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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 2<sup>ND</sup> 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 SIGNIFICANT 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 2<sup>nd</sup> 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 Commissioner  
103 Malega, seconded by Vice Mayor McVoy and upon being put to a vote, the vote was as  
104 follows:

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

111  
112 The Mayor thereupon declared this ordinance duly passed on first reading on the  
113 7<sup>th</sup> day of February, 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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	31 Income Restricted Units  30 required units (14 one-bedroom units and 16 two-bedroom units)  1 three-bedroom unit for SBIP credit

**\*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.**

**-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 (\$444,195) shall be paid to the City within two years  
153 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 \$444,195, or shall  
155 be required to pay the remaining portion of the 50% of the incentive value (\$444,195) prior  
156 to the issuance of a certificate of occupancy. These qualifying improvements shall include at  
157 a minimum one (1) additional three-bedroom income restricted unit per the City's program,  
158 and littoral and wetland habitat plantings in the drainage lake.
- 159 3. Thirty (30) units shall be restricted for workforce housing in accordance with the City's  
160 Affordable/Workforce Housing Program prior to the issuance of a Certificate of Occupancy  
161 for the buildings
- 162 4. A unity of title shall be required to applied for and shall be recorded prior to the issuance of  
163 a building permit.
- 164 5. An address application shall be required to be submitted prior to application for building  
165 permit.
- 166 6. A video security system shall be required for the property.
- 167 7. Exterior lighting shall be required to comply dark sky lighting guidelines, including using fully  
168 shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins.  
169 [www.darksky.org](http://www.darksky.org) Specifically, the lighting fixtures shall be reviewed at building permit for  
170 consistency with the dark sky guidelines and the architecture of the buildings.
- 171 8. A designated delivery and/or ride share space with signage shall be provided outside of the  
172 front gate.
- 173 9. Dumpster enclosure material shall be reviewed for architectural consistency and for  
174 compliance with all applicable City requirements at building permit.
- 175 10. Prior to the issuance of a building permit, a minor site plan amendment shall be submitted  
176 and approved to update all applicable plans and supporting documents to reflect changes as  
177 directed by the City Commission, including the additional three-bedroom units, and littoral  
178 and wildlife habitat plantings in the drainage lake.
- 179 11. Each building shall be required to have two (2) elevators.
- 180 12. Additional shrubs or native grasses shall be installed around the fence at the dog park to  
181 further minimize runoff into the E-4 canal.

182

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

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

190

191 **Public Works**

- 192 1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code  
193 and all other applicable standards including but not limited to the Florida Department of  
194 Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake

- 195 Worth Public Services Construction Standards and Policy and Procedure Manual. No  
196 Certificate of Occupancy shall be granted until all conditions of approval have been satisfied  
197 under jurisdiction of the Department of Public Services.
- 198 2. Prior to the issuance of a building permit, the applicant shall contact the Lake Worth Drainage  
199 (LWDD) District's Engineering Department and obtain any required permit(s), if necessary,  
200 and furnish to the City. Prior to the issuance of a building permit, the applicant shall contact  
201 the South Florida Water Management District's (SFWMD) Engineering Department and obtain  
202 any required permit(s), if necessary.
  - 203 3. Prior to the issuance of a building permit, the Applicant shall contact and meet with a  
204 representative from the Public Works Solid Waste and Recycling Division to confirm dumpster  
205 enclosure location, accessibility and demand on property and that it is compatible with the  
206 requirements of the Department of Public Works. Solid Waste Division contact number is 561-  
207 533-7344.
  - 208 4. Prior to the issuance of a certificate of occupancy, the Applicant shall ensure the entire  
209 surrounding offsite infrastructure inclusive of the roadway, sidewalk, curbing, stormwater  
210 system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other  
211 improvements are in the same condition as prior to construction.
  - 212 5. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan  
213 and indicate the BMP's and NPDES compliance practices.
  - 214 6. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all  
215 disturbed areas with bahia sod.
  - 216 7. Prior to the issuance of a Certificate of Occupancy, the applicant shall broom sweep all areas  
217 of the affected right of way and remove of all silt and debris collected as a result of  
218 construction activity.
  - 219 8. Prior to performing work in the right of way, the applicant shall apply for and receive issuance  
220 of a "Right of Way/Utility Permit" application.

221  
222 **Electric Utility**

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



- 243 8. Before the issuance of a Certificate of Occupancy, the utility easement must be recorded.
- 244 9. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be
- 245 done.

246

247 **Building Division**

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