

**ORDINANCE NO. 2020-08 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 1017 LAKE AVENUE, 101 SOUTH EAST COAST STREET, AND A PORTION OF 202 SOUTH EAST COAST STREET CONSISTING OF APPROXIMATELY 2.0359 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, THAT IS LOCATED WITHIN THE TRANSIT ORIENTED DEVELOPMENT - EAST (TOD-E) AND ARTISANAL INDUSTRIAL (AI) ZONING DISTRICTS WITH A FUTURE LAND USE DESIGNATION OF TRANSIT ORIENTED DEVELOPMENT (TOD) THAT INCLUDES THE SPECIFIC DEVELOPMENT STANDARDS DESCRIBED IN EXHIBIT B; 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 AND TRANSFER OF DEVELOPMENT RIGHTS PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A MIXED USE URBAN PLANNED DEVELOPMENT CONSISTING OF 200 RESIDENTIAL UNITS, A 3,619 SQ. FT. COMMERCIAL STRUCTURE, AND A FIVE STORY PARKING GARAGE; 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, the City Commission entered into a Letter of Intent (LOI) agreement with 1017 Lake Ave, LLC on February 18, 2020. The LOI states that the City intends to provide the developer certain financial incentives and density bonuses including but not limited to a mixed use urban planned development density bonus, and a 20.359 unit transfer development rights incentive; and

WHEREAS, 1017 Lake Ave, 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 mixed use development on a site located at 1017 Lake Avenue, 101 South East Coast Street, and 202 South East Coast Street (PCNS 38-43-44-21-15-500-0030; 38-43-44-21-15-500-0010; and 38-43-44-28-44-001-0000) as further described in Exhibit A (the Property) within the TOD-E and AI Zoning District and the TOD Future Land Use designation, and 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 and Transfer of Development Rights 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 "The Bohemian" that will contain a 200-unit multi-family development, a 3,619 square foot commercial structure, and a five story parking garage to be constructed on this site, collectively known and after as "The Bohemian";

WHEREAS, on May 20, 2020, the Lake Worth Beach Planning and Zoning Board (P&Z Board) considered the subject application for a Development of Significant Impact, Mixed Use Urban Planned Development District, 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 district; and

WHEREAS, the City Commission has considered all of the testimony and evidence and has determined that the Development of Significant Impact, Mixed Use Urban Planned Development District, Major Site Plan, Sustainable Bonus Incentive Program, Conditional Use Permit, 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 TOD-E and AI Zoning District with a future land use designation of TOD, 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) Development of Significant Impact; (b) Mixed Use Urban Planned Development (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 (Exhibit D); (j) supplemental supporting documents (Exhibit E), as well as all agreements, provision and/or covenants (Exhibit F) 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 agreements may be approved

and amended by resolution. 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 Amoroso, seconded by Commissioner Hardy and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	AYE
Vice Mayor Andy Amoroso	AYE
Commissioner Scott Maxwell	AYE
Commissioner Omari Hardy	AYE
Commissioner Herman Robinson	NAY

The Mayor thereupon declared this ordinance duly passed on first reading on the 9<sup>th</sup> day of June, 2020.

The passage of this ordinance on second reading was moved by Commissioner Maxwell, seconded by Vice Mayor Amoroso, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	AYE
Vice Mayor Andy Amoroso	AYE
Commissioner Scott Maxwell	AYE
Commissioner Omari Hardy	AYE
Commissioner Herman Robinson	AYE

The Mayor thereupon declared this ordinance duly passed on the 30<sup>th</sup> day of June, 2020.

LAKE WORTH BEACH CITY COMMISSION

By:

  
Pam Triolo, Mayor

ATTEST:

  
Deborah M. Andrea, CMC, City Clerk