



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JANUARY 17, 2024 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [December 6, 2023 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Sunset Drive](#)
[923 North E Street](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB Project Numbers 23-01400022 and 23-00500020](#): A major site plan and conditional use permit to construct a multi-family development containing 9 dwelling units. The subject site is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).
- B. [PZB Project Number 23-00900001 \(Ordinance 2024-02\)](#): A request for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as “Sunset Drive,” at 826 Sunset Drive to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units.
- C. [Ordinance 2024-03](#): Consideration of an ordinance amending Chapter 23, Section 23.3-25 “Planned Development District,” to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Residential Only Mixed-Use Urban Planned Development.

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 MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, DECEMBER 06, 2023 -- 6:02 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Daniel Walesky, Vice-Chair; Mark Humm; Zade Shamsi-Basha; Dave Mathews; Henry Pawski; Juan Contin, Chair. Also present were: Abraham Fogel, Senior Community Planner; Scott Rodriguez, Principal Planner; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Staff requested a re-ordering of the agenda to hear Item D under New Business (project 23-00000021) first. **Motion:** M. Humm moved to approve the agenda as re-ordered, H. Pawski 2nd. **Vote:** Ayes all, unanimous

APPROVAL OF MINUTES:

- A. October 4, 2023 Meeting Minutes **Motion:** M. Humm moved to approve the October meeting minutes as presented, D. Mathews 2nd. **Vote:** Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION Provided in meeting packet.

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: No disclosures were made by any Board member.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. **PZB Project Number 23-00500018, 23-00600004, & 23-00600005:** A conditional use permit for the establishment of a cellar management company designated as specialty storage and specialty retail uses with accessory classes and tasting events by LDR Section 23.3-6 and two (2) alcohol beverage distance waivers to allow package sales and on-site consumption for the property located at 500 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: A Fogel the requested uses are for specialty storage, specialty retail with accessory classes and tastings. The waivers are for package sales, including occasional deliveries to clients, and on-site consumption.

Board: Was there a required mailing? **Response:** Yes, as required by Code the notifications were mailed, advertised in the local paper and site signs were posted.

Regarding the protected areas, is the reason for the waiver due to those protected areas within the 500 feet? **Response:** Due to the small size, density of the City and proximity to those protected areas, most requests involve a waiver. **Board:** Will it be just wine?

Applicant: Max Catucci- The license will allow for beer onsite however the primary business is cellar storage of wine, not retail. They will be introducing wines that the clients can purchase and add/round out their private collection. The public will be permitted however the events are more of a private, concierge event; clients showcasing/tasting of private stock for friends, clients will be facilitated by the applicant.

Public Comment: Bernard Guthrie- believes it to be a welcome addition to the business community along Dixie Hwy with plenty of parking and well maintained premises.

Motion: Z. Shamsi-Basha moves to approve PZB 23-00500018 with staff recommended Conditions of Approval based upon the competent substantial evidence in the staff report and in the testimony at the public hearing; M. Humm 2nd.

Vote: Ayes all, unanimous.

Motion: D. Mathews moves to recommend approval of PZB 23-00600004 with staff recommended Conditions of Approval to the City Commission based on the data and analysis in the staff report and the testimony at the public hearing; Z. Shamsi-Basha 2nd.

Vote: Ayes all, unanimous.

Motion: M. Humm moves to approve PZB 23-00600005 based on the data and analysis in the staff report and the testimony at the public hearing; H. Pawski 2nd,

Vote: Ayes all, unanimous.

B. PZB Project Numbers 23-00500017 & 23-01400019: A Major Site Plan Amendment and Conditional Use Permit request for two (2) accessory outdoor storage use areas totaling ±6,350 square feet. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial.

Staff: S. Rodriguez presents case analysis. Originally developed as Borden's Dairy for local milk distribution. The site is now occupied by Palm Beach Trim specializing in interior and exterior ornamental millwork. The eleven (11) containers are utilized for excess material storage. The containers, in two outdoor storage areas, were placed on the site several years ago. Setbacks must be maintained. For traffic circulation, the elimination of seven parking spaces was proposed by staff and agreed to by the applicant; it will not affect overall parking requirements.

Architect: Deborah Nichols – 755 Newark Street West Palm Beach -This is an inherited problem from previous owner. Requesting to work with staff regarding Condition 1.a.- removal of unpermitted gravel and replacement with living ground cover.

Staff: This would be part of the Minor Site Plan modification process. A recalculation of the impermeable surfaces may or may not show overage of impermeable surfaces. If over, the gravel would need to be replaced with living ground cover. Should the re-calculation show the impermeable coverage is over, the Condition could be modified to read: Remove existing gravel if necessary in order to comply with Land Development Regulations.

Board: In an industrial area, grass or mulch would not make sense for permeable purposes. Due to a code citation, it's a question of volume. As an architect the limitations of the site should be known.

Architect: Not looking to the future, just to resolve the Code Compliance issues.

Board question about the table showing square footage limitation of accessory structures.

Staff confirms that some of the containers will need to be removed in order to achieve the maximum limitation of 1,000 square feet. Currently the proposed square footage of the containers is 2,080 square feet.

Public Comment: None

Motion: D. Walesky moves to approve PZB 23-00500017 & 23-01400019 with staff recommended Conditions of Approval, with modification of Condition #1.a to read: Remove existing gravel if necessary in order to comply with Land Development Regulations and replace with living ground cover; based on competent substantial evidence in the staff report and the testimony at the public hearing; M. Humm 2nd.

Vote: Ayes all, unanimous.

C. PZB Project Number 21-01100001: Consideration of a final plat map application for the Cloisters Phase IV project, located at 508, 510, and 530 South Federal Highway. The subject site is located within the Mixed Use – Federal Highway (MU-FH) zoning district and has a future land use designation of Mixed Use – East (MU-E).

Staff: A. Fogel presents case analysis. This is the last phase of the site allowing for the 15 fee-simple lots approved in 2019. The plat has been reviewed by the City's SPRT, Director of Community Sustainability; and a consultant surveyor for compliance with Florida Statutes and City Land Development Regulations.

Agent for the owner – Dan Ryan 3450 S. Ocean Blvd. Palm Beach – The owner does not want to develop it right now. Is not selling lots, it will become part of the HOA.

Motion: Z. Shamsi-Basha moves to recommend approval to the City Commission for PZB 21-0110000, a final plat for the Cloister Phase IV project, with staff recommended Conditions as the proposal meets the applicable criteria based on the data and analysis in the staff report; D. Walesky 2nd.

Vote: Ayes all, unanimous.

D. PZB Project Number 23-00000021: Request by the City of Lake Worth Beach Leisure Services for the approval of a two (2) murals located on the south and east façades of the Palm Beach County Fire Rescue (PBCFR) Station 91 at 1020 Lucerne Avenue. The subject site is zoned Public (P) and has a future land use designation of Transit Oriented Development (TOD).

Staff: S. Rodriguez explains the request for the Mural on the south side which will pay homage to the first Lake Worth Fire Department. The East façade will identify the station and fire trucks. The artist has worked with several high profile clients. Pillar III of the Strategic Plan is implemented by inspiring arts and culture through city events and programs.

Board: No questions, generally in favor of the mural

Public Comment: None

Motion: H. Pawski moves to approve PZB 23-00000021 for two murals as conditioned. The application meets the mural criteria based on the data and analysis in the staff report; D. Mathews 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: The January meeting will be held the third week of January rather than the first Wednesday.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 6:42 PM

sidered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Planning and Zoning Board (PZB) to consider a minimum of one (1) full business day prior to the date of the meeting. Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

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 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.

*Publish January 4, 2024
Sherie Coale
City of Lake Worth Beach
561-586-1687
PO 190157
1/6/24 7561156

LEGAL NOTICE

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, January 17, 2024 at 6:00 pm or as soon thereafter to consider the following application.

PZB 23-01400022 and 23-00500020:
A major site plan and conditional use permit to construct a multi-family development containing 9 dwelling units. The subject site is zoned Mixed Use - East (MU-E) and has a future land use designation of Mixed Use - East (MU-E). PCN # 38-43-44-15-16-047-0070. PCN #38-43-44-21-15-268-0090.

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment 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 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be con-

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PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, January 17, 2024 at 6:00 pm or as soon thereafter to consider the following application. The City of Lake Worth Beach's Historic Resources Preservation Board will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, February 14, 2024 at 6:00 pm or as soon thereafter to consider the following application.

PZB Project Number 23-01300002 (Ordinance 2024-03): A request for an ordinance amending Chapter 23, Section 23.3-25 "Planned Development District," to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Planned Development.

