



**AGENDA  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD REGULAR MEETING  
VIA TELECONFERENCE  
WEDNESDAY, OCTOBER 07, 2020 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

- A. [September 2, 2020 Regular Meeting Minutes](#)

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) [Village Flats](#)  
[Rezoning](#)  
[LDR Amendments](#)

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A. [PZB Project Number 20-01000001](#): Consideration of a mixed-use urban planned development, major site plan with sustainable bonus, and conditional use permit to construct a two-phase multi-family development with live-work units, generally known as "Village Flats".**
- B. [PZB Project Number 20-01300002](#): Request for a City initiated rezoning to rezone 118 North A Street, 116 North A Street, 127 North B Street, 121 North B Street, 119 North B Street, 113 North B Street, 1500 Lucerne Avenue, and 128 North C Street from either Single Family – Two Family Residential (SF-TF-14) or Multi-family Residential 20 (MF-20) to Mixed Use – East (MU-E) pursuant to Section 23.2-36 of the Land Development Regulations (LDRs).**

**C. [PZHP 20-03100007: Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to commercial vehicle parking, open air operations, temporary banner signage for new construction, landscaping requirements and artificial turf \(Ordinance 20-15\).](#)**

**PLANNING ISSUES:**

**PUBLIC COMMENTS** (3 minute limit)

**DEPARTMENT REPORTS:**

**BOARD MEMBER COMMENTS:**

**ADJOURNMENT:**

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

**NOTE:** ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. *(Sec. 2-12 Lake Worth Code of Ordinances)*

**Note:** One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**MINUTES  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD REGULAR MEETING  
BY TELECONFERENCE  
WEDNESDAY, SEPTEMBER 02, 2020 -- 6:08 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Greg Rice, Chairman; Anthony Marotta, Vice-Chairman; Mark Humm; Laura Starr; Daniel Tanner. Also Present: Alexis Rosenberg and Andrew Meyer, Senior Community Planners; Erin Sita, Asst. Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA:**

**Motion:** M. Humm moves to approve the agenda; A. Marotta 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**APPROVAL OF MINUTES:**

**Motion:** M. Humm moves to approve August 5, 2020 Regular Meeting Minutes.

**Vote:** Ayes all, unanimous.

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS:** Board Secretary administered oath to those wishing to give testimony.

**PROOF OF PUBLICATION:** Provided in meeting packet.

- 1) PZHP LDR 20-03100005 and 20-03100006 Proof
- 2) Dr. Spirits Proof

**WITHDRAWALS / POSTPONEMENTS:** None

**CONSENT:** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** No disclosures by Board members.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. PZB Project Number 20-00500010 and PZB Project Number 20-00600001:** A request for a conditional use permit to allow a specialty distillery/bar at 604 Lake Avenue, pursuant to the City of Lake Worth Beach Land Development Regulations (LDR's) Section 23.2-29,

Conditional use permits, and a request for two alcohol beverage distance waivers to allow the onsite consumption and the packaged sales of alcoholic beverages at the subject property.

**Staff:** A. Rosenberg presents the case findings and analysis. In addition to this Conditional Use application and the alcoholic beverage distance waivers, there are concurrent staff reviews of a Minor Site Plan amendment for building façade changes and Administrative Use permit to allow a restaurant operation at the location. There are two (2) phases to the project: (1) Remodel of the first floor for a distillery operation and (2) remodel of the second floor and balance of the first floor for a restaurant, bar and accessory office. There is a parking agreement with the owners of the parking lot to the north (601,605,607 Lucerne) which is under the same ownership as the subject site. Based upon staff analysis the proposal is consistent with the goals, objectives and policies of the Comprehensive Plan and Strategic Plan currently in effect. Despite inconsistencies with LDR's due to nonconforming landscape, front, side, rear setbacks, impermeable surface coverage and maximum impermeable surface for all structures, these items are not easily remedied, the proposed use would not be an expansion of those non-conformities.

**Applicant:** Daniel de Liege-Had the opportunity to locate the distillery anywhere in the State but wanted the right spot, Lake Worth Beach. There will be two phases. Phase one on the east side of the building, the Distillery, producing, tasting room and package sales with some retail. Phase two will feature the restaurant, Wild West Saloon, kitchen and accessory offices. The restaurant, Doc Holliday's, will not be sublet. Phase II will see the utilization of the entire parking lot with the exception of four (4) reserved spaces.

**Board:** L. Starr- had concerns regarding the lack of windows on the second floor, emergency exits and approximate opening date. **Applicant response:** There are no windows on second floor, emergency exits are as with any other building and the hope is to open the Distillery by the holidays and re-access the restaurant and bar in another 6-8 months depending on Covid-19. D. Tanner- has concerns with the phasing and potential delays in completion time and lastly if it could operate as only a distillery. **Applicant response:** G. Rice – asks if there are one or two leases. **Applicant response:** There are two leases; currently the State of Florida does not allow co-mingling. As regulated by the State, 6 bottles per year can be purchased by an individual and the applicant also self-reports or monitors this function. L. Starr – are there other Dr. Spirits? **Applicant response:** No, but there may eventually be other Doc Holliday's. Dr. Spirits have working stills for manufacturing, they are not trying to be a liquor store. Future plans may include bourbon and gin. L. Starr asks about the renderings depicting palms; the palms shown are existing with no space for additional landscaping. G. Rice asks when it will go to City Commission? **Staff response:** by the end of September.

**Motion:** A. Marotta moves to approve PZB 20-00500010, a Conditional Use Permit, based on the data and analysis in the staff report to allow a specialty distillery/bar use; L. Starr 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**Motion:** L. Starr moves to approve PZB 20-00600001, an Alcohol Beverage Distance Waiver, based on the data and analysis in the staff report to allow for the onsite consumption of alcoholic beverages; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**Motion:** M. Humm moves to approve PZB 20-00600001 with a staff condition limiting package sales to products produced on-site based on the data and analysis in the staff report for an Alcohol Beverage Distance Waiver to allow for packaged sales of alcoholic beverages at 604 Lake Avenue; L. Starr 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**B. PZHP 20-03100006:** Consideration of an ordinance (Ordinance # 2020-14) to amend Chapter 23 “Land Development Regulations” to update and clarify the quasi-judicial process for land use and zoning matters.

**Board Attorney:** Gives background/reasons for amending the procedures for quasi-judicial procedures, the new affected party section; and appeals in the case of decisions rendered by the Board, and recommendations to City Commission.

In the past, and atypically, “affected parties” would appear at Board meetings without notice to the Department. Quasi-judicial processes now include an ‘affected parties’ section with processes, {Section 23.2-16}, related decorum and procedures including cross examination by affected parties. Claiming affected party status will now require a minimum 10 day notice prior to the meeting.

Appeals would also be subject to the same with the presentation process along with a much narrower scope. The basis for the appeal must be presented and the appeal must go before the City Commission within 90 days.

Of note, some cities remand all affected parties suits directly to Circuit Court.

If an appeal included a Variance associated with or part of a larger project, the appellant would need to go to Circuit Court for a decision on the variance before the balance of the appeal would be heard by the City Commission.

**Public Comment:** None

**Motion:** L. Starr moves to recommend approval of the PZHP 20-03100006, the proposed Ordinance to the City Commission; A. Marotta 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**C. PZHP 20-03100005:** Consideration of an ordinance (Ordinance # 2020-13) to amend Chapter 23 “Land Development Regulations” to provide consistency and clarity for time limitations related to development orders and building permits.

**Board Attorney:** This revision would consolidate and clarify language related to expiration development orders related to finality of approval and construction projects. Previously both development order expiration was addressed individually within each development order type; now all will be addressed in a new Section 23.2-37, and modifications within the development types to correlate with the new section. Section 23.1-11 Time Limitations of Approvals supercedes Time Limitations of Approvals.

The Ordinance calls for automatic final expiration of no more than three (3) years for approvals without specific expiration dates and no more than four (4) years when conditioned by an expiration date in the development order. If a shorter period of expiration is provided by these LDR’s that shall apply. Phased Plans expirations provide that previously allocated dwelling units in principal structures that have not received a Certificate of Occupancy or equivalent, shall expire when the site plan expires. Any portion of a property not developed prior to the expiration shall not be developed without a new, approved site plan.

Also included are time limitations to apply for building permits as relates to approved projects. Applicants are now required to submit application for permits within 12 months of project approval (previously 18 months) unless granted an extension. Successive ownership changes do not change the time frames however two (2) successive six (6) month extensions of time to apply for

a permit may be granted by the Development Review Official (DRO) for good cause shown. Once application for permit is approved, the Building Official, at his discretion, may grant building permit extensions, in six (6) month increments. In no event shall this exceed three (3) years.

**Board:** G. Rice asks if the 3-4 years allows for the applicant to presume the longer period of time? E. Sita responds that it allows the Board or City Commission flexibility in setting time frame conditions with larger projects or phased projects. Most applicants apply for permits within 6 months, it will put an end to never ending construction sites.

**Board Attorney:** The Emergency Declarations by the Governor also provide extended time frames.

**Public Comment:** None

**Motion:** L. Starr moves to recommend approval **PZHP 20-03100005**, the proposed Ordinance to the City Commission; M. Humm 2<sup>nd</sup>.

**PLANNING ISSUES:** None.

**PUBLIC COMMENTS** (3 minute limit) None

**DEPARTMENT REPORTS:** There may be a joint workshop in October. Board Attorney relayed that after October 1, 2020, an in-person quorum may be required. The State did extend the moratorium on evictions, which conversely could be a sign that virtual quorums may also continue.

**BOARD MEMBER COMMENTS:** L. Starr inquires about the status of the Gulfstream Hotel project; J. Just mentions a recent neighborhood meeting.

**ADJOURNMENT:** 7:27 PM

**Legal Notice No. 37358**

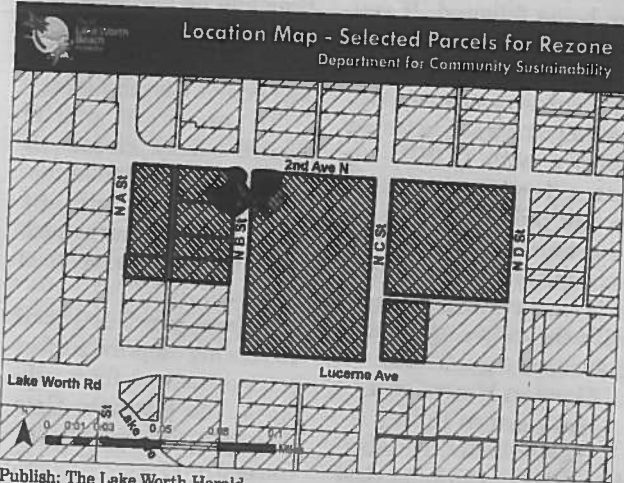
PLEASE TAKE NOTICE that due to the Novel Coronavirus 2019 (COVID-19) and Federal, State, and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach's Planning & Zoning Board will conduct a meeting a meeting on **October 7, 2020, at 6:00 p.m.** or soon thereafter via Communication Media Technology ("CMT"), or in-person at 7 North Dixie Highway, Lake Worth Beach, FL if the Governor terminates the Executive Order relating to in-person public meetings.

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> to consider the following:

- **PZB Project #20-01300002:** Consideration of a City-initiated zoning map amendment to rezone approximately eight (8) parcels that are generally located south of 2nd Avenue North, east of N. A Street, north of Lucerne Avenue and west of N. D Street from Single Family - Two Family Residential (SF-TF-14) and Multi-family Residential 20 (MF-20) to Mixed Use - East, pursuant to the City of Lake Worth Beach Land Development Regulations, Section 23.2-36. PCN#s 38434421150060010, 38434421150040010, 38434421150020090, 38434421150020080, 38434421150020062, 38434421150020050, 38434421150020030, and 38434421150020021.

Public comment will be accommodated prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33481 and must arrive before the hearing date to be included in the formal record.

*If a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if this assistance is required.*



Publish: The Lake Worth Herald  
September 24, 2020

**Legal Notice No. 37357**

PLEASE TAKE NOTICE that due to the Novel Coronavirus 2019 (COVID-19) and Federal, State, and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach Planning & Zoning Board will conduct a meeting on **Wednesday, October 7, 2020, at 6:00 p.m.** or soon thereafter via Communication Media Technology ("CMT"), or in-person at 7 North Dixie Highway, Lake Worth Beach, FL if the Governor terminates the Executive Order relating to in-person public meetings.

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> to consider the following:

- **PZB Project # 20-01000001:** Consideration of a mixed use urban planned development, major site plan with sustainable bonus, and conditional use permit construct a two-phase multi-family development with live-work units generally known as "Village Flats" and located at 1216, 1220, 1230, & 1310 Lake Avenue, and 1207, 1209, 1211, 1213, 1215, & 1401 Lucerne Avenue pursuant to the City of Lake Worth Beach Land Development Regulations (LDR's). The subject properties are located in the Mixed-Use - East (MU-E) zoning district. PCN #s 38-43-44-21-15-505-0120; 38-43-44-21-15-505-0130; 38-43-44-21-15-505-0160; 38-43-44-21-15-504-0130; 38-43-44-21-15-503-0050; 38-43-44-21-15-505-0010; 38-43-44-21-15-505-0020; 38-43-44-21-15-505-0030; 38-43-44-21-15-505-0040; 38-43-44-21-15-505-0050.

Public comment will be accommodated prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33481 and must arrive before the hearing date to be included in the formal record.

*If a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if this assistance is required.*

Publish: The Lake Worth Herald  
September 24, 2020

**Legal Notice No. 37358**

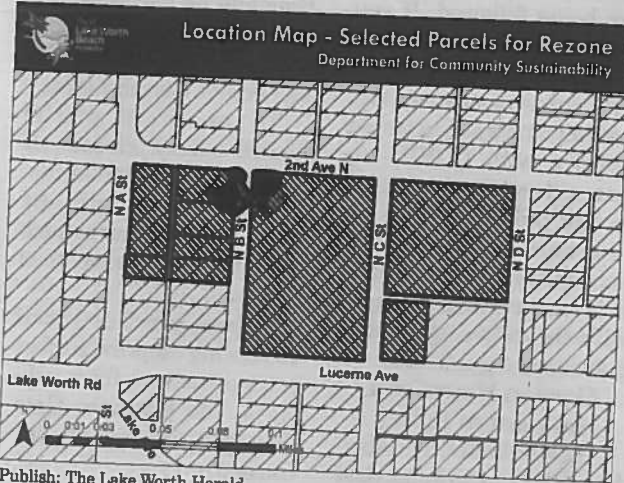
PLEASE TAKE NOTICE that due to the Novel Coronavirus 2019 (COVID-19) and Federal, State, and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach's Planning & Zoning Board will conduct a meeting a meeting on **October 7, 2020, at 6:00 p.m.** or soon thereafter via Communication Media Technology ("CMT"), or in-person at 7 North Dixie Highway, Lake Worth Beach, FL if the Governor terminates the Executive Order relating to in-person public meetings.

