certificate of Occupancy
 - a. A 10-ft-wide utility easement for all of the electric lines, transformers and other equipment will be required to be recorded. The easement is required to provide power to this project.
 - b. Install all schedule-40 gray conduit as required by Lake Worth Beach for this project for its primary cable. This conduit must be installed at a 42" minimum depth. Pad specs will be provided to show the proper orientation of conduit at the padmount transformers.
 - c. Lighting for the parking areas on the site shall be installed at the property owner/s' or developer/s' expense.
3. Costs associated with the City of Lake Worth Beach's materials and labor for this project shall be reimbursed to the Electric Utility prior to the issuance of a Certificate of Occupancy.

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 is required. Lighting fixtures should comply with dark skies fixture recommendation, including a 2700K and be consistent with the architectural style of the project.
 - b. All ground level mechanical and electrical equipment shall be screened with shrub hedging or opaque fencing or walls. Chain link or other similar type open fencing shall not be permitted. Additionally, per LDR Section 23.4-21(1), all roof-mounted equipment shall not be visible. Materials used for screening purposes shall be compatible with the architectural style, color, and materials of the principal building from adjacent property

- or an adjacent street shall be screened from view. The minimum height of such screening shall be equal to the highest point of the systems/equipment.
2. A Minor Site Plan amendment to establish a Uniform Master Sign Program for individual tenants/businesses in accordance with the City's Land Development Regulations is required.
 3. Prior to the issuance of a building permit:
 - a. Provide a traffic performance letter from Palm Beach County's Traffic Division. Should the letter recommend any changes or improvements to the site or surrounding area, the applicant shall enter into the applicable site plan amendment process to amend the site plan.
 - b. Provide for 4% of required parking as electric vehicle charging infrastructure spaces as per 23.4-10(g) and indicate on the site plan
 - c. Notification of intent to acquire Florida Green Building certification or payment in lieu of improvements required for the Sustainable Bonus Program.
 - d. Provide landscape screening at the base of all proposed monument signage.
 4. Prior to certificate of occupancy, the applicant shall pay \$246,720 toward the city's Transfer of Development Rights program.

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. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application.
3. Prior to the issuance of a building permit:
 - a. the applicant shall 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, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
 - b. the Applicant shall 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. Solid Waste and Recycling Division contact number is 561-533-7344.
 - c. the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
 - d. the applicant shall furnish to the City a copy of the FDOT right of way permit for permitted work on Dixie Highway.
4. Prior to the issuance of a certificate of occupancy:
 - a. All conditions of approval shall have been satisfied under jurisdiction of the Department of Public Works.
 - b. All off-site improvements inclusive of sidewalk, curb and gutter, parking, curb cut entry, sodding, landscaping, signage and striping in accordance with the approved site plan shall be constructed. All improvements shall meet the standards and specifications of the Public Works Dept and comply with the 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 as prior to construction.

- d. The site shall be fine graded and all disturbed areas shall be sodded with bahia sod.
- e. The site shall broom swept, including all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
- f. 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

Utilities Water & Sewer:

- 1. Prior to the issuance of a building permit:
 - a. An FDOT on Access Management shall be provided.
 - b. Provide a drainage statement from a registered FL engineer regarding floodplain management provisions for water quality and quantity, as well as meeting the SFWMD drainage basin conditions.
 - c. Provide a section detail at each property direction from back of building or curb to property line. Please ensure that these open spaces are meeting the City's policy of containing the 3 year – 1 hour storm event as well as meeting the drainage requirements of the 25 year storm as per the SFWMD drainage basin requirements.
 - d. Please show how drainage will be handled between all building structures (specifically NE and SE) in all directions.
 - e. Provide an Erosion Control plan and with the BMPs and NPDES compliance practices for the project site.
 - f. The drainage as-builts for 17th Ave N were recently completed and the CAD files shall be imported into the proposed plan to ensure the existing drainage infrastructure in 17th Ave N is consistent with the propose plan driveways and on street parking. Contact Giles Rhoads at the water department: 561-586-1640 grhoads@lakeworthbeachfl.gov
 - g. Opposing left turn lanes shall be required to be striped in on Dixie Hwy at 17th Ave N pending the final traffic review and approvals by the State and/or County.
 - h. Additional detail, including expanded views of the site depicting the cross-driveway access from the MID on 17th Ave to the proposed multi-family residential building on 18th Ave N.
- 2. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. Provide a full drawing set the proposed drainage, Calculations, and any permits or permitting information from SFWMD and LWDD.
 - b. Add all structure and conflict information on the plans.
 - c. Complete water, sewer and drainage plans showing proposed pipe sizes, materials, structure sizes, utility crossing elevations, hydrants, manholes, as well as all pertinent site elevations.
 - d. Proposed watermains shall have a minimum depth of 36 inches.
 - e. Show irrigation service line/s up the meter and backflow RPZ device/s.
 - f. 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.
 - g. Fireflow calculations based on a recent hydrant test. Contact Pedro Segovia with Palm Beach County at psegovia@pbcgov.com
 - h. Water and Sewer utilities will require a dedicated 15-foot utility easement.
 - i. Provide a copy of FDOT permit for any work within or touching Dixie Highway.

- j. Signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.
 - k. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
 - l. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
 - m. 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.
 - n. Provide existing and proposed site grades.
 - o. Indicate vertical datum on all plan drawings with grades.
 - p. All applicable City of Lake Worth details.
 - q. Capacity fees for water and sewer shall be paid in full in accordance with the current City Ordinance.
3. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
- a. Provide a copy of the recorded easements.
 - b. Record a Bill of Sale for the public water and sewer mains.