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and

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*Publish January 4, 2024
Sherie Coale
City of Lake Worth Beach
561-586-1687
PO 190157
1/6/24 7561161

PLANNING AND ZONING BOARD REPORT

PZB Project Numbers 23-0140022 and 23-0050020: A major site plan and conditional use permit to construct a multi-family development containing 9 dwelling units. The subject site is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: January 17, 2024

Property Owner: JENS PROPERTY 923 NORTH E ST LLC

Applicant: Nestor Rivera

Address: 923 North E Street

PCN: 38-43-44-21-15-268-0090

Size: ±0.3099 acres/13,500 sf

General Location: On the southwest corner of North E Street and 10th Avenue North

Existing Land Use: Vacant

Current Future Land Use Designation: Mixed Use – East (MU-E).

Zoning District: Mixed Use – East (MU-E)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed **Major Site Plan and Conditional Use Permit (CUP)** requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 7 and 8 of this report.

PROJECT DESCRIPTION

The applicant, Nestor Rivera, is requesting approval of the multi-family development at 923 North E Street:

- A **Major Site Plan** for the development of a multi-family building and additional site improvements.
- A **Conditional Use Permit (CUP)** to establish a multi-family use greater than 7,500 square feet.

The applicant is proposing a 2-story, 9-unit multi-family development on a 0.3099-acre lot with a total building area of 7,680 square feet. The building is designed with 5 units on the ground floor and 4 units on the second floor. Parking is located at the rear of the building with ingress from North E Street and egress from the alley.

The proposed development will be compatible with the surrounding residential uses. The building is designed in a contemporary architectural style, with an asymmetrical façade fronting 10th Avenue North, large vertically-proportioned windows as well as sliding glass doors, a smooth stucco exterior finish, glass railings, flat roof, and eyebrow details.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

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

Use: The property is currently vacant.

Code Compliance: The subject site does not have any open code compliance cases.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per policy 1.1.1.5, The Mixed Use – East 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 maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed Use – East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts.*

Analysis: The proposed residential use is appropriate and intended in the MU-E FLU designation. The project would allow for the infill of a vacant property along of the City's Major Thoroughfares with an architecturally appropriate and attractive design. 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 II and Pilar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.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; achieve financial sustainability and stable tax base; and ensure facility placement, construction and development that anticipates and embraces the future. The proposed building and associated site improvements will contribute towards the City's Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

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

Consistency with the Land Development Regulations

The **MU-E mixed use east district** is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage 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. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment. Certain commercial uses are not permitted along some thoroughfares because they will be detrimental to the adjacent residential neighborhoods. The district implements in part the mixed use land use category of the Lake Worth Comprehensive Plan.

Per LDR Section 23.3-13(b): In mixed use (MU) districts, projects that are all residential are allowed and can follow the height, setback, FAR and building lot coverage of the mixed use district versus the multi-family district.

The table and topic area analysis below evaluate the proposed site features and the project's compliance with the Code:

Development Standard		Base Zoning District Mixed Use – East (MU-E)	Provided
Lot Size (min) In square feet (sf)		5,000 sf	13,500 sf
Lot Width (min) East side of Dixie Hwy		50'-0"	100'
Setbacks	Front (min build-to line)	10' minimum not to exceed 22'	10'-9"
	Rear (min)	10'-0"	13'-9"
	Street Side (min)	10'-0"	10'-0"
	Side Interior (min)	0'	49'-8"
Impermeable Surface Coverage (maximum)		65%	64.64% (8,740 sf)
Structure Coverage (max)		55%	28.44% (3,840 sf)
Density (max)		30 du/acre (9 units)	9 units
Building Height (max)		30' (max. 2 stories)	29'-4"
Maximum Wall Height at Side Setback		30'	29'-4"
Floor Area Ratio (FAR) (max)		0.90	0.57

Living Area (minimum)	1-bedroom: 600 sf 2-bedroom: 750 sf	1-bedroom: 512 sf* 2-bedroom: 824 sf
Parking	1-bedroom: 1.5 spaces per unit 2-bedroom: 1.75 spaces per unit	Required: 16 spaces Provided: 18 spaces (see full parking analysis on page 4)
Is property in flood plain or Wellfield Zone? Yes/No	Wellfield Zone 4	

*** See planning and zoning conditions of approval: The two (2), one (1) bedroom units shall be modified to be studios/efficiencies that comply with minimum living area requirements.**

Section 12-7, Dumpster Requirements: The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.

Analysis: A dumpster enclosure is proposed on southwest corner of the property. The enclosure will have a textured stucco finish and louvered aluminum gates that are compatible with the design of the residential building. A landscape area between the dumpster enclosure and North E Street will provide additional screening.

Section 23.4-3, Exterior Lighting: All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.

Analysis: Staff has included a condition of approval that a revised photometric plan shall be submitted in a Minor Site Plan to demonstrate compliance with the exterior lighting requirements in Section 23.4-3. In particular, the foot candles shall be depicted beyond the property lines to demonstrate compliance with the maximum illumination standards. A recommended condition of approval has been provided requiring the proposed lighting to comply with Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000K or less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

Section 23.4-10. - Off-street parking: This section provides general provisions for off-street parking. The standards “apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes.”

Analysis: The required parking for the multi-family proposal is 16 spaces. The parking spaces were calculated at the following rates:

- 1.25 spaces/unit for the multi-family 1-bedroom unit proposal (3 spaces for 2 units)
- 1.75 spaces/unit for the multi-family 2-bedroom unit proposal (13 spaces for 7 units)

The project exceeds the minimum required parking with a mix of off-street (13 spaces including 1 ADA space), on-street (2 spaces), bicycle racks (4 spaces that count as 1 parking space), motorcycle spaces (4 spaces that count as 2 parking spaces).

Section 23.5-1- Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. The proposed signage will be reviewed at building permit for consistency with these requirements.

Section 23.6-1. - Landscape regulations: The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the City. Per Section 23.6-1(c)(2), “on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by

an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping” consistent with this section including a landscape strip ten (10) feet in depth.

Analysis: The development proposal provides perimeter landscaping and shade trees. The proposed landscaping is not consistent with the City’s landscape regulations and the Major Thoroughfare Design Guidelines; therefore, conditions of approval have been included to ensure compliance. Tree species include a mix of Gumbo Limbo, Silver Buttonwood, Simpson’s Stopper, Pigeon Plum trees with multiple native shrubs, grasses and groundcovers for the perimeter and interior plantings. There are no existing trees on the development site therefore tree mitigation and replacement are not required.

A minor site plan amendment shall be required to address the following items:

- The proposed landscape does not comply with the City’s Major Thoroughfare Design Guidelines. Use the plant palette located on page 89 of design guidelines to select trees adjacent to 10th Ave North
- Solitaire palms and single Royal Palms do not qualify as perimeter shade trees.
- Palms shall contribute no more than 20 percent of the required trees. Provide a table showing that this requirement has been met.
- Eagleston Holly trees are not native to south Florida. Choose south Florida native trees.
- 75 percent of all other plants including groundcovers must be native to south Florida. *Clusia guttifera* is not native to south Florida.
- Additional trees are required along the south property line.
- Additional shrubs are required in the landscape area adjacent to North E Street.
- An exterior landscape screen of shrub hedging or other continuous decorative landscaping that is a minimum height of twenty-four (24) inches at installation is required on the east side of the dumpster enclosure.
- Provide the locations of all existing and proposed easements. Root barriers are required for all plantings that are within five (5) feet of a utility easement or any other underground utility. Show the locations of the required root barriers.
- Concrete car stops are required for the angled parking spaces. See Public Services detail number 15.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards 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. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards.”* These qualitative standards are applicable to site plan applications as well as all conditional uses. The Major Thoroughfare Design Guidelines are an adopted component of these Site Design Qualitative Standards as per Section 23.2-31(j), which are applicable to properties adjacent to the City’s major thoroughfares inclusive of the subject site. Compliance determination with the applicable standards in Section 23.2-31 is provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A and in the Major Thoroughfare Design Guidelines.**

Site Design Qualitative Standards Analysis (including vehicular use areas) and Major Thoroughfare Design Guidelines: The proposed improvements to the site are generally consistent with the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the vision for the Major Thoroughfare Design Guidelines, providing for vibrant, diverse, safe, inviting, and sustainable features. The applicant is proposing a 2-story, 9-unit multi-family development on a 0.3099-acre lot with a total building area of 7,680 square feet. The building is designed with 5 units on the ground floor and 4 units on the second floor. Parking is located at the rear of the building with ingress from North E Street and egress from the alley.