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> to consider the following:

- **PZB Project #20-01300002:** Consideration of a City-initiated zoning map amendment to rezone approximately eight (8) parcels that are generally located south of 2nd Avenue North, east of N. A Street, north of Lucerne Avenue and west of N. D Street from Single Family - Two Family Residential (SF-TF-14) and Multi-family Residential 20 (MF-20) to Mixed Use - East, pursuant to the City of Lake Worth Beach Land Development Regulations, Section 23.2-36. PCN #s 38434421150060010, 38434421150040010, 38434421150020090, 38434421150020080, 38434421150020062, 38434421150020050, 38434421150020030, and 38434421150020021.

Public comment will be accommodated prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33481 and must arrive before the hearing date to be included in the formal record.

*If a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if this assistance is required.*



Publish: The Lake Worth Herald  
September 24, 2020

**Legal Notice No. 37357**

PLEASE TAKE NOTICE that due to the Novel Coronavirus 2019 (COVID-19) and Federal, State, and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach Planning & Zoning Board will conduct a meeting on **Wednesday, October 7, 2020, at 6:00 p.m.** or soon thereafter via Communication Media Technology ("CMT"), or in-person at 7 North Dixie Highway, Lake Worth Beach, FL if the Governor terminates the Executive Order relating to in-person public meetings.

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> to consider the following:

- **PZB Project # 20-01000001:** Consideration of a mixed use urban planned development, major site plan with sustainable bonus, and conditional use permit construct a two-phase multi-family development with live-work units generally known as "Village Flats" and located at 1216, 1220, 1230, & 1310 Lake Avenue, and 1207, 1209, 1211, 1213, 1215, & 1401 Lucerne Avenue pursuant to the City of Lake Worth Beach Land Development Regulations (LDR's). The subject properties are located in the Mixed-Use - East (MU-E) zoning district. PCN #s 38-43-44-21-15-505-0120; 38-43-44-21-15-505-0130; 38-43-44-21-15-505-0160; 38-43-44-21-15-504-0130; 38-43-44-21-15-503-0050; 38-43-44-21-15-505-0010; 38-43-44-21-15-505-0020; 38-43-44-21-15-505-0030; 38-43-44-21-15-505-0040; 38-43-44-21-15-505-0050.

Public comment will be accommodated prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33481 and must arrive before the hearing date to be included in the formal record.

*If a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if this assistance is required.*

Publish: The Lake Worth Herald  
September 24, 2020



#### Legal Notice

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) and Federal, State and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct the October 2020 Planning & Zoning Board and Historic Resources Preservation Board meetings via Communication Media Technology ("CMT"), or in-person at 7 North Dixie Highway, Lake Worth Beach, FL if the Governor terminates the Executive Order relating to in-person public meetings.

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachll.gov/virtual-meetings/> to consider the following:

Public comment will be accommodated prior to and during the meetings through the City's virtual meetings webpage. If you are unable to access the webpage during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the PZB/HRPB at 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

PLEASE TAKE NOTICE that the City of Lake Worth Beach Planning & Zoning Board ("PZB"), acting as the local planning agency, will hold a public hearing on Wednesday, October 7, 2020 at 6 pm or soon thereafter to consider the recommendation to the City Commission of an ordinance regarding amendments to the City's Code of Ordinances.

PLEASE TAKE NOTICE that the City of Lake Worth Beach Historic Resources Preservation Board ("HRPB"), acting as the local planning agency, will hold a public hearing on Wednesday, October 14, 2020 at 6 pm or soon thereafter to consider the recommendation to the City Commission of an ordinance regarding amendments to the City's Code of Ordinances.

\* PZHP 20-03100007 Consideration of an ordinance addressing development orders and building permits for clarity and consistency as follows: AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2, "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 4, "DEVELOPMENT STANDARDS," SECTION 23.4-15 - CEMETERIES / MAUSOLEUMS / COLUMBARIUMS; ARTICLE 4, "DEVELOPMENT STANDARDS," SECTION 23.4-19 - OUTDOOR STORAGE; ARTICLE 4, "DEVELOPMENT STANDARDS," NEW SECTION 23.4-22 - PARKING, STORING OR KEEPING OF COMMERCIAL VEHICLES IN NON-RESIDENTIAL DISTRICTS; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.5-1(12) TEMPORARY SIGNS; ARTICLE 6 "ENVIRONMENTAL REGULATIONS," SECTION 23.6-1 LANDSCAPE REGULATIONS; ARTICLE 6 "ENVIRONMENTAL REGULATIONS," NEW SECTION 23.6-1(K)(15) ARTIFICIAL TURF OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing,

he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if assistance is required.

Sherie Coale  
Planning Zoning and  
Historic Preservation  
Ph: 561-586-1687  
9-26/2020

00:0597680-01



**DATE:** October 1, 2020  
**TO:** Members of the Planning and Zoning Board  
**FROM:** Andrew Meyer, Senior Community Planner  
**THRU:** William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability  
**MEETING:** October 7, 2020

**SUBJECT:** **PZB Project Number 20-01000001**: Consideration of a mixed-use urban planned development, major site plan with sustainable bonus, and conditional use permit to construct a two-phase multi-family development with live-work units, generally known as “Village Flats”, and located at 1216, 1220, 1230, & 1310 Lake Avenue, and 1207, 1209, 1211, 1213, 1215, & 1401 Lucerne Avenue pursuant to the City of Lake Worth Beach Land Development Regulations (LDR’s). The subject properties are located in the Mixed-Use – East (MU-E) zoning district. PCN #s 38-43-44-21-15-505-0120; 38-43-44-21-15-505-0130; 38-43-44-21-15-505-0160; 38-43-44-21-15-504-0130; 38-43-44-21-15-503-0050; 38-43-44-21-15-505-0010; 38-43-44-21-15-505-0020; 38-43-44-21-15-505-0030; 38-43-44-21-15-505-0040; 38-43-44-21-15-505-0050.

---

**PROJECT DESCRIPTION:**

The Applicant, Corey O’Gorman and Jeff Costello of PLACE Planning & Design on behalf of Timothy Carey of InHabit Property Group, is requesting approval of Village Flats, a project consisting of the following:

- 1.) **Mixed Use Urban Planned Development** to construct a two-phased live/work and multifamily residential development. (page 8)
- 2.) **Major Site Plan** for the development of new live/work and multifamily residential buildings in excess of 7,500 square feet. (page 10)
- 3.) **Sustainable Bonus Program Incentive** to meet the requirements of a Mixed Use Urban Planned Development and gain an increase in overall density to 37.5 units per acre, and an increase in height to four stories and 48.67 ft. (page 14)
- 4.) **Conditional Use Permit** to establish a mixed-use master plan greater than 7,500 square feet inclusive of townhomes and live/work units. (page 15)

Village Flats is proposed as a response for a Request for Proposal (RFP) issued by the Lake Worth Beach CRA, and is currently sponsored by the CRA. Village Flats consists of two phases; Phase 1 will be located across the properties located at 1216, 1220, & 1230 Lake Avenue, and 1207, 1209, 1211, 1213, & 1215 Lucerne Avenue, while Phase 2 will be located across the properties located at 1310 Lake Avenue and 1401 Lucerne Avenue. Phases 1 and 2 together is classified as a large lot of approximately 47,950 square feet, or 1.1 acres.

Phase 1 is located between Lake and Lucerne Avenues, on the west side of North E Street, and is currently a collection of vacant lots. Phase 1 consists of two buildings – a four-story, 24-unit (of which five are live-work) multi-family residential building (Building 1) and a three-story, six-unit multi-family building (Building 2). Building 1 is located along the entire north side of Phase 1, facing Lucerne Avenue. Building 2 is located to the south west of Building 1, facing North E Street.

Phase 2 is located at 1310 Lake Avenue and 1401 Lucerne Avenue; both sites are currently vacant lots. 1310 Lake Avenue is proposed to contain a three-story, six-unit multifamily residential building (Building 3), and 1401 Lucerne Avenue is proposed to contain five, two-story live-work townhouses (Building 4). The design of Phase 2 has not yet been finalized. The recommendation of approval has been conditioned to require staff review and approval of a site plan amendment prior to the issuance of a building permit.

Based on the site plan package, the following unit types will be proposed:

- Phase 1:
  - Building 1:
    - Unit 1 (5 units) – live/work, one bed, one bath, totaling at 715-723 square feet per unit
    - Unit 2 (7 units) – two bed, two bath, totaling at 982-1041 square feet per unit
    - Unit 3 (12 units) – one bed, one bath, totaling at 686 square feet per unit
  - Building 2:
    - Unit 4 (6 units) – one bed, one bath, totaling at 710 square feet per unit
- Phase 2:
  - Building 3:
    - 6 Units – one bed, one bath, totaling 700 square feet per unit
  - Building 4:
    - 5 Units – live/work, three bed, one or two baths, totaling 1,550 square feet per unit

All units in Buildings 1 and 2 above the first floor are accompanied with a +/- 55 square foot balcony. The Applicant states that the development will include additional features such as a pocket park, which includes a trellis, dog walk, benches, and a landscaped seating area in the southeast corner of Phase 1.

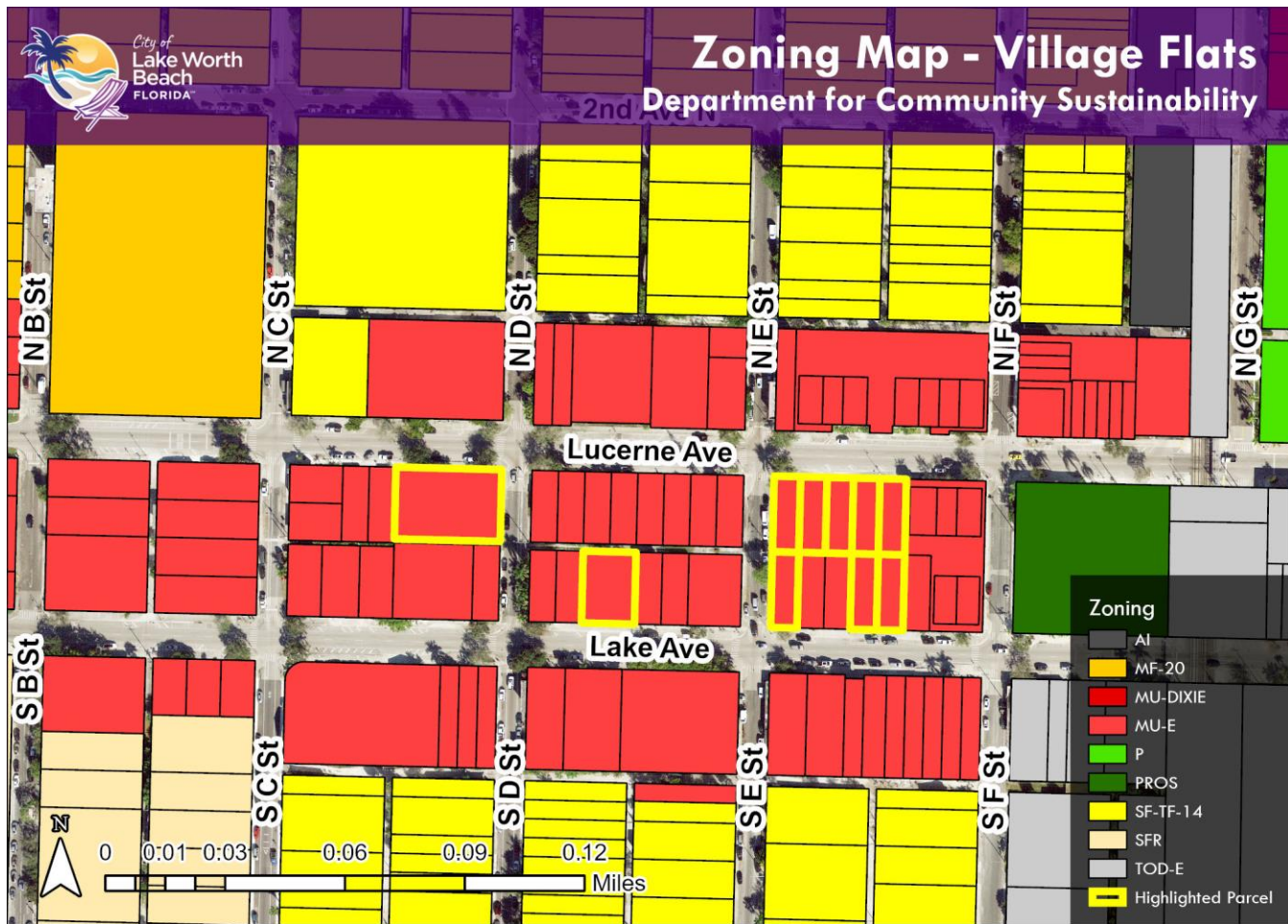
#### **Staff Recommendation:**

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code, Comprehensive Plan, and Strategic Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Staff recommends that the Board recommend approval of the Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive as conditioned on pages 19-20 to the City Commission.

#### **PROPERTY DESCRIPTION:**

<b>Applicant</b>	Corey O’Gorman and Jeff Costello of PLACE Planning & Design on behalf of Timothy Carey of InHabit Property Group
<b>Owner</b>	Lake Worth Beach Community Redevelopment Agency (CRA)
<b>General Location</b>	Multiple sites located between Lake & Lucerne Avenues, between North C & North F Streets.
<b>Existing PCN Numbers</b>	38-43-44-21-15-505-0120; 38-43-44-21-15-505-0130; 38-43-44-21-15-505-0160; 38-43-44-21-15-504-0130; 38-43-44-21-15-503-0050; 38-43-44-21-15-505-0010; 38-43-44-21-15-505-0020; 38-43-44-21-15-505-0030; 38-43-44-21-15-505-0040; 38-43-44-21-15-505-0050
<b>Existing Land Use</b>	Vacant Lots
<b>Zoning</b>	Mixed-Use East (MU-E)
<b>Future Land Use Designation</b>	Mixed-Use East (MU-E)

**ZONING MAP:**



**BACKGROUND:**

The project site is comprised of 10 vacant parcels generally located between Lake and Lucerne Avenue, between North C and North F Street. The collection of lots were purchased and assembled by the Lake Worth Beach Community Redevelopment Agency over several years. Collectively, they were offered through a competitive Request for Proposal process to private developers for redevelopment.

Below is a timeline summary of the properties' histories based on Palm Beach Property Appraiser's records and City records:

- 1216 Lake Avenue
  - Existing 3,500 square foot (35' x 100') lot
  - 1939 – A single-family residence was constructed on the property
  - July 30, 2018 – The single-family residence was demolished. The site is currently vacant.
  - September 24, 2020 – There are no active business licenses at this site
  - September 24, 2020 – There are no active code cases at this site
- 1220 Lake Avenue
  - Existing 3,500 square foot (35' x 100') lot
  - 1939 – A single-family residence was constructed on the property
  - November 21, 2006 – The single-family residence was demolished.