The proposed development will be compatible with the surrounding residential uses. The proposed improvements to the site are harmonious as a whole, will improve the aesthetics of the site, and will be an asset to the

neighborhood. However, the façade fronting 10th Avenue North does not meet the 25% glazing requirement per page 56 of the City’s Major Thoroughfare Design Guidelines. Staff has added a condition of approval, that the glazing be increased at minor site plan to ensure this requirement is satisfied.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North Across 10 th Ave N	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Single-family residential
South	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Single-family residential
East Across alley	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Single-family and multi-family residential
West Across N E St	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Single-family

The proposed uses and site improvements will not negatively affect the existing surrounding properties and uses. The proposed changes are harmonious and compatible with the existing residential area.

Community Appearance Criteria:

The proposed multi-family development project includes new construction, new landscaping, and associated site improvements that represent an enhancement in the general appearance of the property over the existing vacant lot. The proposed contemporary architectural style of the building is appropriate and in harmony with the surrounding residential area. Consistent with the chosen architectural style, an asymmetrical façade fronting 10th Avenue North is proposed with large vertically-proportioned windows as well as sliding glass doors, a smooth stucco exterior finish, glass railings, flat roof, and eyebrow details. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines, and the City’s Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned.

Conditional Use Findings (Attachment B)

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 establish a residential development greater than 7,500 square feet.**

Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The applicant is proposing multi-family development will be served by existing municipal services, including water, sewer, refuse, fire and police. The proposed associated site improvements would provide new landscaping and an improved condition of the parcel while providing new housing options.

The Mixed Use – East (MU-E) zoning district is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of **MU-E district is to encourage 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. It also strives to **create a place of common vision and physical predictability for all new construction**, renovations, and redevelopment.

Based on the data and analysis in this report and the supporting materials by the applicant, the proposed site plan, building design, landscaping, and site circulation are appropriate and consistent (as conditioned) with the City's Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, and Land Development Regulations. The proposed site circulation, parking, and refuse are anticipated to minimize and/or mitigate any impacts of the multi-family use proposal on the adjacent and proximate uses. Therefore, a recommendation of approval is provided to the PZB for the Major Site Plan and Conditional Use Permit (CUP), subject to conditions of approval.

Planning, Zoning, and Landscape Services

1. Prior to the issuance of building permit, a Minor Site Plan shall be submitted to implement the following:
 - a. The two (2), one (1) bedroom units shall be modified to be studios/efficiencies that comply with minimum living area requirements. Revise the parking calculations accordingly.
 - b. The proposed façade fronting 10th Avenue North does not comply with the City's Major Thoroughfare Design Guidelines. Glazing shall be increased to meet the 25% minimum.
 - c. Remove any references in the plans that incorrectly note the project as having 3 stories.
 - d. The proposed landscape does not comply with the City's Major Thoroughfare Design Guidelines. Use the plant palette located on page 89 of design guidelines to select trees adjacent to 10th Ave North
 - e. Solitaire palms and single Royal Palms do not qualify as perimeter shade trees.
 - f. Palms shall contribute no more than 20 percent of the required trees. Provide a table showing that this requirement has been met.
 - g. Eagleston Holly trees are not native to south Florida. Chose south Florida native trees.
 - h. 75 percent of all other plants including groundcovers must be native to south Florida. Clusia guttifera is not native to south Florida.
 - i. Additional trees are required along the south property line.
 - j. Additional shrubs are required in the landscape area adjacent to North E Street.
 - k. An exterior landscape screen of shrub hedging or other continuous decorative landscaping that is a minimum height of twenty-four (24) inches at installation is required on the east side of the dumpster enclosure.
 - l. Provide the locations of all existing and proposed easements. Root barriers are required for all plantings that are within five (5) feet of a utility easement or any other underground utility. Show the locations of the required root barriers.
 - m. Concrete car stops are required for the angled parking spaces. See Public Services detail number 15.
 - n. A revised photometric plan shall be submitted. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. In particular, the foot candles shall be depicted beyond the property lines to demonstrate compliance with the maximum illumination standards. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
 - o. If applicable, depict the proposed easements (as may be required by the utilities departments).
 - p. Add crown of road measurements to the elevations to substantiate the listed building height.
 - q. Provide dimensioned visibility triangles for the road and alley/road intersections.
 - r. Incorporate any plan changes based on the conditions of approval from other departments.
2. Prior to the issuance of a certificate of occupancy, documentation shall be submitted to the Department of Community Sustainability that the project qualifies at a minimum as a National Green Building Standard

(NGSB) silver certification or equivalent certification to fulfill the City's project performance standards listed in LDR Section 23.2-31.

3. At building permit, documentation shall be submitted to demonstrate that the material utilized for the semi-pervious parking areas has a percolation rate of at least fifty (50) percent relative to the ground percolation rate.
4. A video security system shall be required for the property.
5. Prior to building permit application, an address application shall be required to be submitted prior to application for building permit.

Public Works

Utilities – Electric

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram. The location of the pad-mount transformers for the buildings shall be indicated. The transformer locations must be accessible to our vehicles, and must have 10-ft minimum clearance in front of them and 4-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure.
2. Before the issuance of a Building permit, a 10-ft wide utility easement shall be required for the underground electric, transformers and other equipment that will need to be installed to provide power to this project.
3. Before the issuance of a Building permit, the utility easement must be recorded.
4. Before the issuance of a Building permit, any other services that will be needed for the project such as irrigation, lift station, lighting, gates, etc., shall be indicated and where these services will be.
5. Developer to show the location of the meter center on the site plan.
6. Developer will be responsible for installing their own lightning for the parking areas.
7. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
8. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

Utilities – Water & Sewer

1. The following comments are conditions of the site plan approval, which shall be addressed at building permit submittal:
 - a. Provide geotechnical information for the determination of the hydraulic conductivity of the soil and groundwater elevation to support exfiltration calculations.
 - b. Silt fence looks to be installed in the right-of-way on the west side access road and is blocking right-of-way access to the road and resident parking to the existing properties to the west.
 - c. Show water & sewer services, drainage structures, and storm mains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
2. The following are advisory comments for building permit submittal:
 - a. Provide complete water and sewer plans showing proposed pipe sizes, materials, crossing and structure sizes and elevations, hydrants, manholes, as well as all pertinent site elevations.
 - b. Commercial properties require an RPZ backflow device on the potable service line. Additionally, residential units three stories or higher require an RPZ. Multifamily units that are master metered (one meter serving multiple units) require an RPZ.
 - c. Sewer lateral cleanouts are required at the property line per the City standard details.
 - d. All meter boxes, risers to DDCA & meter, and fire hydrants should be situated as close to the property line as possible in order to minimize the amount of easement dedication necessary.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for the Major Site Plan and Conditional Use Permit (CUP) requests for the project located at 923 North E Street based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for the Major Site Plan and Conditional Use Permit (CUP) requests for the project located at 923 North E Street. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board’s decision may be appealed to the City Commission as set forth in LDR Section 23.2-17.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, architectural plans & supporting documents)

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) –Qualitative Development Standards	Analysis
<p>1. Harmonious and efficient organization. <i>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.</i></p>	In compliance
<p>2. Preservation of natural conditions. <i>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 chapter 12, health and sanitation, article V, 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.</i></p>	Not Applicable
<p>3. Screening and buffering. <i>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.</i></p>	In compliance
<p>4. Enhancement of residential privacy. <i>The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walks, barriers and</i></p>	In compliance

vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.

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. **In compliance**

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. **In compliance**

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

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. **In compliance**

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. **In compliance**

10. Design of on-site public right-of-way (ROW). 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. **Not applicable**

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. **In compliance**

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. **In compliance**

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. **In compliance**

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 and complementary transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, height, rhythm of openings and character. Special 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. **In compliance**

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. **In compliance**

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
<p>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character, style, integrity and design. Their architectural style(s) shall be clearly expressed and detailed appropriately to vocabulary of the style(s) and be of high quality in terms of materials, craftsmanship and articulation. The relationship of building forms through the use, texture and color of material(s) shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale, height, setback, massing and location on the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</p>	In compliance
<p>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony and compatibility with the surroundings as is possible under the circumstances. The overall building fenestration, orientation, rhythm, height, setback, mass and bulk of an existing streetscape shall be respected. If a building is built in an undeveloped area, nine (9) primary requirements shall be met, including honest design construction, proper design concepts, appropriate use of high-quality materials, compatibility with the overall character of the city, appreciation of location, respectful transition, activation of the streetscape, building form(s) following proposed function(s) and overall sustainability.</p>	In compliance
<p>3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building. Facades shall have visual breaks every 75 feet at a minimum. The breaks shall be setbacks of either eight (8) inches or twelve (12) inches or more to create reveal lines or step backs on the façade and to add rhythm. Buildings in Lake Worth Beach typically have facades arranged in twenty-five-foot or fifty-foot increments. Breaks in facades also may be achieved through the use of differing but complementary and harmonious architectural styles. The massing elements of each façade shall have a height to width ratio approximating the golden ratio of 1.618, either vertically or horizontally.</p>	In compliance
<p>4. The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, floor to floor height, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression.</p>	In compliance
<p>5. Look-alike buildings shall not be allowed unless, in the opinion of the reviewing entity, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the reviewing entity, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.</p>	In compliance
<p>6. Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the reviewing entity. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.</p>	In compliance

7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance**
8. *Building surfaces, walls, fenestration and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance as conditioned**
15. *All buildings shall address both the public right-of-way and improve the overall pedestrian experience through the inclusion of the following components:* **In compliance**
- a. *Clearly articulated entrances,*
 - b. *Expanses of fenestration at the ground level,*
 - c. *Provision of shade through porches, awnings, galleries, arcades and/or loggias as well as other appropriate forms to the chosen architectural style(s),*
 - d. *Integrated signage,*
 - e. *Pedestrian scaled lighting,*
 - f. *Buildings that define at least fifty (50) percent of the street frontage, and*
 - g. *Openings that approximate a golden ratio of 1.618.*
16. *All new buildings of seven thousand five hundred (7,500) gross square feet or larger shall incorporate design principles, practices and performance standards to achieve the following through a project proforma description and analysis prepared by the developer and verified by an independent third party:* **In compliance as conditioned**

- a. Overall ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards,
- b. Overall ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards,
- c. Overall twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards,
- d. Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable,
- e. Overall twenty (20) percent reduction in water usage during operation of the building as compared to industry standards,
- f. Efficient use of natural resources through use reduction, reuse, reclamation, and recycling,
- g. Incorporation of design features and uses that support multi-modal transportation options,
- h. Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors,
- i. Incorporation of amenities that are conducive to enhancing community pride and social interaction, and

17. In addition to the items enumerated above, all new planned developments shall strive to incorporate design elements, performance standards and/or specifications to enhance the public's awareness and appreciation of the community's commitment to the preservation and enhancement of the following sustainability qualities, values and principles: **Not applicable**
- a. Cultural resources,
 - b. Historical resources,
 - c. Ecological/natural resources,
 - d. Diversity and inclusion,
 - e. Social justice,
 - f. Economic investment,
 - g. Neighborhood vitality,
 - h. Sense of place,
 - i. Education, and
 - j. Recreation.

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<p>1. Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</p>	In compliance
<p>2. Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</p>	In compliance
<p>3. The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce</p>	In compliance

the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.

4. Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.

In compliance as conditioned

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<i>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.</i>	In compliance
<i>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.</i>	In compliance
<i>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.</i>	In compliance
<i>4. The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i>	In compliance

ATTACHMENT B - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
<i>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.</i>	In compliance
<i>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.</i>	In compliance
<i>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 site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance

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.* **In compliance**

Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>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.</i>	In compliance
2. <i>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</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>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.</i>	In compliance
5. <i>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.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance
7. <i>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.</i>	In compliance
8. <i>The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.</i>	In compliance as conditioned

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00900001 (Ordinance 2024-02): A request for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as “Sunset Drive,” at 826 Sunset Drive to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units.

Note: The data and analysis for the associated Zoning Text Amendment is under a separate cover.

PZB Meeting Date: January 17, 2024

Property Owner: Sunset Drive Holdings, LLC

Applicant: SCG Florida, LLC

Address: 826 Sunset Drive

PCN: 38-43-44-29-01-004-0240

Size: 4.017 acres (175,000 square feet)

General Location: South of Sunset Drive

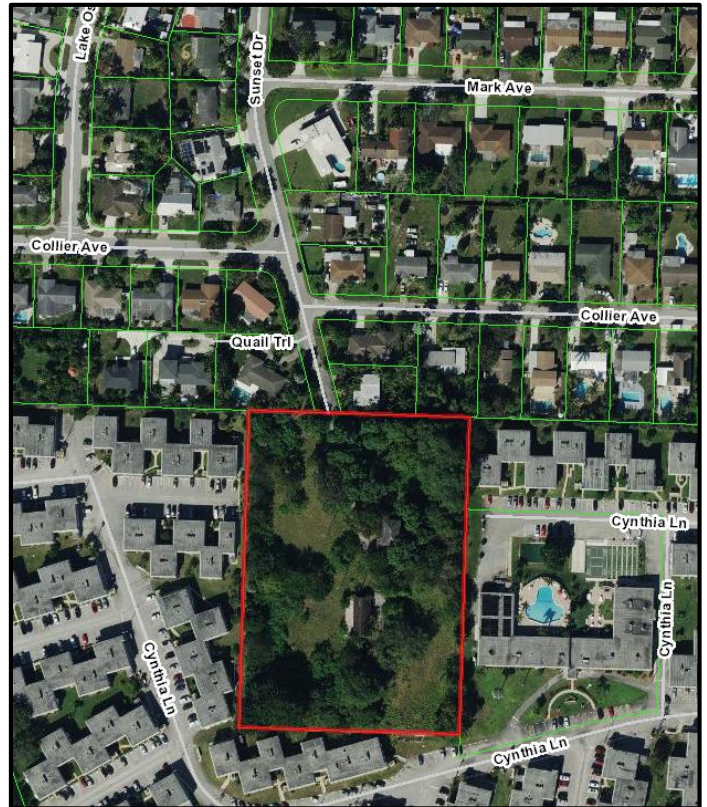
Existing Land Use: Single-family residential

Current Future Land Use Designation: Medium Density Residential (MDR)

Current Zoning District: Not Assigned

Proposed Zoning District: Single-Family Residential (SF-R)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 13 to 15 of this report.

PROJECT DESCRIPTION

The applicant, Chris Raley on behalf of SCG Florida LLC, is requesting approval of the following for the project commonly referred to as “Sunset Drive” at 826 Sunset Drive:

- **Residential Only Mixed-Use Urban Planned Development** to construct nine (9), two (2)-story townhouse buildings with 42 dwelling units total.
- **Major Site Plan** to construct a residential development with more than 7,500 square feet.
- **Conditional Use** to establish a residential use greater than 7,500 square feet.
- **Sustainable Bonus Program Incentive Program** for additional density.
- **Affordable/Workforce Housing Program** for additional density.
- **Transfer of Development Rights** for additional density.
- **Zoning Map Amendment** to assign a Single-Family Residential (SF-R) zoning district designation.

The applicant is proposing a residential townhouse development on a 4.017-acre site with the purpose of constructing nine (9) townhouse buildings with a total of 42 dwelling units. The site is configured with nine (9), two (2)-story townhouse buildings that are accessed from a new residential loop street. The development will include a covered workout pavilion, dog park and flexible recreation area, and a pedestrian circulation system.

The proposed building designs are contemporary. The exterior finishes include wood-look cladding, smooth stucco, and brick veneers. The proposed townhouse buildings will each accommodate between four (4) to five (5) units throughout the development. The project includes sustainable elements such as solar panels, rainwater collection systems, bioswales, electric vehicle charging, and a green building certification.

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COMMUNITY OUTREACH

At the time of this report’s publication, staff has received a letter of opposition for this application from the office representing the Murry Hills Association, Inc. Per LDR Section 23.2-19.1, *a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored new construction projects along the City’s major thoroughfares as well as those utilizing the City’s Sustainable Bonus Incentive Program, Transfer of Development Rights Program and/or Economic Investment Incentives.*

Notice requirements for the neighborhood meeting are established in LDR Section 23.2-19.1(c): “The notice and an affidavit of notice affirming the notice requirements have been met shall be hand-delivered to the department for community sustainability. The notice shall be mailed, posted at the property, and hand-delivered to the city clerk and CRA office (as applicable) for website posting at least fifteen (15) days before the public neighborhood meeting.”

On November 14, 2023, the applicant held a meeting with neighborhood residents at the Lake Osborne Church (2016 6th Avenue South). The meeting minutes are included as an attachment. The applicant also created a project webpage: www.sustainableconstructiongroup.com/sunset-drive. According to the applicant, the notices were mailed to all property owners within 400 ft of the project on October 26, 2023. A sign was placed on the property on November 1, 2023.