- October 18, 2012 – A building permit was issued to construct a new single-family residence.
- November 2012- September 2020 – All existing buildings were demolished. The site is currently vacant.
- September 24, 2020 – There are no active business licenses at this site
- September 24, 2020 – There are no active code cases at this site
- 1230 Lake Avenue
  - Existing 3,500 square foot (35' x 100') lot
  - 1939 – A single-family residence was constructed on the property
  - July 30, 2018 – The single-family residence was demolished. The site is currently vacant.
  - September 24, 2020 – There are no active business licenses at this site
  - September 24, 2020 – There are no active code cases at this site
- 1310 Lake Avenue
  - Existing 7,000 square foot (70' x 100') lot
  - 1952 – A multi-family residence was constructed on the property
  - November 4, 2013 – The multi-family residence was demolished. The site is currently vacant.
  - September 24, 2020 – There are no active business licenses at this site
  - September 24, 2020 – There are no active code cases at this site
- 1207 Lucerne Avenue
  - Existing 3,500 square foot (35' x 100') lot
  - 1956 – A single-family residence was constructed on the property
  - July 30, 2018 – The single-family residence was demolished. The site is currently vacant.
  - September 24, 2020 – There are no active business licenses at this site
  - September 24, 2020 – There are no active code cases at this site
- 1209 Lucerne Avenue
  - Existing 3,500 square foot (35' x 100') lot
  - 1956 – A multi-family residence was constructed on the property
  - August 27, 2012 – The multi-family residence was demolished. The site is currently vacant.
  - September 24, 2020 – There are no active business licenses at this site
  - September 24, 2020 – There are no active code cases at this site
- 1211 Lucerne Avenue
  - Existing 3,500 square foot (35' x 100') lot
  - 1956 – A multi-family residence was constructed on the property
  - July 30, 2018 – The multi-family residence was demolished. The site is currently vacant.
  - September 24, 2020 – There are no active business licenses at this site
  - September 24, 2020 – There are no active code cases at this site
- 1213 Lucerne Avenue
  - Existing 3,500 square foot (35' x 100') lot
  - 1950 – A single-family residence was constructed on the property
  - July 30, 2018 – The single-family residence was demolished. The site is currently vacant.
  - September 24, 2020 – There are no active business licenses at this site
  - September 24, 2020 – There are no active code cases at this site
- 1215 Lucerne Avenue
  - Existing 3,500 square foot (35' x 100') lot
  - 1956 – A multi-family residence was constructed on the property
  - July 27, 2012 – The multi-family residence was demolished. The site is currently vacant.
  - September 24, 2020 – There are no active business licenses at this site
  - September 24, 2020 – There are no active code cases at this site
- 1401 Lucerne Avenue

- Existing 14,000 square foot (140' x 100') lot
- 1956 – A mixed use, multi-family building was constructed on the property
- 2004 – Plato Loco held a business license at the location for a take-out restaurant
- 2000 – 2015 – Lois Vanderwoude Trust held a business license at the location to rent out multi-family units
- July 2, 2014 – The mixed use, multi-family building was demolished. The site is currently vacant.
- September 24, 2020 – There are no active business licenses at this site
- September 24, 2020 – There are no active code cases at this site

## **ANALYSIS:**

### **Consistency with the Comprehensive Plan and Strategic Plan**

Both Phase 1 and Phase 2 have a Future Land Use (FLU) designation of Mixed-Use East (MU-E). Per Policy 1.1.1.5, the MU-E FLU is established to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed development provides multi-family and live-work units within one of the central commercial cores of the city. Therefore, it is consistent with the intent of the MU-E FLU. Furthermore, Objective 1.2.2 states that the City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed-use development areas. The proposed development is a mixed use urban planned development that utilizes the City's Sustainable Bonus Incentive Program, which grants the development additional height, density, and floor area ratio over what is permitted by right. Thus, this project is consistent with Objective 1.2.2.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillars II.A, II.B, and II.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, and deliver sustainable indoor-outdoor leisure opportunities. The Applicant also is providing a pocket park which includes a trellis, dog walk, benches, and a landscaped seating area in the southeast corner of Phase 1. In addition, Pillars I.A and I.B of the City's Strategic Plan represent a commitment to economic development, of which this project brings. Therefore, the project inclusive of Phases 1 and 2 is consistent with Pillars I.A, I.B, II.A, II.B, and II.E of the City's Strategic Plan. Pillars II.C, II.D, and II.F are not applicable to this project.

Based on the analysis above, the proposed development is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

### **Consistency with the City's Land Development Regulations**

Per Section 23.3-25, planned developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked in the Code to review planned development applications in accordance with the City's LDRs, to assess compliance with the findings for granting planned developments (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

**Mixed-Use East (MU-E):** Per LDR Section 23.3-13(a), the MU-E zoning district is intended to promote the establishment and expansion of a broad range of office, commercial, hotel/motel and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. The MU-E district is also intended to create a place of common vision and physical predictability for all

new construction, renovations, and redevelopment. The proposed mixed use urban planned development provides a mixture of residential and live/work uses. As such, the proposal is consistent with the intent of the MU-E district.

The table below shows the proposed site features and its compliance with the Code, factoring in the Sustainable Bonus incentives, Planned Development incentives, and the Comprehensive Plan maximums:

Development Standard		Base Zoning District	Mixed Use Urban Planned Development with Sustainable Bonus Incentive Program (SBIP)	Phase 1 Provided	Phase 2 Provided (approximate)
Lot Size (min) In square feet (sf)		6,500 sf	0.5 acres	47,950 sf (1.1 acres)	
Lot Width (min)		25'	100'	175'	70' + 140'
Setbacks	Front (min)	10'	10'	10'	10' & 20'
	Rear (min)	10'	10'	10'	41' & 43'
	Street Side (min)	10'	10'	10'	N/A
	Interior Side (min)	0'	0'	0'	11.5' & 5'/10'
Impermeable Surface Coverage (maximum)		75%	75%	72.4%	62.4%
Structure Coverage (max)		65%	65%	29.7%	27.9%
Living Area (minimum)	One bedroom units	600 sf	600 sf	Unit 1 (5): 715-723 sf Unit 3 (12): 686 sf Unit 4 (6): 710 sf	Building 3 Unit (6): 700 sf
	Two bedroom units	750 sf	750 sf	Unit 2 (7): 982-1041 sf	None
	Three bedroom units	900 sf	900 sf	None	Building 4 Unit (5): 1,550 sf
Parking		Phase 1: 47 / Phase 2: 24 / Office: 3 Total: 56 (74 – 25% mixed-use credit)		49 (36 spaces on-site, 13 on street)	29
Density (max)		30 du/acre (33 units)	37.5 du/acre (41.25 units)	37.27 du/acre (41 units)	
Building Height (max)		30 feet (2 stories)	56.25 feet (5 stories)	Building 1: 48.67' Building 2: 35.5'	Buildings 3 & 4: Not to exceed LDRs
Floor Area Ratio (FAR) (max)		1.5	1.94	.82	.64

**Density:** The proposed development complies with the City's LDRs and Comprehensive Plan. The project proposes a total of 41 units between Phases 1 & 2. As shown in the table above, the base density in the MU-E zoning district is currently a maximum of 30 dwelling units per acre. Per Policy 1.2.3.4 of the City's Comprehensive Plan, a mixed use urban planned development may obtain bonus density, intensity (FAR), and height over the base line as outlined in Table 1 of the Comprehensive Plan. Therefore, the maximum allowed density for this project is 37.5 dwelling units per acre which equates to 41.25 units.

**Impermeable Surface Coverage:** Because this project is a planned development, the maximum impermeable surface requirement for a small lot is applicable in lieu of the large lot maximum. Therefore, the maximum impermeable surface is 75%. Phase 1 proposes a total structure coverage of 72.4%, and Phase 2 is estimated to have a lot coverage of approximately 62%, with both Phases 1 and 2 having a combined lot coverage of approximately 68.3%. Therefore, the project is compliant with the maximum impermeable surface criterion.

**Structure Coverage:** Phase 1 proposes a total structure coverage of 29.7%, and Phase 2 proposes a total structure coverage of approximately 27.9%, with Both Phases 1 & 2 having a combined total structure coverage of 28.9%. The maximum permitted coverage for all structures is 55%; as such, the project is compliant with the maximum structure coverage criterion.

**Setbacks:** The project as proposed does not meet the minimum required setbacks for all stories above the second story, and does not meet the minimum required setbacks for balconies of the base zoning district, MU-E. As part of the mixed-use planned development application, the Applicant is seeking to modify the required minimum setbacks for all stories above the second story and the minimum required setbacks for balconies, and has provided a justification for the waivers in Attachment C. Planned developments may establish alternate site land development requirements as per Section 23.3-25(a)(1).

Per LDR Section 23.3-13(d)(3)(D)&(E), the minimum setback for all stories above the second story is between 8 to 12 feet. The Applicant states that due to site constraints of the lots, the building cannot be setback the additional distance on the 2<sup>nd</sup> and 3<sup>rd</sup> floors without impacting the number and size of the dwelling units and the project in general.

In addition, per LDR Sections 23.3-13(d)(3)(A)(1), 23.3-13(d)(3)(B), and 23.3-13(d)(3)(c)(2), the minimum setback from all property lines adjacent to streets is 10'. The land development regulations do not make provisions for balconies extending into the setback, therefore balconies are typically held to the 10' setback regulation. As such, the applicant is also requesting that the City Commission waive Sections 23.3-13(d)(3)(A)(1), 23.3-13(d)(3)(B), and 23.3-13(d)(3)(c)(2) to permit balconies to extend into the front setback by 3 feet. The applicant states that balconies are typically permitted to encroach into required setbacks, and that the inclusion of balconies on the façade creates visual interest provides coverage and weather protection for the units below, and promotes neighborhood safety by providing the ability to have additional eyes on the street.

In summary, the Applicant is requesting the following setback waivers:

Phase 1:

- Building 1
  - to allow the third and fourth stories to be setback 10' from the north property line, adjacent to Lucerne Avenue, the west property line, adjacent to North E Street, and the east property line, adjacent to 1205 Lucerne Avenue.
  - to allow the balconies to extend 3' into the setback located along the north property line, adjacent to Lucerne Avenue.
- Building 2
  - to allow the third story to be setback 10' from the west property line, adjacent to North E Street, and south property line, adjacent to Lake Avenue.
  - to allow the balconies to extend 3' into the setback located along the west property line, adjacent to North E Street

Phase 2:

- Building 3



- to allow the third story to be setback no less than 10 feet from the south property line, adjacent to Lake Avenue.

**Parking:** The proposed development exceeds the minimum parking requirements in the City's LDRs. In total, after receiving a mixed-use credit of 25% of 74 parking spaces, 56 parking spaces are required for a project of this size, and the applicant is proposing 78 parking spaces. In addition, each phase by itself meets the minimum parking requirements in the City's LDRs. Forty-eight (48) parking spaces are required of Phase 1, while Phase 1 contains a total of 49 spaces, met through a combination of 36 on-site spaces, 12 on-street spaces, and 4 bicycle spaces (which count as 1 vehicular space). Twenty-six (26) spaces are required by Phase 2, and the applicant is proposing 29 spaces.

Section 23.4-10(g) requires mixed-use projects exceeding 25 parking spaces to designate 4% of the total minimum required off-street parking spaces as electric vehicle charging spaces. As such, the project as proposed will be required to provide a total of 3 electric vehicle charging spaces, each with operable Level 2 charging equipment. A condition of approval has been added to reflect this requirement.

**Landscaping:** Overall, the development proposal complies with the City's landscape regulations. The project proposes Dahoon Holly and Cabbage Palmetto along Lake and Lucerne Avenues, and North E Street. In addition, the project proposes Southern Live Oak, Orange Geiger Tree, Silver Buttonwood, and Wax Myrtle within the proposed pocket park.

**Signage:** This application does not include a master sign program. The applicant has stated that any proposed signage during the building permitting phase will comply with LDR Section 23.5-1. The submittal of a signage plan that provides consistent signage theme, sizing and materials prior to the issuance of a building permit for signage is a staff recommended condition of approval.

**Walls/Fences:** The site plan proposes a 3.5' high wood fence along Lucerne Avenue to provide separation of space, yet still allow permeability and visibility between the live/work units and the street. This fence, as well as the remainder of the walls and fences on the site are in accordance with LDR Section 23.4-4.

**Lighting and Security:** The application's photometric plan complies with the City's exterior lighting code, Section 23.4-3, Exterior Lighting. In attempt to reduce the crime potential at this location, the applicant is proposing to install a security gate that will provide limited access to the buildings. Additionally, the application states that the project will be consistent with Crime Prevention Through Environmental Design Principles (CPTED) to reinforce the privacy and safety of the residents.

**Major Thoroughfare Design Guidelines:** The project has been reviewed and found to be compliant with the City's Major Thoroughfare Design Guidelines. The aforementioned presence of the 3.5 foot high fence, along with the presence of trees, large windows, and balconies help create a sense of place and create a space of high visibility. The orientation of the buildings toward the major thoroughfares, and the siting of parking in the interior of the site, isolates the vehicular circulation from pedestrian circulation, enhancing walkability and safety of the major thoroughfares.

**Townhomes:** Per Section 23.4-13(3)(c)(11), townhomes are required be reviewed against specific use criteria (Page 18). One specific use criterion requires townhome structures to be no longer than 120' in length. Currently, the application proposes a townhome structure as part of Phase 2, Building 4 which is 125' in length, or 5' longer than what the criteria allows. Staff is recommending support of a waiver to allow for the proposed configuration. With the proposed waiver, the townhomes are consistent with the specific use criteria for townhomes.

**Mixed Use Urban Planned Development:**

The intent of this section is to encourage, through incentives, the use of innovative land planning and development techniques to create more desirable and attractive development in the City. Incentives include but are not limited to:

1. Relaxing or waiving of height, setback, lot dimensions, and lot area requirements;
2. Allowing an increase in density or a decrease in minimum living area per dwelling unit; and
3. Permitting uses or a mixture of uses not normally permitted in the underlying zoning district.

The proposed project is a mixed use urban planned development, comprised of a majority of residential units, with ground floor units that provide for a live/work dwelling that help activate the adjacent thoroughfares and contribute to a range of diverse housing options. The sections of the Code the Applicant is requesting a waiver from as part of the mixed use urban planned development are outlined under the “Consistency with the City’s LDR Requirements” analysis section above. The criteria below are requirements of all mixed use urban planned developments.

**Section 23.3-25(e) – Mixed Use Urban Planned Development District**

*1. Location.* Urban planned developments may be located in any mixed-use district, such as Mixed Use — East, Mixed Use — West, Mixed Use — Dixie Highway, Mixed Use — Federal Highway, Transit Oriented Development — East, and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

**Staff Analysis:** The subject site is located in the Mixed Use – East zoning district. **Meets Criterion.**

*2. Minimum area required.* The minimum area required for an urban planned development district shall be one-half (.5) acres.

**Staff Analysis:** Phases 1 & 2 combined are 47,950 square feet in total, or approximately 1.1 acres, which is over the required minimum area. **Meets Criterion.**

*3. Permitted uses within a mixed use urban development are shown in Article 3 of these LDRs.* An urban planned development may be residential alone or may be any mixture of residential, retail, commercial, office, personal services, institutional, and cultural and artisanal arts or other uses specifically listed with the use tables of section 23.3-6 for the districts where the planned development is to be located.

**Staff Analysis:** Phases 1 & 2 will consist of a total of 41 units, of which 10 are live/work. Phase 1 will consist two buildings containing 30 units total, with five units designated as live/work, while Phase 2 will consist of two buildings containing 11 units, with five units also designated as live/work. This combination of strictly residential and live/work units is consistent with this criterion. **Meets Criterion.**

*4. Required setbacks.* Required setbacks shall be as provided in these LDRs for the zoning district in which the planned development is to be located.