The required notice and affidavit were not submitted to Community Sustainability staff, nor was a notice delivered to the City Clerk, as required by LDR Section 23.2-19.1. The sign posting also did not meet the fifteen (15) day noticing requirement, as it was posted 13 days prior to the neighborhood meeting.

The Development Review Officer (DRO) has the authority to determine if the notice requirements have been met; the DRO is deferring to the PZB to determine whether the noticing provided was adequate and if notice requirements have been met. If the PZB determines that noticing was inadequate and/or the requirements were not met, the applicant must conduct another neighborhood meeting, which meets all of the noticing requirements.

BACKGROUND

Listed below is a summary of the subject property’s background:

- The subject property was annexed into the City in November 2005, with the City Commission approving the annexation and rezoning requests from Sunset Drive Holdings, LLC.
- On June 6, 2006, the City Commission approved a future land use map designation of Medium Density Residential (MDR), however, this designation was challenged by residents of the City.
- In August 2009, the City reversed the prior land use and zoning approvals.

- Since 2012, the City updated and revised its comprehensive plan, future land use map, and zoning map.
- The subject property currently has a City adopted land use designation of Medium Density Residential (MDR) but no City adopted zoning designation.
- The subject property does not have any active code compliance cases.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Medium Density Residential (MDR). Per Policy 1.1.1.3, *the MDR category is intended primarily to permit development of two-family and multi-family structures. Two-family structures are those that provide two principal dwelling units, each for occupancy by one family or household. Multi-family structures are those that contain three or more principal dwelling units, each for occupancy by one family or household. Implementing zoning districts are SF/TF-14, MF-20 and NC. Zoning regulations shall protect two-family and medium density multi-family residential areas from the encroachment of incompatible land uses. At the same time, provision may be made for a limited number of nonresidential uses that are compatible by reason of their nature and limited frequency of occurrence with an overall medium-density, multi-family residential character. Zoning regulations shall provide for compatible nonresidential uses either through special zoning districts that may be mapped in areas designated SF/TF-14, MF-20 or NC, or through conditional use permit provisions. Academic schools that are determined to be compatible with the surrounding neighborhood shall be a conditionally permitted use within this land use category.*

Future development of multi-family structures in the medium- density residential category shall not exceed densities of 20 dwelling units per acre. Zoning regulations implementing this category shall set appropriate minimum lot area and lot width requirements and minimum site area per dwelling unit requirements.

Zoning regulations shall permit a variety of dwelling unit types in two-family and multi-family structures on lots that meet minimum lot size requirements for multi-family structures.

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 II and Pilar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.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, achieve economic and financial sustainability through a versatile and stable tax base, and ensure facility placement, construction and development that anticipates and embraces the future. The proposed project will contribute towards the City's Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

The proposed development and zoning map amendment requests are consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan as it provides additional housing in the City of Lake Worth Beach.

Consistency with the Land Development Regulations

The proposed application was reviewed for consistency with all applicable requirements in the City's Land Development Regulations (LDR), including the zoning district and planned development requirements. 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 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. The subject planned development is requesting to waive or relax the following requirements: reducing the townhouse separation distance requirement from 20 feet to 10 feet, and reducing the impermeable surface separation requirement for the driveways from one foot to zero.

Single-Family Residential (SF-R): Per LDR Section 23.3-7(a), the "SF-R single-family residential district" is intended primarily to permit development of one (1) single-family structure per lot. Provision is made for a limited number of nonresidential uses for the convenience of residents. These nonresidential uses are compatible by reason of their nature and limited frequency of occurrence with an overall single-family residential character. The "SF-R single-family residential district" implements the "single-family residential" land use category of the Lake Worth Comprehensive Plan.

The table and topic area analysis below evaluate the proposed site features and the project's compliance with the Code, and factoring in the Sustainable Bonus incentives, Planned Development incentives, Affordable/Workforce Housing Program, Transfer of Development Rights and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Single-Family Residential (SF-R)	Residential Only Mixed- Use Urban Planned Development in SFR w/ SBIP, A/WHP, and TDR	Provided
Lot Size (min) In square feet (sf)		5,000 sf	.5 acres	4.017 acres
Lot Width (min)		50 feet	50 feet	350 feet
Setbacks	Front	20 feet	20 feet	61 feet
	Rear (min)	15 feet or 10% of lot depth for primary structures, whichever is less	15 feet or 10% of lot depth for primary structures, whichever is less	31 feet
	Street Side (min)	N/A	N/A	N/A
	Interior Side (min)	10 feet for lots over 100 feet in width	10 feet for lots over 100 feet in width	15 feet
Impermeable Surface Coverage (maximum)		50% (Large Lot)	60%	45.18% (79,060 square feet)
Structure Coverage (max)		30% (Large Lot)	40%	20.68% (36,204 square feet)
Building Height (max)		30 feet (2 stories)	30 feet (2 stories)	28 feet (2 stories)
Maximum Wall Height at Side Setback		Lots over 100 feet in width - 23 feet wall height at 10-foot setback For each additional foot of side setback an additional foot of wall height is allowed to a maximum of 30 feet	Lots over 100 feet in width - 23 feet wall height at 10-foot setback For each additional foot of side setback an additional foot of wall height is allowed to a maximum of 30 feet	28-foot wall height at 15-foot setback
Floor Area Ratio (FAR) (max)		0.45 (Large Lot)	0.55	0.2 (34,860 square feet)
Living Area (min)		800 square feet	800 square feet	2,160 square feet
Parking		1.25 spaces per unit	1.25 spaces per unit	Required: 53 spaces Proposed: 102 spaces

Is site in floodplain (Flood Zone / BFE), or in Wellfield Zone?	Wellfield Protection Zone 4
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The table below summarizes the project’s proposed density:

Development Standard	Base Zoning District Single-Family Residential (SF-R)	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP, A/WHP, and TDR	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP and TDR	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP, TDR A/WHP, and	Provided
Density (max)	7 du/acre	8.75 du/acre	9.13 du/acre	10.4995 du/acre	10.4995 du/acre
Dwelling units	28	35	36	42	42

Sustainable Bonus Incentive Program – Density Only

Per Policy 1.2.3.4 of the City’s Comprehensive Plan, a planned development may obtain a 25% bonus on density as outlined in Table 1 of the Comprehensive Plan. The applicant is requesting a bonus of 1.75 dwelling units (7.0305326 units) per acre for a residential only mixed-use urban planned development in the SF-R zoning district. The total SBIP square footage of bonus area is based on 7.0305326 dwelling units (2,160 square feet each) which is +/- 15,185.9504 square feet total. Therefore, the value of required improvements for the SBIP bonus areas are \$227,789.256 (15,185.9504 sf X \$15.00 per sf). Fifty percent (50%) of the incentive award value is \$113,894.628, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$113,894.628), the applicant may propose qualified on-site improvements or provide additional payment to the City.

The project will pursue a Florida Green Building Certificate which will reduce the required improvements by 50% per LDR Section 23.2-33(D)(1)(b). Public amenities in the form of a dog park/flex area and a covered workout pavilion are proposed within the development that counts towards the qualifying features or improvements. Also, a variety of green design features such as solar panels, bioswales, rain tanks, rooftop gardens, hydro panels, and electric vehicle charges are proposed which can count towards the SBIP incentive award.

Transfer of Development Rights (TDR):

Section 23.3-25(g) establishes the city’s Transfer of Development Rights program. Projects which utilize the Transfer of Development Rights program may obtain an increase in overall density of ten units per acre. The rights are valued at a cost of \$15 per square foot, and are paid to the City in exchange for development rights on City-owned properties with a future land use designation of Public.

The proposed project has gained an additional 0.38 units per acre (1.52662994) as part of the transfer of development rights bonus. The total development rights cost for the additional 1.52662994 units with a unit size of 2,160 square feet is \$49,461.8099 (1.52662994 units X 2,160 sf X \$15 per sf) which the applicant is required to pay to the City.

Below are the criteria projects must meet to qualify for the program.

1. Projects incorporating transfer development rights must be a mixed use urban planned development, planned development, mixed use planned development or residential planned development.

Analysis: The proposed project is a residential only mixed-use urban planned development which is a type of planned development. **Meets Criterion.**

2. Projects must have incorporated all of the density bonuses available under the sustainable bonus program prior to being eligible for the transfer development rights program.