**Staff Analysis:** The project as proposed does not meet the minimum required setbacks for all stories above the second story, and does not meet the minimum required setbacks for balconies of the base zoning district, MU-E. As part of the mixed-use planned development application, the Applicant is seeking to modify these setback regulations and has provided justification for the waiver in Attachment C.

*5. Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to Article 4 of these LDRs.

**Staff Analysis:** Parking is being provided within Phases 1 & 2 in accordance with Section 23.4-10 of these land development regulations, with the exception of 23.4-10(g) outlined under the “Consistency with the City’s LDR Requirements” analysis section above. **Meets Criterion.**

6. *Landscaping/buffering.* Landscaping and buffering shall be provided as required by section 23.6-1.

**Staff Analysis:** The required landscaping and buffering is being provided along all sides of the project, and conforms to Section 23.6-1. **Meets Criterion.**

7. *Illumination.* Any source of illumination located within a commercial or industrial planned development district shall not exceed one (1) foot candle at or beyond the boundaries of such development.

**Staff Analysis:** The applicant has provided a photometric plan for Phase 1 only. This project is conditioned that no lighting measurement shall exceed 1 foot candle at or beyond the boundaries of such development for both Phases 1 & 2, and that shielded and architecturally appropriate fixtures be submitted to staff prior to the issuance of a building permit.

8. *Outdoor storage.* All outdoor storage facilities are prohibited in any mixed use urban planned development district.

**Staff Analysis:** No outdoor storage facilities are proposed as part of this development application. **Meets Criterion.**

9. *Sustainability.* All mixed use urban planned development districts shall include provisions for sustainability features such as those listed in section 23.2-33, City of Lake Worth Sustainable Bonus Incentive Program.

**Staff Analysis:** The applicant has provided a schedule of sustainability features to be counted toward its Sustainable Bonus Incentive Program. The schedule has been reviewed against the Sustainable Bonus Incentive Program and meets the criteria. Staff analysis of the Sustainable Bonus application can be found on page 14. **Meets Criterion.**

**Master Development Plan (Major Site Plan):**

A master site plan is required in conjunction with a mixed use urban planned development. The review criteria below are intended to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements.

**Section 23.2-31(c): Qualitative Development Standards**

1. *Harmonious and efficient organization.* All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.

**Staff Analysis:** The application states that the site plan will be harmonious and complementary to the surrounding area and has been designed to promote safety and designed to promote walkability and enhance the major thoroughfares. The live/work units have been located on the ground floor of the residential buildings, and the buildings are pushed toward the street in accordance with the Major Thoroughfare Design Guidelines. The most intense use of the parking is located in the center of the site and away from the pedestrian circulation of Lake and Lucerne Avenues. **Meets Criterion.**

2. *Preservation of natural conditions.* The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in Part II, Chapter 12, Health and Sanitation, Article VIII, Fertilizer

Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

**Staff Analysis:** This section is not applicable. The lots as they exist today are completely vacant, with only sodded ground cover in Phase 1, and a few trees in Phase 2. The applicant states that the proposed landscaping will be an environmental and aesthetic improvement to the site. Staff has reviewed the landscape plan and finds the landscaping proposed meets the landscape code and exceeds the landscaping and natural conditions currently present on the site. **Criterion Not Applicable.**

3. *Screening and buffering.* Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.

**Staff Analysis:** The application states that on-site parking has been placed in the center of the site, screening it from Lake Avenue, Lucerne Avenue, and E Street. The applicant also proposes a 3.5' high decorative wood fence along the perimeter of the site, providing semi-private spaces for residents while also maintaining permeability for visitors to the live/work spaces. Staff finds that the screening for Phase 1 is sufficient, and any screening as part of Phase 2 will meet the requirements of the city's LDRs. **Meets Criterion**

4. *Enhancement of residential privacy.* The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.

**Staff Analysis:** The application states that the parking will be secured with an automatic gate. Staff finds that the 3.5' high fence separating the ground floor residences from the right-of-way enhances residential privacy while maintaining visibility of live/work units from the space as well as conforming to the Major Thoroughfare Design Guidelines. **Meets Criterion.**

5. *Emergency access.* Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.

**Staff Analysis:** The application states that emergency vehicles will access the development by using the existing roadways that are adjacent to the site as well as the interior parking lot. Both buildings on the Phase 1 site are oriented toward the street and have multiple points of access directly from the right of way. Preliminary plans for Phase 2 show similar access to the site for emergency vehicles. **Meets Criterion.**

6. *Access to public ways.* All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.

**Staff Analysis:** As stated above, both buildings are oriented toward the street and have direct access to public streets and walkways. The live/work units front Lucerne Avenue and each have their own access to the right-of-way. The vehicular access to the site is in the rear of the site and is shielded from the major thoroughfares by the buildings. In addition, the proposed pocket park has direct access to Lake Avenue. Phase 2 will also have access to public ways through the major thoroughfares as well as alleys. **Meets Criterion.**

7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

**Staff Analysis:** The application states that the pedestrian circulation system is appropriate for this urban infill site with sidewalks along the streets. Staff finds that the location of the vehicular parking area at the center of the site allows for the separation from the pedestrian circulation internally on the site and shields the vehicular portion from the pedestrian-oriented major thoroughfares. Phase 2 will be required to be designed to allow for protected pedestrian circulation to and from the sites from the major thoroughfares. **Meets Criterion.**

8. *Design of ingress and egress drives.* The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.

**Staff Analysis:** Phase 1 will have one ingress and egress off of North E Street. The location of this ingress/egress point minimizes conflict with pedestrian circulation along Lake and Lucerne Avenues, and is located furthest away from adjacent properties. Phase 2 currently proposes ingress and egress off of the alleyways, which also minimizes conflict with pedestrian circulation along Lake and Lucerne Avenues. **Meets Criterion.**

9. *Coordination of on-site circulation with off-site circulation.* The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.

**Staff Analysis:** The application states that vehicular and pedestrian circulation will be coordinated with the existing pattern. Aside from the interior parking lot, no on-site circulation will exist, and therefore this criterion does not apply. **Meets Criterion.**

10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.

**Staff Analysis:** No on-site right-of-way is being proposed, therefore this criterion does not apply. **Meets Criterion.**

11. *Off-street parking, loading and vehicular circulation areas.* Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.

**Staff Analysis:** As stated earlier in this staff report, the parking area for Phase 1 is located at the interior of the site. The location of parking in this area results in the surrounding buildings screening the parking area from rights of way and a proposed fence will minimize impacts on adjacent properties. Phase 2 appears to propose parking in the rear of the sites, also screening the parking through the use of buildings fronting the major thoroughfares. **Meets Criterion.**

12. *Refuse and service areas.* Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.

**Staff Analysis:** The application states that the refuse will be accessed from North E Street to eliminate the need for garbage trucks to circulate through the parking lot. This location is far from adjacent property lines, and is screened through the use of opaque fences/gates and landscaping. Phase 2 refuse areas will be reviewed by staff for consistency and compliance with the city's LDRs. **Meets Criterion.**

13. *Protection of property values.* The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property.

**Staff Analysis:** The application states that the development will have a positive impact on the property values of adjoining properties and the surrounding area. The project sites currently exist as vacant lots. The project will provide residential and live/work units downtown which will increase the number of available customers for local businesses, and increase the diversity of housing options within the city. This increase of customers can increase the desirability of downtown properties, which has the potential to increase property values. **Meets Criterion.**

14. *Transitional development.* Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.

**Staff Analysis:** The application states that this criterion is not applicable as the site is not located in a transitional area at the edge of a zoning district. However, the project was designed to be complementary to and harmonious with the surrounding area. The project is located within the middle of the Mixed-Use East zoning district. As such, this criterion does not apply. **Criterion Not Applicable.**

15. *Consideration of future development.* In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.

**Staff Analysis:** Phase 2 of the project, located immediately west of Phase 1, will be finalized at a later date. The project has been conditioned to require Phase 2 to receive administrative site plan approval prior to the issuance of a building permit. Overall, the project meets the intent of the Land Development Regulations and Comprehensive Plan. **Meets Criterion.**

#### **Section 23.2-31(I): Community Appearance Criteria**

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

**Staff Analysis:** The design of the project reflects modern architectural styles generally associated with good taste and design. The units have balconies and large windows, and the pocket park provides an area of leisure for residents. The project currently provides a saturated color scheme that is atypical for Lake Worth Beach. The project has been conditioned to provide a less garish color palette more complementary to the aesthetic of Lake Worth Beach and South Florida. **Meets Criterion.**

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

**Staff Analysis:** The project provides for a mix of materials that are neutral and generally compatible with the local environment. The applicant states that the project will be Florida Green Building Certified, and that the project will cause an appreciation in terms of appearance and value. **Meets Criterion.**

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

**Staff Analysis:** The project uses a modern design aesthetic which is appropriate with other projects which have been approved in the surrounding area. **Meets Criterion.**

4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

**Staff Analysis:** The project’s compliance with the community appearance and conditional use criteria is detailed within this staff report. **Meets Criterion.**

**Sustainable Bonus Incentive Program:**

The City of Lake Worth Sustainable Bonus Incentive Program (SBIP) is intended to implement Objective 1.2.3 of the City’s Comprehensive Plan which states the City shall establish incentives to help support the creation of a compact, sustainable, community-oriented development by implementing a Sustainable Bonus Incentive Program. The Program offers the opportunity to attain an option for increased height and/or FAR in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

As mentioned, the proposed development complies with the City’s LDRs and Comprehensive Plan. The base density in the MU-E zoning district is currently a maximum of 30 dwelling units per acre. Per Policy 1.2.3.4 of the City’s Comprehensive Plan, a mixed use urban planned development may obtain a 25% bonus on density, intensity (FAR), and height over the base line as outlined in Table 1 of the Comprehensive Plan. Therefore, the maximum allowed density for this project is 37.5 dwelling units per acre which equates to 41.25 total units and the maximum allowed height is 56.25’ with bonus. The subject application is for 41 total units and 48.67’ in height.

Based on the calculation of the additional height and density proposed as part of the SBIP with a Planned Development, the Applicant is asking for a total bonus height of 18.67 ft, two bonus stories, and 8 additional units. The total square footage of bonus area under Sustainable Bonus is 14,396 square feet (two stories in Building 1, one story in Building 2, and one story in Building 3), which results in a value of required improvements for the Sustainable Bonus allowance of \$71,980 (\$5 per square foot). In addition, a Planned Development utilizing the Sustainable Bonus Program is allowed a 25% increase in height and density. Eight (8) units, for a total of 41 units, are proposed above the calculated base density of 33 units, and an additional 3.66 feet are proposed above the maximum building height (45ft) for a total height of 48.67 ft. The total square footage of bonus height and density under Planned Development is 5,248, and results in a value of required improvements for the Planned Development allowance of \$26,240 (\$10 per square foot, calculated as an additional \$5 per square foot on top of that portion of square footage already calculated under Sustainable Bonus above).

As such, the combined total value of required improvements to meet the requirements of the Sustainable Bonus and Planned Development is \$98,220. Below is the Applicant’s schedule of improvements to meet and exceed the requirements of the Sustainable Bonus and Planned Development.

<b>Improvement Detail (type of amenity)</b>	<b>Valuation Amount</b>	<b>Calculation Details</b>
Florida Green Building Certification	\$49,110	50% of \$98,220
Courtyard Garden/Pocket Park (Building Amenity)	\$40,000	Includes sod, large trees, pavers, plants, pergola, benches, and tables.
Building 2 West Façade Mural (Public Art/Character and Aesthetic Excellence)	\$20,000	
Bike Racks (Bicycle Mobility Systems)	\$5,000	
<b>Total Value of Improvements/Design Excellence Required: \$98,220</b>	<b>Total Value of Improvements/Design Excellence Provided: \$114,110</b>	

**Section 23.2-33(c)(2): Review/decision**

(a) Is the award calculated correctly, consistent with the square footage and height requested and the value of the features and improvements included in the development proposal?

**Staff Analysis:** The development proposal is consistent with the increase in height and density requested. The Applicant is asking for a total bonus height of two stories or 18.67 feet, which includes the additional 15 feet requested as part of the SBIP and 3.67 feet granted under the Planned Development program. The total square footage of bonus area is 14,396 square feet. Therefore, the total value of required improvements is \$98,220 (\$5 per square foot for bonus height of 14,396 square feet, and \$10 (\$5 extra on top of \$5 already applied) for bonus density of eight units. The Applicant will be providing community-based improvements and design excellence equivalent to \$114,110, which exceeds the requirements of the Sustainable Bonus and Planned Development program. **Meets Criterion.**

(b) Do the proposed on-site features or improvements adequately provide sustainable project enhancements beyond those otherwise required by these LDRs for the development proposal that are attainable and reasonable in the context of the proposed project?

**Staff Analysis:** The proposed on-site features and improvements provide enhancements that exceed the base requirements of the LDRs. The project will have Florida Green Building certification, a courtyard garden/pocket park, public art, and bicycle racks. **Meets Criterion.**

(c) Do the proposed off-site improvements meet the priorities of the City for community sustainability?

**Staff Analysis:** The project is not including off-site improvements toward the SBIP credit. **Meets Criterion**

(d) Do the proposed features, improvements or fees-in-lieu meet the intent of the SBIP?

**Staff Analysis:** As identified by the criteria above, the proposed features and improvements incorporated into the development proposal are beyond the base requirements of the LDRs, providing additional building amenities and an increase in character and aesthetic improvement beyond what is required by the LDRs. Thus, the proposed development meets the intent of the SBIP. **Meets Criterion.**

**Conditional Use Permit:**

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The project proposal includes a conditional use request to construct a mixed-use master plan consisting of 36 multi-family units and five townhouse units, 10 of which are live/work units. Conditional uses are required to be reviewed against the criteria in Section 23.2-29(d) and Section 23.2-29(e). The required analysis is provided below.

**Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest**

The proposed project is consistent with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.

**Staff Analysis:** The site contains a base zoning designation of MU-E and is surrounded by MU-E zoned property to the north, east, south, and west. Based on the intent of the MU-E zoning district, uses most likely to occur in this district are



office, commercial, hotel/motel, and medium-density multiple-family residential development. The subject proposal is consistent with the types of uses anticipated to occur within the MU-E district. Therefore, the proposed mixed-use planned development is compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Analysis:** The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use
North (across Lucerne Ave)	MU-E	MU-E	Mixture of multi-family residences (Urban Arts Lofts), commercial, and vacant property
South (adjacent and across Lake Ave)	MU-E	MU-E	Mixture of single-family residences, multi-family residences, and commercial, property
East (adjacent and across South D St)	MU-E	MU-E	Mixture of single-family residences, multi-family residences, and commercial, property
West (adjacent and across South E St)	MU-E	MU-E	Mixture of single-family residences, multi-family residences, and commercial, property

Per the Palm Beach County Property Appraiser, the subject site is surrounded by a mixture of single-family residences, multi-family residences, commercial, and vacant property. The mixed-use development is in harmony with the existing mixture of uses in the immediate area. **Meets Criterion.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Analysis:** The approval of this conditional use will provide urban infill development that is consistent with the intent of the MU-E zoning district and future land use category. As such, the proposal is not anticipated to result in less public benefit than other permitted or conditional uses. **Meets Criterion.**

4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

**Staff Analysis:** The proposed mixed use urban planned development is utilizing the City's SBIP and mixed-use planned development bonuses. These programs are intended to promote a compact, urban development that facilitates a live, work, play environment. The project is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and will not result in a more intensive development than what the Plan anticipates. **Meets Criterion.**

**Section 23.2-29(e): Specific standards for all conditional uses**

1. The proposed conditional use will not generate traffic volumes or movements, which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.