Analysis: The proposed project has incorporated all of the density bonuses available under the sustainable bonus program. **Meets Criterion.**

Affordable/Workforce Housing Program

The applicant has elected to opt into the program to achieve greater density. An additional 1.36 dwelling units per acre (5.46372819 units) is achieved by utilizing the City's Affordable/Workforce Housing Program.

Analysis: The applicant is proposing 42 dwelling units of which 7 units (15% of the total number of units) will be income restricted. Staff has included a condition of approval to ensure this requirement is satisfied.

Section 23.4-10. - Off-street parking: This section provides general provisions for off-street parking. The standards *"apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes."*

Analysis: The parking for the dwelling units was calculated as follows:

- 42, single-family attached units (1.25 spaces per unit X 42 townhomes = 53 parking spaces)

A total of 53 parking spaces are required. The parking requirement has been exceeded with 102 parking spaces in the following configurations:

- 42 off-street garage spaces
- 42 off-street driveway spaces
- 18 on-street parking spaces (including 2 ADA spaces)

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping".*

Analysis: The development proposal provides perimeter and interior landscaping that is generally consistent with the City's landscape regulations. Tree species include a mix of Gumbo Limbo, Green Buttonwood, Silver Buttonwood, Dahoon Holly, Bay Rum and Slash Pine trees for the perimeter and interior plantings with multiple native and non-native shrubs, grasses, and groundcovers throughout the site. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. The diameter at breast height (DBH) for existing trees is used to calculate the tree replacement requirements and replacement of trees eighteen (18) DBH inches or more shall require replacement trees to be at least six (6) DBH inches. After the review of the Tree Survey, Disposition Plan and Landscape Plan staff determined that there is a tree replacement and mitigation shortfall. Therefore, staff has proposed a condition of approval requiring updated landscape and tree disposition plans that comply with code section 23.6-1(m), *Tree Preservation*.

The revised tree replacement and/or mitigation and the final landscape plan will be reviewed for compliance in a minor site plan application. If the required replacement trees cannot be located on site, the trees shall be mitigated by paying into the tree canopy restoration fund in accordance with code section 23.6-1 (m)(7)(c).

Section 23.5-1- Signage: Signage is required to comply with the size and design requirements of LDR Section 23.5-1, *Signs*. Ground or monument signage are required to be depicted on both the site and landscape plans, and are reviewed for consistency with the sign code requirements and planned development at building permit.

Analysis: One (1) freestanding monument sign is proposed. Per LDR Section 23.5-1(E)(5), a lot with frontage between 301-400 feet is permitted 150 square feet of signage. A maximum sign height of 8' is permitted with a minimum setback of 3'. The sign will have a height of 4', an area of 12 square feet, and a setback that exceeds the minimum requirement. Therefore, the proposed monument sign is code compliant. No waivers are being requested for the signage. However, it is staff's analysis that the sign design is not compatible with the development's contemporary buildings. A recommendation is proposed to update the design at minor site plan review.

Section 12-7, Dumpster Requirements: *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

Analysis: The refuse of each dwelling unit will be placed in refuse bins/carts. A separate dumpster is not proposed. The Public Works Department reviewed the proposal and added conditions of approval to ensure consistency with City requirements.

Section 23.4-3, Exterior Lighting: *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

Analysis: A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3 and does not allow light trespass upon neighboring residential properties or districts in excess of 12.57 lumens. A condition of approval has been provided requiring further review to ensure compliance with Dark Skies lighting recommendations and for consistency with the architecture of the buildings. Further, proposed fixtures shall be required to have a warm tone setting of 3000K or less.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards 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. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards."* These qualitative standards are applicable to site plan applications as well as all conditional uses. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

Site Design Qualitative Standards Analysis (including vehicular use areas):

The site is configured with nine (9), two (2)-story townhouse buildings that are accessed from a new residential loop street. The development will include a covered workout pavilion, dog park and flexible recreation area, and a pedestrian circulation system. The proposed building designs are contemporary with a flat roof. The exterior finishes include wood-look cladding, smooth stucco, and brick veneers. The proposed townhouses will accommodate between four (4) to five (5) units throughout the development.

Vehicular ingress and egress are proposed from Sunset Drive. The pedestrian and vehicular site circulation safely connects to the existing public right-of-way. Further, the site pedestrian circulation system is appropriately insulated from vehicular circulation. Adequate landscaping is proposed to screen the perimeter of the site and provide internal vegetation; these improvements were further discussed in the landscape section of this report.

According to the project narrative (included as an attachment) the project will satisfy the performance standards listed in LDR Section 23.2-31(c)(16). A workout pavilion and a dog park/flex open space are provided which will encourage community pride and social interaction.

The applicant submitted a separate statement (included as an attachment) that explains how the planned development achieves sustainable qualities, values, and principles as listed in LDR Section 23.2-31(c)(17). The complete compliance analysis is provided in Attachment A.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Unincorporated Palm Beach County	Unincorporated Palm Beach County	Single-family residential
South	Medium Density Residential	Medium Density Multi-Family Residential (MF-30)	Multi-family residential
East	Medium Density Residential	Medium Density Multi-Family Residential (MF-30)	Multi-family residential
West	Medium Density Residential	Medium Density Multi-Family Residential (MF-30)	Multi-family residential

The proposed use and site improvements will not negatively affect the existing surrounding properties and uses. They are harmonious and compatible with the existing residential area.

Community Appearance Criteria:

The proposed development and associated site improvements represent a substantial improvement in the general appearance of the property by providing new landscape around the perimeter of the property, and new architecturally compatible townhouse buildings. The proposed architecture of the building is appropriate and in harmony with the surrounding area. Overall, the development proposal represents a substantial improvement in the visual appearance of the property.

Conditional Use Findings (Attachment B)

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 establish a residential development greater than 7,500 square feet.**

Per LDR Section 23.4-13(c)(11), townhouses are subject to the additional standards as part of the CUP review process:

- (1) Front setback shall be ten (10) feet, with an open porch permitted in a minimum of five (5) feet of setback;
- (2) Distance between townhouse structures shall be twenty (20) feet; however, distance between double-stacked townhouse structures shall be thirty (30) feet;
- (3) Rear setback shall be twenty (20) feet with ten (10) feet for accessory structures;

- (4) Townhouse structures shall not exceed one hundred twenty (120) feet in overall length or six (6) units;
- (5) The maximum number of attached townhouse units within a townhouse building fronting on Federal Highway shall be four (4) units, unless a planned development district is approved; and
- (6) No front door access from alleys when abutting single family residential use or district.
- (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.

Analysis: At present, townhouses are not allowed in the SF-R zoning district. The applicant is requesting, under separate application, concurrent approval of a privately-initiated amendment to the City's Land Development Regulations (LDR) to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Residential Only Mixed Use Urban Planned Development (Ordinance 2024-03). Should Ordinance 2024-03 not be approved, the development application for 826 Sunset Drive would be considered moot and would need to be revised and resubmitted to comply with the existing LDRs.

If Ordinance 2024-03 is approved, the proposed townhouse buildings comply with the requirements noted above, except for the minimum distance between buildings. A waiver is being requested as part of the planned development to reduce the distance between the three (3) southern buildings to 10 feet between each.

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The applicant is proposing townhouse buildings that do not utilize the maximum development potential. The buildings will be served by existing municipal services, including water, sewer, refuse, fire and police. The proposed associated site improvements would provide new landscaping and an improved condition of the parcel while providing new housing options.

Zoning Map Amendment

Consistency with the City's Land Development Regulations

The zoning map amendment will assign a Single-Family Residential (SF-R) zoning district designation. A concurrent zoning text amendment (analysis provided under separate cover) will allow residential planned developments located within the SF-R zoning district to propose townhouses. As a result, the property will be redeveloped with a townhouse project which provide additional housing within the City of Lake Worth Beach. The property is adjacent to single-family uses to the north and multi-family uses to the east, west, and south.

The LDRs also require all zoning 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 provided below. The analysis demonstrates that the proposed zoning complies with the review criteria and that the required findings can be made in support of the zoning designation request.

Section 23.2-36(4): Review Criteria for the Rezoning of Land

The Department of Community Sustainability is tasked in the Code to review rezoning applications for consistency with the findings for granting rezoning applications in LDR Section 23.2-36 and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

At the hearing on the application, the Planning and Zoning Board or Historic Resources Preservation Board shall consider the zoning map amendment application and request, the staff report including recommendations of staff, and shall receive testimony and information from the petitioner, the owner, city staff, and public comment. At the conclusion of the hearing, the Board shall make a recommendation on the zoning map amendment request to the City Commission.

The land development regulations require all zoning map amendment rezoning requests without a concurrent future land use map 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

Analysis: The zoning map amendment request furthers the implementation of the City's Comprehensive Plan with the proposed adoption of a zoning district that is consistent with the Medium Density Residential (MDR) Future Land Use (FLU) designation on the subject site. **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.

Analysis: The zoning map amendment 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. **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.

Analysis: The zoning map amendment request supports the integration of residential use consistent with smart growth and sustainability initiatives. In particular, approval of the request could lead to compatible land uses that could strengthen and direct development to the vacant property. 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 and multi-family residential. Approval of the zoning map amendment will allow for land uses that are complementary to the existing residential uses surrounding the property. **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](#).

Analysis: The development will be served by existing municipal services, including water, sewer, refuse, fire and police. The Electric, Water, Sewer, & Storm Utilities Departments included conditions of approval to adequate ensure community facilities and services are available to sustain the demands. **Meets Criterion.**

- 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.

Analysis: The lack of an official zoning designation of the subject property is not consistent with the adopted future land use. Assigning a zoning district designation to the subject site will increase compatibility with the adoption of a zoning district that is intended to implement the vision of the Medium Density Residential (MDR) 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.

Analysis: The project known as "Sunset Drive" will have several economic benefits for the community. Approval of the zoning map amendment would allow for the redevelopment of the site as sustainable residential development. The proposed residential planned development will also result in the construction of seven (7) affordable/workforce housing dwelling units. Therefore, housing options in Lake Worth Beach will be further diversified. **Meets Criterion.**

- 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.

Analysis: The proposed application would allow for the development of the subject site. **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](#).

Analysis: The zoning analysis for the residential planned development was provided in this report. Based on the data and analysis and the supporting materials by the applicant, the use is not anticipated to negatively impact adjacent residential property. Further, the proposed site improvements are consistent with the City's LDR requirements. **Meets Criterion.**

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

Project Phasing and Re-Plat

The residential planned development will be constructed in one phase. As depicted on the site plan, the project will include 42 fee-simple residential parcels, a residential loop, and common area tracts. A subsequent re-plat to create these parcels and tracts along will be required. The re-plat will also contain utility easements.

CONCLUSION AND CONDITIONS

If the PZB determines that noticing was inadequate and/or the requirements were not met, the applicant must conduct another neighborhood meeting, which meets all of the noticing requirements.

If the PZB determines that noticing was adequate and/or the requirements were met, the applicant may continue with the development application. Based on the data and analysis in this report and the supporting materials by the applicant, the proposed residential only mixed-use urban planned development will be complimentary to the adjacent residential properties. The project will provide sustainable townhomes and seven (7) affordable/workforce units. Further, the proposed improvements are consistent with the City's LDR requirements. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning, Zoning, and Landscape Services

Incentive Programs Conditions of Approval

1. Fifty percent of the sustainable bonus fee shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall provide qualifying sustainable bonus features equal to fifty percent of the sustainable bonus fee, or shall be required to pay the remaining portion of the fifty percent of the incentive value prior to the issuance of a certificate of occupancy.
3. The transfer of development rights fee shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
4. Seven (7) units shall be restricted for affordable/workforce housing in accordance with the City's Affordable/Workforce Housing Program (or an alternative program as restrictive or more) prior to the issuance of a Certificate of Occupancy for the building.

Project Phasing Conditions of Approval

5. The project shall be constructed in one (1) phase.
6. Final plat approval is required prior to the issuance of a Certificate of Occupancy.

Site Conditions of Approval

7. Prior to the issuance of any building permits, a minor site plan shall be required to address the following:
 - a. Provide updated landscape and tree disposition plans that comply with code section 23.6-1(m) Tree Preservation.
 - b. Submit an updated photometric plan demonstrating that the exterior lighting complies with dark sky lighting guidelines, including using fully shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins. Specifically, the lighting fixtures shall be reviewed at building permit for consistency with the dark sky guidelines and the architecture of the buildings.
 - c. Provide setbacks for the monument signage.
 - d. Update any site data table errors or discrepancies.
 - e. If applicable, incorporate changes required by other departments.

8. Temporary fencing: Per LDR Section 23.4-4(j), 1. Screening details shall be submitted with the temporary construction fence permit application. Wind screening shall be substantial enough to avoid rips or tears due to wind or sun, and shall have no less than eighty-five (85) percent opacity. Screening shall be maintained in good condition at all times. Screening graphics shall be approved with a permit pursuant to the provisions of section 23.5-1, signs, of the zoning and land development regulations of this Code; 2. Temporary construction fencing must be associated with an active building permit unless approved by the development review official in lieu of a permit. The development review official may require the removal of a temporary fence in absence of an active permit or for safety issues; and 3. Acceptable materials include screened chain link and any other permitted materials identified in section 23.4-4(c).
9. Prior to the issuance of a certificate of occupancy, documentation shall be submitted to the Department of Community Sustainability that the project qualifies at a minimum as a National Green Building Standard (NGSB) silver certification or equivalent certification to fulfill the City's project performance standards listed in LDR Section 23.2-31.

General Conditions of Approval

10. The applicant shall coordinate with Palm Beach County (PBC) regarding required utility and right-of-way connections to Sunset Drive. PBC permits shall be submit to the City (as applicable), to confirm the viability of the work.
11. Prior to the issuance of any building permits, a structural report shall be submitted to City that confirms the integrity of the perimeter site wall.
12. At building permit, documentation shall be submitted to demonstrate that the material utilized for the semi-pervious parking areas has a percolation rate of at least fifty (50) percent relative to the ground percolation rate.
13. Any zoning district regulations not specified in the residential planned development shall be governed by the Single-Family Residential (SF-R) zoning district, including but not limited to, mechanical equipment location, generator location, and accessory structure size and location.
14. An address application shall be required to be submitted prior to application for building permit.
15. A video security system shall be required for the property.
16. Staff recommends that the monument signage design is changed to be consistent with the contemporary architecture of the townhouse buildings.

Utilities (Water, Sewer & Stormwater)

1. Prior to issuance of a building permit application, the developer shall provide calculations to demonstrate the necessary water and sewer capacity to serve the overall project.
2. The following drainage comment(s) can be addressed at building permit submittal:
 - a. Activities involving more than one acre of construction require NPDES stormwater construction general permit, submittal of the Notice of Intent (NOI) to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b). A copy of the NOI will need to be submitted with Building Permit application.
 - b. Provide paver manufacturer's specification including percolation rate as supporting documentation to demonstrate that the pavers meet the City's definition of semi-pervious paver (material percolation rate of at least 50% relative to the ground percolation rate).
 - c. Provide geotechnical report establishing hydraulic conductivity value for soil and ground water table elevation to support both the exfiltration calculations and compare with the percolation rate of the semi-pervious pavers.
 - d. Provide drainage analysis report and calculations.
 - e. Storm Drainage Plan should show treatment volume calculations, exfiltration trench detail, proposed ground elevations, and runoff flow lines.

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. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
4. Prior to the issuance of a certificate of occupancy, 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. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
5. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree on garbage bin storage location and screening, garbage bid pickup location, and number of bins required. Solid Waste and Recycling can be contacted by email at PublicServicesPermit@lakeworthbeachfl.gov. The agreed upon refuse location and enclosure (if applicable) shall be depicted on the site plan.
6. Prior to issuance of a building permit, a location shall be designated on the site plan for the storage of refuse carts on non-collection days. Plans shall also indicate how the refuse carts will be screened from public view on non-collection days.
7. Prior to the issuance of a Certificate of Occupancy, fine grade and sod all disturbed areas with bahia sod.
8. Advisory Comment. The specific details concerning the ownership of the ROW for the section of Sunset Drive indicated in the plans provided is currently being researched by the Public Works Department of the City of Lake Worth Beach. Should the results of this investigation be that the City owns the ROW then the following conditions shall apply. Should the results of the investigation be that Palm Beach County owns the ROW then coordination with the County shall be required.
 - a. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
 - b. Prior to the issuance of a Certificate of Occupancy, 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.
 - c. Prior to issuance of a Certificate of Occupancy, the proposed continuation of Sunset Dr. beyond the property line indicated on the Civil Plans provided, shall be platted as a private road and all construction and maintenance shall be the sole responsibility of the developer or future owner.