**Staff Analysis:** Based on Palm Beach County's 8<sup>th</sup> Edition Trip Generation Table, the construction of 36 mid-rise apartments and five townhomes is anticipated to generate approximately 17 peak PM trips. While staff finds that the

proposed conditional use will not generate traffic volumes that will result in adverse impacts, a Traffic Performance Standards (TPS) Letter from the Palm Beach County Traffic Division is required prior to the issuance of a building permit to ensure that the proposed development meets the TPS of Palm Beach County. **Meets Criterion.**

2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

**Staff Analysis:** The MU-E zoning district allows for a variety of multi-family, commercial, and office uses that have the potential to produce an equal or greater amount of through traffic than the proposed use. Therefore, the traffic generated from the proposed mixed-use development will not be significantly greater than that of adjacent uses and other anticipated uses in this area. **Meets Criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

**Staff Analysis:** The mixed-use project is not anticipated to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed use of townhomes and the nonresidential space associated with the 10 live/work units do not pose a pollution hazard to the nearby properties. **Meets Criterion.**

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

**Staff Analysis:** The project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

**Staff Analysis:** The multi-family apartments and townhomes will be utilizing the existing City utility lines. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

**Staff Analysis:** The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. In attempt to reduce the crime potential at this location, the application proposes a security gate that will restrict access to the buildings. Additionally, the application states that the project will be consistent with Crime Prevention Through Environmental Design Principles (CPTED) to reinforce the privacy and safety of the residents. **Meets Criterion.**

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

**Staff Analysis:** Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday

- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

Based on the uses being proposed, the mixed-use project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

**Staff Analysis:** The proposed mixed-use project will not generate light or glare that would negatively impact the surrounding properties. Based on the photometric plan submitted, the proposed development complies with LDR Section 23.4-3, Exterior Lighting. **Meets Criterion.**

**Section 23.4-13(3)(c)(11): Specific use criteria for townhomes**

The Code requires all townhomes to comply with the specific use criteria for all townhomes outlined in Section 23.4-13(3)(c)(11). The required analysis for the five townhouse units in Phase 2 of the proposed mixed use urban planned development is detailed below:

1. Front setback shall be ten (10) feet, with an open porch permitted in a minimum of five (5) feet of setback.

**Staff Analysis:** The proposed townhomes are located 20 feet from the front property line along Lucerne Avenue and include a porch/patio area about 13 feet from the front property line. **Meets Criterion.**

2. Distance between townhouse structures shall be twenty (20) feet; however, distance between double-stacked townhouse structures shall be thirty (30) feet.

**Staff Analysis:** The application proposes one five-unit townhouse structure at 1401 Lucerne Avenue. Therefore, the distance requirement between townhouse structures is not applicable to this application. **Criterion Not Applicable.**

3. Rear setback shall be twenty (20) feet with ten (10) feet for accessory structures.

**Staff Analysis:** The proposed five-unit townhouse structure at 1401 Lucerne Avenue is set back approximately 43 feet from the rear property line. **Meets Criterion.**

4. Townhouse structures shall not exceed one hundred twenty (120) feet in overall length or six (6) units.

**Staff Analysis:** The proposed five-unit townhouse structure is approximately 125 linear feet and does not exceed six units. Staff recommends a waiver from this requirement as the townhouse structure is proposed to stand alone and the addition of 5 feet would not materially go against the intent of the regulation. **Meets Criterion.**

5. The maximum number of attached townhouse units within a townhouse building fronting on Federal Highway shall be four units, unless a planned development district is approved.

**Staff Analysis:** This criterion is not applicable as the proposed project does not front Federal Highway. **Criterion Not Applicable.**

6. No front door access from alleys when abutting single family residential use or district.

**Staff Analysis:** The subject property proposing the five townhouse units, 1401 Lucerne Avenue, does not abut single family residential uses. Further, the site plan does not propose front door access from the alleyway. **Meets Criterion.**

7. For all stories above the second story, both the front façade and rear façade must be setback an additional distance beyond the minimum, except three-story townhouses not higher than thirty-five (35) feet shall meet the minimum front and rear setback requirements.

**Staff Analysis:** The proposed townhouse structure is not currently proposed to exceed two stories. Therefore, this criterion does not apply. **Criterion not applicable.**

**Public Support/Opposition:**

Staff has not received any letters of support or opposition.

**CONCLUSION:**

The proposed request for a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive is consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board recommend approval of the proposed request with the conditions below:

**Planning:**

1. Phase 1 & 2 Conditions:
  - a. Prior to the issuance of a building permit for Phase 1, provide a TPS Letter from the Palm Beach County Traffic Division. The TPS letter may be for only Phase 1 or both Phase 1 & 2. Should the TPS Letter only be for Phase 1, a second TPS letter shall be applied for prior to Site Plan approval for Phase 2, and said letter shall be submitted prior to the issuance of a building permit.
  - b. Prior to the issuance of a building permit, designate 3 parking spaces as electric vehicle parking and outfit each parking space with electric vehicle charging equipment as outlined in LDR Section 23.4-10.
  - c. Exterior lighting shall be shielded and in conformance with the Major Thoroughfare Design Guidelines. Exterior LED lighting shall have a warm color temperature (<3000K).
  - d. Prior to the issuance of a building permit, a color scheme more characteristic with the aesthetic of Lake Worth Beach shall be approved by the Development Review Official.
  - e. Prior to the issuance of a certificate of occupancy, all fences shall comply with Section 23.4-4.
2. Phase 1 Conditions:
  - a. Prior to the issuance of a building permit, push back the north wall of Building 2 so that it lies 5' south of the existing gravity sewer running east/west through the site.
  - b. Prior to the issuance of a building permit, screen the recycling area from all rights-of-way.
  - c. Prior to the issuance of a building permit, submit a signage plan that provides consistent signage theme, sizing and materials.
3. Phase 2 Conditions:
  - a. Phase 2 shall obtain final site plan approval through a Site Plan amendment process to be approved administratively by staff or by the Planning & Zoning Board as applicable.
  - b. Phase 2 shall be restricted to 11 units total. Should additional units be sought through the city's Transfer of Development Rights program, the site plan shall be amended through a Major Site Plan amendment process.
  - c. Aside from waivers granted through the Planned Development, Phase 2 shall be designed in accordance and comply with Chapter 23 of the city's Land Development Regulations.

- d. Prior to the issuance of a building permit, submit a signage plan that provides consistent signage theme, sizing and materials.

**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, the following shall be completed:
  - 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.
  - b. the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary,
  - c. the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
4. Prior to the issuance of a certificate of occupancy, the following shall be completed:
  - a. all conditions of approval shall have been satisfied under jurisdiction of the Department of Public Works,
  - b. the applicant shall construct new Type F curb/Valley gutter and a new 5-foot wide sidewalk along the east side of North E Street from the south property line to the north property line in compliance with the Public Works Department's specifications and Policy and Procedure Manual,
  - c. the applicant shall construct a 1" mill and overlay for the entire lane on the east side of North E Street from Lake Ave to Lucerne Ave; current proposed design has a partial lane mill and overlay,
  - d. the Applicant shall 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,
  - e. the applicant shall fine grade and sod all disturbed areas with bahia sod,
  - f. the applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity,
  - g. the applicant shall restore the right of way 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. Provide the Utilities Department unimpeded access to utilities within the easement.
2. Prior to the issuance of a building permit, the following shall be completed:
  - a. adjust and expand the east/west utility easement such that there is an easement that exists 4 feet north of the existing watermain (and encompasses the electric) and continues to 5 feet south of the existing gravity sewer.
  - b. the MEP shall verify the 2-inch service size for 24 residential units, and 1-inch service size for 16 residential units, is adequate to meet the demand.

**Board Actions:**

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 20-01000001 with staff recommended **conditions** for a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive to construct a two-phase multi-family development with live-work units generally known as "Village Flats" located at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DENIAL OF PZB PROJECT NUMBER 20-01000001 for a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive to construct a two-phase multi-family development with live-work units generally known as “Village Flats” located at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

**Consequent Action:**

The Planning & Zoning Board will be making a recommendation to the City Commission on the Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive.

**ATTACHMENTS:**

- A. Site Plan Package
- B. Supplemental Supporting Documents
- C. Waiver Requests



# INHABIT

## PROPERTY GROUP

September 21, 2020

Mr. William Waters, AIA  
Director of Community Sustainability Department City of Lake Worth Beach  
1900 2<sup>nd</sup> Avenue North  
Lake Worth Beach, FL 33461

**RE: Village Flats, Lucerne & Lake Avenues, Lake Worth Beach, Florida –  
Waiver Request Justification Statement**

Dear Mr. Waters:

The following waiver requests are submitted on behalf of InHabit LWB, LLC in conjunction with the approval of the Major Site Plan, Mixed-Use Urban Planned Development District, and Sustainable Bonus Incentive Program for Village Flats.

- A. **Balconies** – Waiver request to permit the balconies to extend into the front setback by 3 feet within the proposed Mixed-Use Urban Planned Development.

The Lake Worth Beach Land Development Regulations do not include a provision that would allow certain appurtenances to encroach into the setback area, except as provided for in LDR Section 19-57 (Conditions of Sidewalk Café Permits) where overhanging encroachments are permitted over the sidewalk/café area. Architectural elements such as roof eaves, bracketed balconies and other overhangs are typically permitted to encroach into required setbacks. These features provide additional articulation and interest to the façade. In this particular application, the proposed balconies are functional and provide coverage / weather protection for the units below. The balconies also promote neighborhood safety in an urban setting by providing the ability to have additional eyes on the street. Further, site restrictions do not allow for balconies to be recessed within the setback.

- B. **Third and Fourth Floor Setbacks** – Within the Mixed-Use East zoning district, Bonus Height and Stories code section, for all stories above the second story, both the front façade and rear façade must be set back an additional distance beyond the minimum. Pursuant to LDR Section 23.3-13.d)3.D, buildings in

excess of thirty (30) feet in height shall provide an additional front and rear setback of between eight (8) and twelve (12) feet to the minimum required front and rear setbacks; and further, as noted in part E, buildings in excess of thirty (30) feet in height shall provide an additional setback of between eight (8) and twelve (12) feet for façades facing a major thoroughfare.

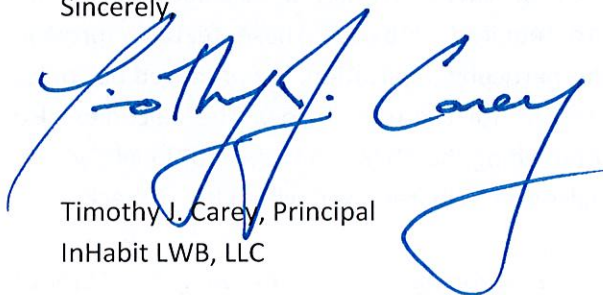
The mixed-use buildings are located along Major Thoroughfare A (Lake and Lucerne Avenues). The minimum building setback is 10'. Based upon the above, the 3rd and 4th floors of Building 1, Phase 1; the 3rd floor of Building 2, Phase 1; and, the 3rd floor of Building 3, Phase 2, must provide an additional minimum 8' setback.

Due to the site constraints of the scattered urban infill lots, the site design requires the construction of 4 separate buildings to provide a total of 31 residential dwelling units and 10 live-work units in the downtown core of Lake Worth Beach. These constraints have an impact on the design of the structures and the ability to provide a quality development that complies with all other development standards. In order to maintain the affordability of these affordable market-rate housing units and provide an economically viable project, a waiver to the requirement is necessary. Providing an additional setback would result in a reduction in the size and number of units. The units are mostly 1-bedroom units between 650 – 700 SF, and thus any additional setbacks would shrink the floorplans for these units while also increasing the cost of this affordable market-rate residential/live-work project.

The proposed development provides affordable market-rate dwelling units and space for local small businesses, and is consistent with the City's vision for a walkable, dense urban environment. The proposed elevations complement other buildings in the vicinity in terms of size, scale, mass, bulk, rhythm of openings, and character, such as the recently constructed Urban Arts Lofts and West Village Artist Lofts. The proposed development will be complimentary to and harmonious with existing desired massing characteristics or features, and is consistent with the Major Thoroughfare Design Guidelines.

Based upon the above, approval of the waivers is respectfully requested. Please let us know if you have any questions or require additional information. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Carey". The signature is fluid and cursive, with the first name being more prominent and the last name following in a similar style.

Timothy J. Carey, Principal  
InHabit LWB, LLC





**City Of Lake Worth**  
**Department for Community Sustainability**  
**Planning, Zoning and Historic Preservation Division**  
1900 Second Avenue North · Lake Worth · Florida 33461 · Phone: 561-586-1687

DATE: October 1, 2020

TO: Members of the Planning & Zoning

FROM: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

MEETING: October 7, 2020

SUBJECT: **PZB Project Number 20-01300002**: Request for a City initiated rezoning to rezone 118 North A Street, 116 North A Street, 127 North B Street, 121 North B Street, 119 North B Street, 113 North B Street, 1500 Lucerne Avenue, and 128 North C Street from either Single Family – Two Family Residential (SF-TF-14) or Multi-family Residential 20 (MF-20) to Mixed Use – East (MU-E) pursuant to Section 23.2-36 of the Land Development Regulations (LDRs). PCN#s 38434421150060010, 38434421150040010, 38434421150020090, 38434421150020080, 38434421150020062, 38434421150020050, 38434421150020030, and 38434421150020021.

---

**BACKGROUND/ PROPOSAL:**

The proposed City initiated rezoning would rezone the following properties from Single-family and two-family residential (SF-TF-14) or Multi-family residential (MF-20) to the Mixed Use – East (MU-E) zoning district: 118 North A Street, 116 North A Street, 127 North B Street, 121 North B Street, 119 North B Street, 113 North B Street, 1500 Lucerne Avenue, and 128 North C Street. The existing uses on the eight (8) subject properties are currently a mixture of single-family residences, multi-family residences, and places of worship. The properties are generally located in an area bounded by North A Street to the west, North D Street to the east, Lucerne Avenue to the south, and 2nd Avenue North to the north. The Planning and Zoning Board's decision will be in the form of a recommendation to the Lake Worth Beach City Commission, who will then make the final decision regarding the rezoning request.

**ANALYSIS:**

Based on the analysis below, the proposed rezoning is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

**Consistency with the Comprehensive Plan and Strategic Plan**

The subject properties currently have a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E land use category is intended to provide for a mixture of residential, office, service, and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The implementing zoning districts of the MU-E FLU are Mixed Use – Dixie Highway (MU-DH), Mixed Use Federal Highway (MU-FH), and MU-E. The properties' current zoning district of MF-20 and SF-TF-14 are not designated implementing zoning districts of the MU-E FLU in the City's Comprehensive Plan and Land Development Regulations (LDRs). Approval of the rezoning request would bring the properties' zoning into compliance with the MU-E FLU and provide additional opportunities for future redevelopment if desired by the property owners.

Additionally, Objective 1.2.1 states that the City shall promote the location of high-quality retail, office and mixed-use projects in the Downtown Mixed Use (DMU) and MU-E designations as the prime retail and commercial areas of the City. The current properties' zoning districts have a primary permissible use of residential, but also allow for a very limited number of commercial, office, and personal service uses. Approval of the rezoning request would allow for a more substantial variety of commercial, office, and service uses, as outlined in the City's Use Table (LDR Section 23.3-6). Therefore, if successfully rezoned to MU-E, the properties will have the potential to establish uses that are consistent with the Comprehensive Plan's vision for the MU-E FLU area.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A, Pillar IV.B, Pillar IV.C, Pillar IV.D, and Pillar IV.E encourages the City to achieve economic sustainability, attract investment, influence the supply and expansion of jobs, and ensure facility placement that embraces the future. Approval of the rezoning will result in more diverse development opportunities and create more jobs by allowing a wide range of commercial, office, and service uses that activate the downtown corridor. Therefore, the rezoning is consistent with Pillar IV.A, Pillar IV.B, Pillar IV.C, Pillar IV.D, and Pillar IV.E.

***Consistency with the City's Land Development Regulations***

Rezoning of the subject sites will allow for higher development potential of these properties. The table below outlines the development standards of the existing SF-TF-14 and MF-20 zoning districts, and the development standards of the proposed MU-E zoning district:

Development Standard		Existing Zoning: SF-TF-14 Development Standards	Existing Zoning: MF-20 Development Standards	Proposed Zoning: MU-E Development Standards
Lot Size (min) In square feet (sf)		5,000 sf	5,000 sf	6,500 sf
Lot Width (min)		50'	50'	Lake and Lucerne: 25' 1st Ave South and 2 <sup>nd</sup> Ave N: 50'
Density (max)			20 du/acre	30 du/acre
Height (min)		30'	30' (plus 5' with SBIP)	30' (plus 5' with SBIP)
Setbacks	Front (min)	20'	20'	Lake and Lucerne: 10' 1st Ave South and 2 <sup>nd</sup> Ave N: 10' to 22'
	Rear (min)	Lesser of 15' or 10% of lot depth	Lesser of 15' or 10% of lot depth	Lesser of 15' or 10% of lot depth when next to a residential zoning district; 10' in general
	Street Side (min)	10% of lot width	10% of lot width	10'
	Interior Side (min)	10% of lot width	10% of lot width	0'
Living Area (min)		800 sf	800 sf for SFR; 400 for efficiency; 600 sf for one-bed, 750 sf for two-bed, 900 sf for three-bed, 1,350 sf for four-bed	800 sf for SFR; 400 for efficiency; 600 sf for one-bed, 750 sf for two-bed, 900 sf for three-bed, 1,350 sf for four-bed

Development Standard		Existing Zoning: SF-TF-14 Development Standards	Existing Zoning: MF-20 Development Standards	Proposed Zoning: MU-E Development Standards
Impermeable Surface Total (max)	Large Lot	50%	55%	65%
	Med Lot	55%	60%	70%
	Small Lot	60%	65%	75%
Structure Coverage (max)	Large Lot	30%	35%	45%
	Med Lot	35%	40%	50%
	Small Lot	40%	45%	55%
FAR (max)	Large Lot	0.45	0.5 (plus 0.5 with SBIP)	0.9 (plus 0.5 with SBIP)
	Med Lot	0.5	0.55 (plus 0.5 with SBIP)	0.95 (plus 0.5 with SBIP)
	Small Lot	0.55	0.6 (plus 0.5 with SBIP)	1.0 (plus 0.5 with SBIP)

Should a non-conformity in use or structure be created as a result of the rezoning, the City’s nonconformities code shall apply (LDR Section 23.5-3). The intent of Section 23.5-3 is to permit the continuation of buildings and structures, lots of record, uses of buildings and structures, and uses of land that were lawfully permitted when established or commenced, but which do not conform in whole or in part to the current LDRs. Limitations in this section include the provision that should a building be allowed to deteriorate or be destroyed beyond 50% of the assessed value, the structure must be brought into conformity with the current LDRs. However, an exemption to the conformity requirement is provided for structures destroyed by a tropical cyclone or other natural disaster, which could be reconstructed in conformance with the provisions of this section.

The LDRs also require all rezoning requests without a concurrent Future Land Use Map (FLUM) Amendment be analyzed for consistency with the review criteria in Section 23.2-36(3). Staff’s full analysis of the review criteria is located in Attachment C. The analysis demonstrates that the proposed rezoning complies with the review criteria and that the required findings can be made in support of the rezoning.

**STAFF RECOMMENDATION:**

Staff has determined that the proposed rezoning meets the criteria of the Comprehensive Plan, LDRs, and the review criteria for rezoning as outlined in LDR Section 23.2-36. Therefore, staff is recommending approval to the City Commission to rezone the property at 118 North A Street, 116 North A Street, 127 North B Street, 121 North B Street, 119 North B Street, 113 North B Street, 1500 Lucerne Avenue, and 128 North C Street to MU-E.

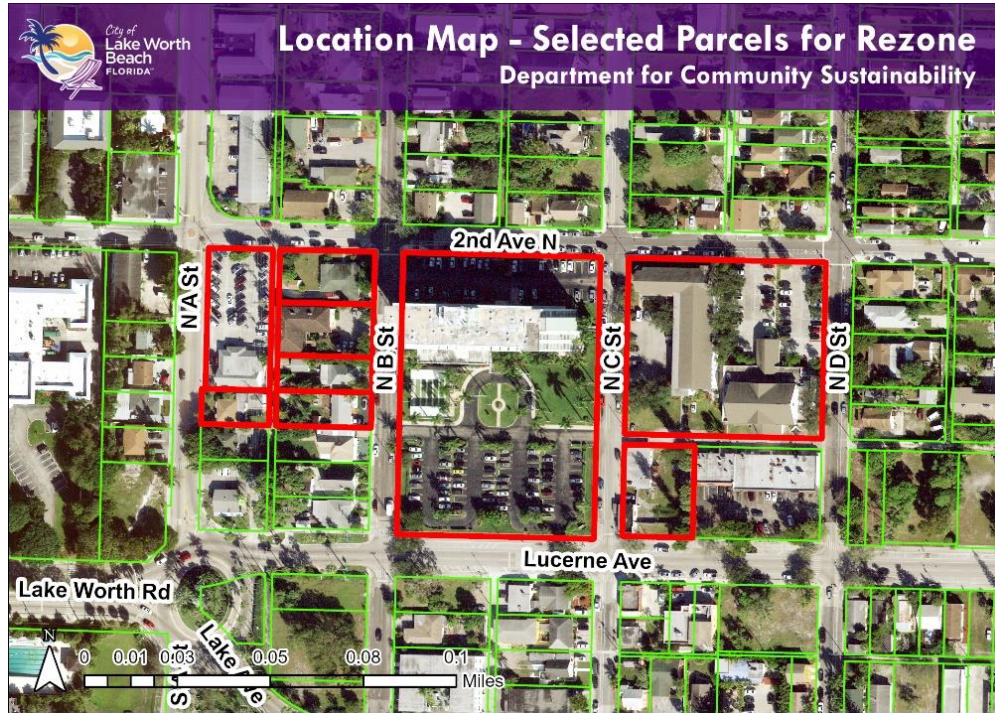
**POTENTIAL MOTION:**

I move to **RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION TO ADOPT** the proposed City initiated rezoning in PZB / HRPB Project Number PZB Project Number 20-01300002.

Attachments

- A. Map & Site Description
- B. Site History
- C. Section 23.2-36(3) Rezoning Review Criteria

**ATTACHMENT A: MAP & PROPERTY DESCRIPTION**



<b>General Location</b>	Bounded by North A Street to the west, North D Street to the East, Lucerne Avenue to the south, and 2 <sup>nd</sup> Avenue North to the north
<b>Properties</b>	<ul style="list-style-type: none"> <li>• 118 North A Street – Bryant Park Congregation of Jehovah’s Witnesses Inc.</li> <li>• 116 North A Street – Glenn R Yerger</li> <li>• 127 North B Street – Michael Harrylal and Maria Thirbenny</li> <li>• 121 North B Street – Fraeye Investments LLC.</li> <li>• 119 North B Street – Erik Helsher</li> <li>• 113 North B Street – Milton Jackson</li> <li>• 1500 Lucerne Avenue – Lake Worth Towers Inc.</li> <li>• 128 North C Street – Lake Worth First Church of Nazarene Inc.</li> </ul>
<b>Existing PCN Numbers</b>	38434421150060010, 38434421150040010, 38434421150020090, 38434421150020080, 38434421150020062, 38434421150020050, 38434421150020030, and 38434421150020021
<b>Existing Land Use</b>	A mixture of single-family residences, multi-family residences, and places of worship
<b>Zoning</b>	Single Family – Two Family Residential (SF-TF-14) or Multi-family Residential 20 (MF-20)
<b>Future Land Use Designation</b>	Mixed Use – East (MU-E)

## ATTACHMENT B: SITE HISTORY

The subject sites are comprised of a mixture of single-family residences, multi-family residences, and places of worship. Below is a summarized history of each property based on Palm Beach Property Appraiser's records and City records:

- 118 North A Street
  - 1950 – The +/- 2,920 square foot place of worship was constructed at 118 North A Street.
  - September 28, 2020 – There are no active business licenses at this site.
  - September 28, 2020 – There are no active code cases at this site.
- 116 North A Street
  - 1949 – The +/- 1,251 single-family residence was constructed at 116 North A Street.
  - September 28, 2020 – There are no active business licenses at this site.
  - September 28, 2020 – There are no active code cases at this site.
- 127 North B Street
  - 1955 – The +/- 2,042 square foot multi-family residence was constructed at 127 North B Street.
  - September 28, 2020 – Michael Harrylal has an active business license for the rental of a single-family.
  - September 28, 2020 – Code Compliance records show that this property is due for a Use and Occupancy Inspection.
- 121 North B Street
  - 1979 – The +/- 6,936 square foot multi-family residence was constructed at 121 North B Street.
  - January 15, 2009 – September 20, 2012 – Benjamin Francois held a business license at 121 North B Street for the rental of six units.
  - April 17, 2014 – September 30, 2021 – Fraeye Investments LLC holds an active business license at 121 North B Street for the rental of six units.
  - September 28, 2020 – Code Compliance records show that this property is due for a Use and Occupancy Inspection.
- 119 North B Street
  - 1928 – The +/- 1,360 square foot single-family residence was constructed at 119 North B Street.
  - June 12, 2012 – September 30, 2012 – Erik Helsher, Inc. held a business license at 119 North B Street for a home occupation.
  - September 28, 2020 – There are no active business licenses at this site.
  - September 28, 2020 – There are no active code cases at this site.
- 113 North B Street
  - 1952 – The +/- 1,085 square foot single-family residence was constructed at 113 North B Street.
  - September 28, 2020 – There are no active business licenses at this site.
  - September 28, 2020 – There are no active code cases at this site.
- 1500 Lucerne Avenue
  - 1967 – The +/- 153,106 square foot multi-family tower was constructed at 1500 Lucerne Avenue, known as the Lake Worth Towers.
  - December 9, 1999 – September 30, 2021 – Towers Hari Design holds an active business license at 1500 Lucerne Avenue for a hair salon.
  - July 2, 2012 – September 30, 2020 – Clary's Corner Café held a business license at 1500 Lucerne Avenue for a 49-seat restaurant.
  - July 17, 2014 – September 30, 2021 – Lake Worth Towers, Inc. holds an active business license at 1500 Lucerne Avenue for a commercial rental and for a Group Home Type III.
  - September, 8, 2020 – September 30, 2021 – GTP Structures II, LLC holds an active business license at 1500 Lucerne Avenue for a telecommunication operator.
  - September 28, 2020 – Code Compliance records show that this property is due for Use and Occupancy Inspections.

- 128 North C Street
  - 1949 – The +/- 4,918 square foot place of worship was constructed at 128 North C Street.
  - 1950 – A +/- 1,708 square foot residence was constructed in connection with the existing place of worship.
  - 1962 – A +/- 9,750 square foot building was constructed in connection with the existing place of worship.
  - 1955 – An +/- 800 square foot office building was constructed in connection with the existing place of worship.
  - June 27, 2014 – September 30, 2021 – Lake Worth First Church of the Nazarene holds an active business license at 128 North C Street for a religious organization.
  - September 2, 2020 – A zoning letter was issued allowing 128 North C Street to be split into two separate parcels.
  - September 28, 2020 – Code Compliance records show that this property is due for Use and Occupancy Inspections.

## ATTACHMENT C: CONSISTENCY WITH SECTION 23.2-36(3)

### **Consistency with Section 23.2-36(3): Review Criteria for the Rezoning of Land**

The land development regulations require all rezoning requests without a concurrent Future Land Use Map (FLUM) Amendment be analyzed for consistency with Section 23.2-36(3). Staff has reviewed the rezoning against this section and has determined that the rezoning complies with the following review criteria:

a. **Consistency:** Whether the proposed rezoning amendment would be consistent with the purpose and intent of the applicable comprehensive plan policies, redevelopment plans, and land development regulations. Approvals of a request to rezone to a planned zoning district may include limitations or requirements imposed on the master plan in order to maintain such consistency

**Staff Analysis:** The rezoning request furthers the implementation of the City's Comprehensive Plan with the proposed adoption of a zoning district that is consistent with the Mixed Use – East future land use (FLU) designation on the subject sites. The current zoning districts are not implementing zoning districts of the Mixed Use – East FLU. **Meets Criterion.**

b. **Land use pattern:** Whether the proposed rezoning amendment would be contrary to the established land use pattern, or would create an isolated zoning district unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude rezoning that would result in more desirable and sustainable growth for the community.

**Staff Analysis:** The rezoning request will not be contrary or incompatible to the established land pattern, nor will it create an isolated zoning district unrelated to the adjacent and nearby classifications or constitute a grant of special privilege to the petitioner as contrasted with the protection of the public welfare. The proposed zoning of MU-E allows for a wide array of commercial, office, and service uses that are consistent with the City's vision for the MU-E FLU area. Further, the rezoning offers the current property owners with more flexibility for redevelopment and higher market potential. **Meets Criterion.**

c. **Sustainability:** Whether the proposed rezoning would support the integration of a mix of land uses consistent with smart growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.

**Staff Analysis:** The rezoning request supports the integration of a mix of land uses consistent with smart growth and sustainability initiatives. In particular, approval of the rezoning request could lead to compatible land uses that could strengthen and direct development to the existing area. This is a smart growth principle that will allow the City to benefit from a stronger tax base, will increase efficiency of already-developed land, and will add to the redevelopment potential in the area. The uses immediately surrounding the properties are primarily single-family residential, multi-family residential, and commercial. Approval of the rezoning will allow for land uses that are complementary to the commercial core area as well as the existing residential uses surrounding the properties. **Meets Criterion.**

d. **Availability of public services/infrastructure:** Requests for rezoning to planned zoning districts shall be subject to review pursuant to [section 23.5-2](#).

**Staff Analysis:** This criterion is only applicable to requests to rezone land to a planned zoning district. As this request seeks approval to rezone the subject properties to the conventional MU-E zoning district, this criterion

does not apply. That being said, all future requests for development will be reviewed to ensure the provision of adequate public services and infrastructure necessary to support the subject properties. Further, the availability of public services and infrastructure for the adopted future land use map was reviewed previously with the adoption of the Comprehensive Plan 2016 EAR based amendments and the subsequent 2018 amendments. **Criterion not applicable.**

e. *Compatibility*: The application shall consider the following compatibility factors:

1. Whether the proposed rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties.
2. Whether the proposed rezoning is of a scale which is reasonably related to the needs of the neighborhood and the city as a whole.

**Staff Analysis:** The existing zoning districts of the subject properties are not consistent with the adopted future land use. Rezoning of the subject sites will increase compatibility with the adoption of a zoning district that is intended to implement the vision of the Mixed Use – East FLU designation. **Meets Criterion.**

f. *Direct community sustainability and economic development benefits*: For rezoning involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:

1. Further implementation of the city's economic development (CED) program;
2. Contribute to the enhancement and diversification of the city's tax base;
3. Respond to the current market demand or community needs or provide services or retail choices not locally available;
4. Create new employment opportunities for the residents, with pay at or above the county average hourly wage;
5. Represent innovative methods/technologies, especially those promoting sustainability;
6. Support more efficient and sustainable use of land resources in furtherance of overall community health, safety and general welfare;
7. Be complementary to existing uses, thus fostering synergy effects; and
8. Alleviate blight/economic obsolescence of the subject area.

**Staff Analysis:** The rezoning request does not have a concurrent site plan application in review at this time. As such, this criterion is not applicable. Any future requests for development on this property will be processed and subject to review in accordance with the applicable Land Development Regulations. **Criterion not applicable.**

g. *Economic development impact determination for conventional zoning districts*: For rezoning involving rezoning to a conventional zoning district, the review shall consider whether the proposal would further the economic development program, and also determine whether the proposal would:

1. Represent a potential decrease in the possible intensity of development, given the uses permitted in the proposed land use category and/or zoning district; and
2. Represent a potential decrease in the number of uses with high probable economic development benefits.



**Staff Analysis:** The proposed application would increase the development potential of the subject sites in density, intensity and number of uses. **Meets Criterion.**

h. *Master plan and site plan compliance with land development regulations:* When master plan and site plan review are required pursuant to section 2.D.1.e. above, both shall comply with the requirements of the respective zoning district regulations of article III and the site development standards of [section 23.2-32](#).

**Staff Analysis:** The rezoning request does not have a concurrent site plan application in review at this time. As such, this criterion is not applicable. Any future requests for development on this property will be processed and subject to review in accordance with the applicable Land Development Regulations. **Criterion not applicable.**

The analysis has shown that the required findings can be made in support of the rezoning. Therefore, the proposed rezoning is consistent with the review criteria for rezoning as outlined in LDR Section 23.2-36.



**City Of Lake Worth**  
**Department for Community Sustainability**  
**Planning, Zoning and Historic Preservation Division**  
1900 Second Avenue North · Lake Worth · Florida 33461 · Phone: 561-586-1687

DATE: October 1, 2020

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: October 7, 2020

SUBJECT: **PZHP 20-03100007**: Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to commercial vehicle parking, open air operations, temporary banner signage for new construction, landscaping requirements and artificial turf (Ordinance 20-15).

---

**BACKGROUND/ PROPOSAL:**

On March 5, 2020, the City Commission held a workshop on the prioritization of amendments to the City’s Land Development Regulations (LDR) that were previously identified by staff and the Commission. The subject LDR amendments address a second series of prioritized items identified at the March meeting. These include changes related to open air operations, signage and parking. Per commissioner request, requirements related to artificial turf were drafted for discussion and review. The proposed amendments to the Land Development Regulations have been reviewed by staff for consistency with the City’s Comprehensive Plan. A summary of each component in the draft ordinance is also provided.

The proposed LDR amendments for Chapter 23 will modify the following sections of the City’s Code of Ordinances:

- Article 1- Section 23.1-12 – Definitions
- Article 4- Section 23.4-15 - Cemeteries/mausoleums/columbariums
- Article 4 - Section 23.4-19 - Outdoor storage and open-air operations
- Article 4 - Section 23.4-22 - Parking, storing or keeping of commercial vehicles in non-residential districts
- Article 5 - Section 23.5-1 - Signs
- Article 6 - Section 23.6-1 – Landscape Regulations
- Article 6 - Section 23.6-1 – Landscape Regulations (Artificial Turf)

There also are a few changes to Chapter 2 of the Code of Ordinances related to development fees.

**Definitions:** The proposed amendments provide clarity and with regards to the regulation of commercial vehicles on non-residential properties.

**Cemeteries/mausoleums/columbariums:** The proposed amendments provide additional use and site development requirements for cemeteries, mausoleums, and columbariums

**Open Air Operation:** The proposed amendments will amend the outdoor storage section to specifically address open air operation, including outdoor display.

**Temporary Signage:** The proposed amendments provide additional banner style signage related to the opening of a newly constructed building or substantially renovate building.

**Landscape Regulations:** The proposed amendments provide clarity for when permits are requirements and related to installation requirements for ground cover and inorganic mulch.

**Landscape Regulations (Artificial Turf):** The proposed amendments would allow for artificial turf within the City subject to the requirements related to location, quality and installation.

#### **STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2020-XX: PZB / HRPB Project Number 20-03100007.

#### **POTENTIAL MOTION:**

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB / HRPB Project Number 20-03100007. (Ordinance 2020-15).

#### **Attachments**

- A. Draft Ordinance 2020-15

1  
2  
3 **ORDINANCE 2020-15 - AN ORDINANCE OF THE CITY OF LAKE**  
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**  
5 **DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1**  
6 **“GENERAL PROVISIONS,” DIVISION 2, “DEFINITIONS,” SECTION**  
7 **23.1-12 - DEFINITIONS; ARTICLE 4, “DEVELOPMENT STANDARDS” -**  
8 **SECTION 23.4-15 - CEMETERIES/MAUSOLEUMS/COLUMBARIUMS.;**  
9 **ARTICLE 4, “DEVELOPMENT STANDARDS” SECTION 23.4-19 -**  
10 **OUTDOOR STORAGE; ARTICLE 4, “DEVELOPMENT STANDARDS”**  
11 **NEW SECTION 23.4-22 - PARKING, STORING OR KEEPING OF**  
12 **COMMERCIAL VEHICLES IN NON-RESIDENTIAL DISTRICTS;**  
13 **ARTICLE 4 “DEVELOPMENT STANDARDS” SECTION 23.5-1(12)**  
14 **TEMPORARY SIGNS; ARTICLE 6 “ENVIRONMENTAL**  
15 **REGULATIONS”, SECTION 23.6-1 LANDSCAPE REGULATIONS;**  
16 **ARTICLE 6 “ENVIRONMENTAL REGULATIONS”, NEW SECTION 23.6-**  
17 **1(K)(15) ARTIFICIAL TURF OF THE CITY’S CODE OF ORDINANCES;**  
18 **AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN**  
19 **CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.**  
20  
21

22 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State  
23 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the  
24 “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary  
25 powers necessary to conduct municipal government, perform municipal functions, and  
26 render municipal services, and may exercise any power for municipal purposes, except  
27 as expressly prohibited by law; and  
28

29 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing  
30 body of each municipality in the state has the power to enact legislation concerning any  
31 subject matter upon which the state legislature may act, except when expressly prohibited  
32 by law; and  
33

34 **WHEREAS**, the City wishes to amend Chapter 23, Division 2 “Definitions,” Section  
35 23.1-12, by adding definitions to provide clarity for commercial vehicle parking and  
36 storage; and  
37

38 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
39 Standards,” Section 23.4-15 – Cemeteries / mausoleums / columbariums to update and  
40 augment use standards; and  
41

42 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
43 Standards,” Sec. 23.4-19 - Outdoor storage, to provide clarity on permitted outdoor  
44 displays; and  
45

46 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
47 Standards,” to add a new section, Section 23.4-22. - Parking, storing or keeping of  
48 commercial vehicles in non-residential districts, to provide clarity for commercial vehicle  
49 parking and storage; and

50           **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplemental  
51 Regulations,” Section 23.5-1 – Signs, to allow for additional signage for newly constructed  
52 and substantially renovated buildings; and

53  
54           **WHEREAS**, the City wishes to amend Chapter 23, Article 6 “Environmental  
55 Regulations,” Sec. 23.6-1 - Landscape regulations, to clarify requirements; and

56  
57           **WHEREAS**, the City wishes to amend Chapter 23, Article 6 “Environmental  
58 Regulations,” Sec. 23.6-1. - Landscape regulations, to allow for artificial turf with  
59 requirements related to location, quality and installation; and

60  
61           **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning  
62 agency, considered the proposed amendments at a duly advertised public hearing; and

63  
64           **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local  
65 planning agency, considered the proposed amendments at a duly advertised public  
66 hearing; and

67  
68           **WHEREAS**, the City Commission has reviewed the proposed amendments and  
69 has determined that it is in the best interest of the public health, safety, and general  
70 welfare of the City to adopt this ordinance.

71  
72           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
73 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

74  
75           **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as  
76 being true and correct and are made a specific part of this Ordinance as if set forth herein.

77  
78           **Section 2:** Chapter 23 “Administration,” Division 2 “Definitions,” Section 23.1 -  
79 12, related to commercial vehicle parking and storage of the City’s Code of Ordinances,  
80 is hereby amended by adding the words shown in underlined type and deleting the words  
81 ~~struck through~~ as indicated in **Exhibit A**.

82  
83           **Section 3:** Chapter 23 Land Development Regulations,” Article 4 “Development  
84 Standards,” Section 23.4-15, related to use standards for cemeteries, mausoleums, and  
85 columbariums is hereby amended by adding the words shown in underlined type and  
86 deleting the words ~~struck through~~ as indicated in **Exhibit B**.

87  
88           **Section 4:** Chapter 23 Land Development Regulations,” Article 4 “Development  
89 Standards,” Section 23.4-19, related to outdoor storage and open air display is hereby  
90 amended by adding the words shown in underlined type and deleting the words ~~struck~~  
91 ~~through~~ as indicated in **Exhibit C**.

92  
93           **Section 5:** Chapter 23 Land Development Regulations,” Article 4 “Development  
94 Standards,” New Section 23.4-22 related to commercial vehicle parking and storage is  
95 hereby amended by adding the words shown in underlined type and deleting the words  
96 ~~struck through~~ as indicated in **Exhibit D**.

98        **Section 6:** Chapter 23 “Land Development Regulations,” Article 5  
99 “Supplemental Regulations,” Section 23.5-1, related to temporary signage are hereby  
100 amended by adding the words shown in underlined type and deleting the words ~~struck~~  
101 ~~through~~ as indicated in **Exhibit E**.

102  
103        **Section 7:** Chapter 23 “Land Development Regulations,” Article 6  
104 “Environmental Regulations,” Sec. 23.6-1, related to landscape requirements are hereby  
105 amended by adding the words shown in underlined type and deleting the words ~~struck~~  
106 ~~through~~ as indicated in **Exhibit F**.

107  
108        **Section 8:** Chapter 23 “Land Development Regulations,” Article 6  
109 “Environmental Regulations,” Sec. 23.6-1, related to artificial turf landscape requirements  
110 are hereby amended by adding the words shown in underlined type and deleting the  
111 ~~words struck~~ through as indicated in **Exhibit G**.

112  
113        **Section 9:** Severability. If any section, subsection, sentence, clause, phrase or  
114 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of  
115 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
116 independent provision, and such holding shall not affect the validity of the remaining  
117 portions thereof.

118  
119        **Section 10:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in  
120 conflict herewith are hereby repealed to the extent of such conflict.

121  
122        **Section 11:** Codification. The sections of the ordinance may be made a part of  
123 the City Code of Laws and ordinances and may be re-numbered or re-lettered to  
124 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or  
125 any other appropriate word.

126  
127        **Section 12:** Effective Date. This ordinance shall become effective 10 days after  
128 passage.

129

130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170

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

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Pam Triolo, Mayor

ATTEST:  
  
\_\_\_\_\_  
Deborah Andrea, CMC, City Clerk

EXHIBIT A

Chapter 23

CODE OF ORDINANCES ARTICLE 1 "GENERAL PROVISIONS"

DIVISION 2. – DEFINITIONS

\*\*\*

Sec. 23.1 -12. Definitions.

\*\*\*

Commercial Business or Service Vehicles: Vehicles no larger than a Class 3 vehicle as defined by the Federal Highway Administration with a curb weight of less than 8,000 lbs that a reasonable person would associate with commercial activity, or includes the display of a business name, logo, address, telephone number, or business license number. Commercial business or service vehicles includes but is not limited to: small delivery vans, fleet vehicle parking, and light duty pick-up trucks or vehicles that meet the size and weight requirements without openly visible and unconcealed equipment.

\*\*\*

Commercial vehicle: Any "truck," "truck tractor," "pole trailer," "semi-trailer," "truck trailer" and "passenger bus" as defined in the appropriate, duly enacted statutes of the State of Florida providing the regulation, registration, licensing and recording of ownership of motor vehicles in the State of Florida. A vehicle that is defined herein as either a Commercial Business or Service Vehicle, or a Medium and Heavy Duty Commercial Vehicle or Construction Vehicle.

\*\*\*

Medium and Heavy Duty Commercial Vehicles or Construction Vehicles: Vehicles that include any construction vehicle or equipment, other motor vehicles classified by the Federal Highway Administration as a Class 3 or greater with a curb weight more than 8,000 lbs, towed trailers regardless of size and weight, vehicles with an openly visible or an unconcealed load of equipment, cargo, tools, construction materials, mounted accessories that a reasonable person would associate with commercial activity. Such may vehicles may include the display of a business name, logo, address, telephone number, or business license number. Medium and Heavy Duty Vehicles or Construction Vehicles includes but is not limited to: commercial trailers (e.g. landscape trailers), tow trucks, service trucks, rental trucks, tracker trailers and construction vehicles or equipment, such as a bulldozer, backhoe, and vehicles with blades attached for plowing or grading.

\*\*\*



215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242

**EXHIBIT B**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

\*\*\*

**Section 23.4-15. - Cemeteries/mausoleums/columbariums.**

- A. Cemeteries/mausoleums/columbariums shall comply with the following:
- (1) These uses shall comply with the underlying restrictions of the zoning district in which they are located. No variances with regard to height, setback, lot coverage or FAR shall be granted.
  - (2) The minimum parcel size shall be 2.5 acres.
  - (3) When located adjacent to residential single-family uses, a minimum twenty (20) feet of landscaped buffer shall be provided, which shall include native shade trees at a minimum of twenty-five feet (25') on center.
  - (4) Access to site shall be directly from a primary street.
  - (5) Facilities shall not be located within a radius of one thousand (1,000) feet of existing assisted living center/facility/nursing home or retirement home.
  - (6) Facilities shall be provided with a perimeter fence or wall six (6) feet in height. Fences and walls abutting a right-of-way shall be setback a minimum of thirty (30) inches to provide a landscape area along the right-of-way.
  - (7) Facilities shall have visitation hours of 8 am to sunset.
  - (8) Facilities shall provide guest parking of at least twenty-five (25) spaces.

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Sec. 23.4-19. - Outdoor storage- and open-air operations.

A. Outdoor storage.

\*\*\*

B. Open air operations.

- a) The following shall be allowed to be displayed only in front of the business to which the items belong:
  - 1. Up to three (3) items, which must be new or in excellent condition.
  - 2. Flowers or foliage maintained per City Code.
  - 3. Used and new clothing stores may display one (1) freestanding vertical clothing pole with a maximum of three (3) items of clothing.
  - 4. One (1) Propone tank display case if less than ten percent (10%) of the bay or building width that the associated business occupies and if completely screened from abutting properties and rights-of-way.
  - 4. No item can obstruct entry or exit from any store or property or in any other way be hazardous to pedestrians or motorists. All items must be placed entirely on private property and may not be located in required parking areas or landscaped areas.
  - 5. No item may impede pedestrian access to the public sidewalk and/or restrict ADA accessibility.
  - 6. One (1) sandwich board meeting the requirements of the City's sign code may be displayed in front of businesses facing a City major thoroughfare and cannot impede pedestrian access or ADA accessibility.
- b) The following shall be allowed by first obtaining an administrative use permit on behalf of each individual business for a sales event no more than four (4) times a year for a duration of no more than three (3) days:
  - 1. Art or craft demonstrations.
  - 2. Outdoor sales of items.
  - 3. Guest art or craft or artist related items.
- c) The following items shall not be displayed outside of any store or business at any time:
  - 1. Upholstered furniture or bedding.
  - 2. Electrical appliances.
  - 3. Horizontal racks of clothing.
  - 4. Vehicles (except in authorized and licensed lots) or parts thereof.
  - 5. Any items which are in disrepair, rusty, mold or mildew damaged, soiled or sandy, any item having chipped or peeling paint, any item having protruding bolts or nails.
- d) The appropriate regulatory advisory board shall review and make recommendations to the appropriateness of granting a variance from the open-air operations rules.

\*\*\*

EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

\*\*\*

**[NEW SECTION]**

**Section 23.4-22. - Parking, storing or keeping of commercial vehicles in non-residential districts**

a) Medium or Heavy Duty Commercial Vehicles or Construction Vehicles.

1) Exclusions

A. This section shall not apply to any vehicle in this category that is parked or stopped upon a public right-of-way as a result of an emergency due to a malfunction of the vehicle beyond the control of its owner; in the case of such emergency, the owner will be permitted to make necessary repairs or arrange for its removal, but such incapacitated vehicle shall not be permitted upon such public right-of-way for more than twenty-four (24) hours.

B. This section shall not apply to the temporary parking of any vehicle in this category or construction equipment on any privately-owned real property within a residential district where construction for which a current and valid permit has been issued by the city is underway on the property. Nothing in this subsection is intended to require a permit where none is otherwise required.

C. This section shall not apply to deliveries by tradesmen, or the use of vehicles in this category in making service calls.

2) General conditions.

A. Outdoor parking, storage or keeping of commercial vehicles in this category shall be permitted only in the I-POC industrial district on impervious approved surfaces. The outdoor parking, storage or keeping of these vehicles shall be considered an outdoor storage use and the requirements in Section 23.4-19- Outdoor Storage shall apply.

B. No major vehicle repair work may be conducted on the premises unless the owner of the business maintains an active business license for automotive service and repair.

D. Restriction on size. There shall be no restriction on size other than the requirement that the vehicle shall not extend onto or over public property or abutting private properties.

F. Screening requirements. All commercial vehicles in this category shall be effectively screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use.

b) Commercial Business or Service Vehicles.

1) Exclusions

A. This section shall not apply to any vehicle in this category that is parked or stopped upon a public right-of-way as a result of an emergency due to a malfunction of the vehicle beyond the control of its owner; in the case of such emergency, the owner will be permitted to make necessary repairs or arrange for its removal, but such incapacitated vehicle shall not be permitted upon such public right-of-way for more than twenty-four (24) hours.

344 B. This section shall not apply to the temporary parking of any commercial vehicle in this  
345 category on any privately-owned real property within a residential district where  
346 construction for which a current and valid permit has been issued by the city is  
347 underway on the property. Nothing in this subsection is intended to require a permit  
348 where none is otherwise required.

349 C. This section shall not apply to deliveries by tradesmen, or the use of vehicles in this  
350 category in making service calls.

351

352 2) General Conditions

353 A. Commercial business or service vehicles, excluding all towed trailers regardless of  
354 size and weight, may be parked in mixed-use districts in designated parking spaces  
355 on the same property as an associated business with an active business license.  
356 Site plan approval is required. Commercial business or service vehicle parking shall  
357 be depicted on the site plan and shall not exceed twenty-five percent (25%) of  
358 required parking. Garage parking of these vehicles is permitted on the first two floors  
359 of a parking garage.

360 B. The Development Review Official or applicable board shall be authorized to allow  
361 for businesses to exceed the maximum commercial vehicle parking limitation of  
362 twenty-five percent (25%) through the site plan approval process on existing non-  
363 conforming properties, provided that the applicant can demonstrate off-street  
364 parking in front of the business accommodates customer and employee parking and  
365 provides a parking plan that designates commercial business or service vehicle  
366 parking and employee parking.

367 C. No major vehicle repair work may be conducted on the premises unless the owner  
368 of the business maintains an active business license for automotive service and  
369 repair.

370 F. Screening requirements. All commercial vehicles in this category shall be effectively  
371 screened from all public rights-of-way and any adjacent property that is zoned  
372 residential or mixed use whenever feasible.

373

374

375

376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405

**EXHIBIT E**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 “SUPPLEMENTAL REGULATIONS”

**Sec. 23.5-1. - Signs.**

\*\*\*

*12. Temporary signs.*

\*\*\*

C. Non-residential zoning districts and mixed use zoning districts.

\*\*\*

(vi) Banners shall be permitted as follows:

- i. No more than two (2) banners are permitted on a property at any one time and may not remain for more than fifteen (15) days.
- ii. Banners shall be securely fastened.
- iii. Banners shall not be attached to utility poles or landscaping.
- iv. Banners may not be displayed more than two times per year.
- v. Banners related to the leasing and sale of units or bays in newly constructed buildings or in fully renovated buildings including improvements to one hundred percent (100%) of structure/s interior areas shall not exceed three percent (3%) of the building façade facing a right-of-way in total or 36 sf, whatever is greater, and shall be limited to two (2) banners per street frontage. These banners shall require a temporary sign permit that shall expire within six (6) months unless an extension of up to an additional six (6) months is granted by the development review official.

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 6 "ENVIRONMENTAL REGULATIONS"

Sec. 23.6-1. - Landscape regulations.

\*\*\*

(g) Permit required.

(1) A landscape permit, including a landscape plan, shall be required for the following:

a. All new construction projects or the expansion or renovation of any existing development when the expansion or renovation of the existing development is equal to fifty (50) percent of the assessed value of the improvements according to the property appraiser, or

b. When the total square footage of a structure is expanded by fifty (50) percent or greater. In such cases the entire site shall be upgraded to present landscape standards.

c. For improvements associated with a minor site plan amendment, major site plan amendment, conditional use permit, planned unit development amendment, administrative use permit or for the conversion of residential use to commercial use.

\*\*\*

(k) Landscape design standards. The following are the minimum standards for the design and installation of all landscaping within the City of Lake Worth Beach:

\*\*\*

(10) Ground covers. Living ground covers and native grasses used in lieu of turf or sod, in whole or part, shall be planted at such spacing to present a finished appearance and reasonably complete coverage within six (6) months: based on the expected mature spread. Ground covers that have an expected mature spread of 24 inches or less must be planted 12 inches apart. If the expected mature spread is greater than 24 inches the groundcovers must be planted 18 inches apart. Groundcovers shall not be planted in straight rows; the planting must be staggered to ensure even coverage. All ground cover areas must be kept free from weeds.

\*\*\*

(13) Inorganic Mulches. Inorganic mulches such as Gravel, river rock, shell, Chattahoochee pebbles or similar material shall be treated as a semi-pervious surface. The quantity of inorganic mulch to be incorporated into a project shall be limited by the maximum percentage of impervious surface for the subject property within the applicable zoning district. Rubber products such as crumb

452 rubber or chipped tires are prohibited except for stabilized applications installed  
453 to achieve or maintain ADA compliance.

454 (13) (14) Vegetable and fruit gardens. Vegetable and fruit gardens are allowed  
455 so long as the minimum landscape requirements for the site are met.

456

EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 6 "ENVIRONMENTAL REGULATIONS"

Sec. 23.6-1. - Landscape regulations.

\*\*\*

(k) Landscape design standards. The following are the minimum standards for the design and installation of all landscaping within the City of Lake Worth Beach:

\*\*\*

(15) Artificial turf.

a. All installation of artificial turf shall require a landscape permit. The use and location of artificial turf shall be limited to the following:

(1) Single family and duplex properties in the rear yard only and not visible from the right of way.

(2) Between parking strips in the front yard of non-conforming properties previously constructed with off-street parking utilizing sixty percent (60%) or more of the width of the front yard. This application of artificial turf shall be approved by the Development Review Official or applicable review board, which shall review the proposed application for consistency with the City's land development regulations, visual appropriateness, enhanced site design and appearance, and improved drainage. Properties located in historic districts will require a Certificate of Appropriateness from the HRPB.

(3) On roof top terraces.

(4) As part of a planned development in a recreation or amenity area.

b. In all areas of installation, artificial turf shall be treated as a semi-pervious surface. The quantity of artificial turf to be incorporated into a project shall be limited by the maximum percentage of impervious surface for the subject property within the applicable zoning district.

c. Artificial turf shall not be installed:

(1) as part of any landscape buffer or landscape area required by this article;

(2) within permanent drainage features (e.g., ponds, swales); or

(3) in any public right of way.

d. Minimum material standards. All artificial turf shall comply with each of the following minimum standards:

(1) Artificial turf shall consist of green lifelike individual blades of grass that emulate natural turf in look and color and shall have a minimum pile height of



500 one- and one-half inches and shall have a minimum tufted weight of 80  
501 ounces per square yard.

502 (2) Artificial turf installations shall have a minimum permeability of 30 inches per  
503 hour per square yard.

504 (3) All artificial turf shall have a minimum ten-year manufacturer's warranty that  
505 protects against color fading and a decrease in pile height.

506 (4) Artificial turf shall be lead free and be partially or wholly manufactured from  
507 recyclable materials.

508 (5) All materials must include test documentation which declares that the artificial  
509 turf yarn and backing materials are disposable under normal conditions, at  
510 any U.S. landfill station (Total Content Leach Protocol (TCLP) test).  
511 Documentation must also be provided that identifies all components that are  
512 recyclable and all components that consist of recycled material.

513 (6) The use of indoor or outdoor plastic or nylon carpeting as a replacement for  
514 artificial turf or natural turf shall be prohibited.

515 (7) The artificial turf system shall utilize organic plant-derived and other natural  
516 infill components, including, but not limited to, cork, coconut, corn husk, rice  
517 husk, and sand. The use of crumb rubber and other synthetic materials shall  
518 be prohibited in all applications except for sports fields.

519 (8) Artificial Turf shall not be treated as a fill in material, but rather as a planned  
520 element of the site or yard outside of required landscape areas and buffers

521 e. Installation, maintenance and repair.

522 (1) All artificial turf shall, at a minimum, be installed according to the  
523 manufacturer's specifications.

524 (2) All artificial turf installations shall be anchored to ensure that the turf will  
525 withstand the effects of wind.

526 (3) All seams shall be secured and edges shall be trimmed to fit against all  
527 regular and irregular edges to resemble a natural look.

528 (4) If artificial turf is planned to be installed immediately adjacent to a seawall,  
529 the artificial turf shall be pinned or staked behind the seawall. No artificial  
530 turf or installation mechanism shall be attached directly to or placed on a  
531 seawall or seawall cap.

532 (5) All artificial turf shall be installed over a subgrade prepared to provide  
533 positive drainage and an evenly graded mass of compacted, porous  
534 crushed rock aggregate material. Base comprising of sand only is not  
535 permitted. Proper drainage shall be provided for all Artificial Turf  
536 installations to prevent runoff or pooling of water.

537 (6) Artificial turf shall be visually level, with the grain pointing in a single  
538 direction.

539 (7) An appropriate solid barrier device (e.g., concrete mow strip, bender board  
540 or other barrier with a minimum of 38" thickness) is required to separate

- 541 artificial turf from soil and live vegetation and to prevent intrusion of living  
542 plant material.
- 543 (8) Artificial turf shall not be installed directly against the trunk of trees and/or  
544 palms. A 3-foot mulch bed measured from the base of the tree or palm must  
545 be maintained around all trees and or palms. Precautions for installation  
546 around existing trees shall be monitored and may be restricted to ensure  
547 tree roots are not damaged with the installation of the base material and  
548 that the overall health of the tree will not be compromised.
- 549 (9) All artificial turf shall be maintained in a green fadeless condition and shall  
550 be maintained free of dirt, mud, stains, weeds, debris, tears, holes, and  
551 impressions. Maintenance shall include, but not be limited to cleaning,  
552 brushing, debris removal; repairing of depressions and ruts to maintain a  
553 visually-level surface; elimination of any odors, flat or matted areas, weeds,  
554 and invasive roots; and all edges of the artificial turf shall not be loose and  
555 must be maintained with appropriate edging or stakes.
- 556 (10) There shall be no parking on artificial turf.
- 557 (11) Artificial turf shall not be visible from public rights-of-way except where it is  
558 installed between parking strips or approved as part of a planned  
559 development.
- 560 (12) All other landscape requirements must be met.
- 561 (13) Applicants shall provide an owner affidavit agreeing to perpetually maintain  
562 the artificial turf system in good working order to ensure that there is  
563 continued permeability. If the artificial turf falls into disrepair with fading or  
564 holes or loose areas. The replacement and/or repairs shall be done with like  
565 for like materials from the same manufacturer and done so in a manner that  
566 results in a repair that blends in with the existing artificial turf.
- 567 f. A landscape permit shall be obtained from the City prior to the installation of any  
568 artificial turf. The permit application shall include the following material  
569 specifications and plans.
- 570 (1) A landscape plan showing the area of synthetic turf, area of living plant  
571 material, and separation between these areas;
- 572 (2) A dimensioned cross section of proposed materials and installation details,  
573 including subgrade, drainage, base or leveling layer, and infill;
- 574 (3) Edge material and detail for seams;
- 575 (4) Material description and specifications, including manufacturer,
- 576 (5) Installer (with contact information), and warranty information.
- 577 (6) A sample of the artificial turf proposed that meets these standards.
- 578 (7) Product specifications that demonstrate compliance the requirements for  
579 artificial turf in this article and the ability to be warranted in the United States  
580 of America.
- 581 (8) The plan shall demonstrate conformance with the City's landscape  
582 requirements.

583           g. Inspections. An in-progress inspection shall be required to ensure that the  
584           appropriate base material has been installed in accordance to the  
585           manufactures' specifications. A final inspection shall also be required.