Electric Utility

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram. The location of the pad-mount transformers for the buildings shall be indicated. The transformer locations must be accessible to our vehicles, and must have 10-ft minimum clearance in front of them and 4-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure.
2. Before the issuance of a Building permit, a 10-ft wide utility easement shall be required for the underground electric, transformers and other equipment that will need to be installed to provide power to this project. The electric utility is planning a looped underground primary service for this project.
3. Before the issuance of a Building permit, the utility easement must be recorded.
4. Before the issuance of a Building permit, any other services that will be needed for the project such as irrigation, lift station, lighting, gates, etc., shall be indicated and where these services will be.
5. Developer to show the location of the meter center on the site plan.

6. Developer will be responsible for installing their own lightning for the parking areas.
7. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
8. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

BOARD POTENTIAL MOTIONS:

Neighborhood Meeting:

I **move to approve** the neighborhood meeting noticing that was provided by the applicant and find that it meets the requirements of LDR Section 23.2-19.1.

I **move to disapprove** the neighborhood meeting noticing that was provided by the applicant and find it does not meet the requirements per LDR Section 23.2-19.1. The applicant shall conduct another neighborhood meeting prior to the development application moving forward.

Development Application:

I move to **recommend approval with conditions** of Ordinance 2024-02 for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as "Sunset Drive," to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units at the subject site based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **recommend disapproval** Ordinance 2024-02 for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as "Sunset Drive," to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units at the subject site. The project does not meet the LDRs for the following reasons [Board member please state reasons].

Consequent Action: *Final decision by the City Commission.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, architectural plans & supporting documents)
- D. Draft Ordinance 2024-03

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) –Qualitative Development Standards	Analysis
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- | | |
|---|-----------------------|
| <p>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.</p> | In compliance |
| <p>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 chapter 12, health and sanitation, article V, 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.</p> | Not Applicable |
| <p>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.</p> | In compliance |
| <p>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.</p> | In compliance |
| <p>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.</p> | In compliance |
| <p>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.</p> | In compliance |
| <p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p> | In compliance |
| <p>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</p> | In compliance |

adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.

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.* **In compliance**

10. Design of on-site public right-of-way (ROW). *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.* **In compliance**

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.* **In compliance**

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.* **In compliance**

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.* **In compliance**

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 and complementary transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, height, rhythm of openings and character. Special 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.* **In compliance**

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.* **In compliance**

<u>Section 23.2-31(d) - Qualitative Buildings, generally</u>	Analysis
<p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character, style, integrity and design. Their architectural style(s) shall be clearly expressed and detailed appropriately to vocabulary of the style(s) and be of high quality in terms of materials, craftsmanship and articulation. The relationship of building forms through the use, texture and color of material(s) shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale, height, setback, massing and location on the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p>	In compliance
<p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony and compatibility with the</i></p>	In compliance

surroundings as is possible under the circumstances. The overall building fenestration, orientation, rhythm, height, setback, mass and bulk of an existing streetscape shall be respected. If a building is built in an undeveloped area, nine (9) primary requirements shall be met, including honest design construction, proper design concepts, appropriate use of high-quality materials, compatibility with the overall character of the city, appreciation of location, respectful transition, activation of the streetscape, building form(s) following proposed function(s) and overall sustainability.

3. *All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building. Facades shall have visual breaks every 75 feet at a minimum. The breaks shall be setbacks of either eight (8) inches or twelve (12) inches or more to create reveal lines or step backs on the façade and to add rhythm. Buildings in Lake Worth Beach typically have facades arranged in twenty-five-foot or fifty-foot increments. Breaks in facades also may be achieved through the use of differing but complementary and harmonious architectural styles. The massing elements of each façade shall have a height to width ratio approximating the golden ratio of 1.618, either vertically or horizontally.* **In compliance**

4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, floor to floor height, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression.* **In compliance**

5. *Look-alike buildings shall not be allowed unless, in the opinion of the reviewing entity, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the reviewing entity, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **In compliance**

6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the reviewing entity. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **In compliance**

7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance**

8. *Building surfaces, walls, fenestration and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**

9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not applicable**

10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**
15. *All buildings shall address both the public right-of-way and improve the overall pedestrian experience through the inclusion of the following components:* **In compliance**
- a. *Clearly articulated entrances,*
 - b. *Expanses of fenestration at the ground level,*
 - c. *Provision of shade through porches, awnings, galleries, arcades and/or loggias as well as other appropriate forms to the chosen architectural style(s),*
 - d. *Integrated signage,*
 - e. *Pedestrian scaled lighting,*
 - f. *Buildings that define at least fifty (50) percent of the street frontage, and*
 - g. *Openings that approximate a golden ratio of 1.618.*
16. *All new buildings of seven thousand five hundred (7,500) gross square feet or larger shall incorporate design principles, practices and performance standards to achieve the following through a project proforma description and analysis prepared by the developer and verified by an independent third party:* **In compliance as conditioned**
- a. *Overall ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards,*
 - b. *Overall ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards,*
 - c. *Overall twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards,*
 - d. *Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable,*
 - e. *Overall twenty (20) percent reduction in water usage during operation of the building as compared to industry standards,*
 - f. *Efficient use of natural resources through use reduction, reuse, reclamation, and recycling,*
 - g. *Incorporation of design features and uses that support multi-modal transportation options,*
 - h. *Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors,*

i. *Incorporation of amenities that are conducive to enhancing community pride and social interaction, and*

17. *In addition to the items enumerated above, all new planned developments shall strive to incorporate design elements, performance standards and/or specifications to enhance the public's awareness and appreciation of the community's commitment to the preservation and enhancement of the following sustainability qualities, values and principles:* **In compliance**
- a. *Cultural resources,*
 - b. *Historical resources,*
 - c. *Ecological/natural resources,*
 - d. *Diversity and inclusion,*
 - e. *Social justice,*
 - f. *Economic investment,*
 - g. *Neighborhood vitality,*
 - h. *Sense of place,*
 - i. *Education, and*
 - j. *Recreation.*

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p>	In compliance
<p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p>	In compliance
<p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.</i></p>	In compliance
<p>4. <i>Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances</i></p>	In compliance

and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<i>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.</i>	In compliance
<i>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.</i>	In compliance
<i>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.</i>	In compliance
<i>4. The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i>	In compliance

ATTACHMENT B - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>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.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>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.</i>	In compliance

Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>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.</i>	In compliance
2. <i>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</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>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.</i>	In compliance
5. <i>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.</i>	In compliance

6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **In compliance**

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.* **In compliance**

8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**



DATE: January 11, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: January 17 & February 14, 2024

SUBJECT: **Ordinance 2024-03:** Consideration of an ordinance amending Chapter 23, Section 23.3-25 “Planned Development District,” to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Planned Development.

PROPOSAL / BACKGROUND/ ANALYSIS:

The applicant, Chris Raley on behalf of SCG Florida LLC, is requesting approval of the subject privately-initiated amendment to the City’s Land Development Regulations (LDR) to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Planned Development. As a result, there will be greater flexibility in the housing options that can be offered in the City of Lake Worth Beach.

The proposed LDR Amendments will modify the following section of the City’s Land Development Regulations:

- Article 3 – Section 23.3-25: Planned Development District

The applicant is concurrently proposing, under a separate application, a residential townhouse development on a 4.017-acre site at 826 Sunset Drive with the purpose of constructing 42 townhouses. The site will be configured with nine (9), two (2)-story townhouse buildings that are accessed from a new residential loop street.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-03.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendment included in Ordinance 2024-03.

Attachments

- A. Draft Ordinance 2024-03

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ORDINANCE 2024-03 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 SECTION 23.3-25 “PLANNED DEVELOPMENT DISTRICT,” PARAGRAPH (e). “MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT,” PROVIDING FOR TOWNHOUSES WITHIN THE SINGLE-FAMILY RESIDENTIAL (SF-R) ZONING DISTRICT AS PART OF A RESIDENTIAL ONLY MIXED USE URBAN RESIDENTIAL PLANNED DEVELOPMENT; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

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

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

WHEREAS, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” to amend, Section 23.3-25 – Planned Development District to provide for townhouses within the single-family residential (SF-R) zoning district as part of a residential only mixed use urban planned development within the City of Lake Worth Beach; and

WHEREAS, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

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

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

WHEREAS, the City Commission finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

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

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

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Section 2: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Section 23.3-25 “Planned Development District,” Paragraph (e). “Mixed use urban planned development district,” is hereby amended to read as follows:

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, Transit Oriented Development — West and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

2. *Minimum area required.* The minimum area required for an urban planned development district shall be one-half (0.5) acres.

3. *Permitted uses.* 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.

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.

5. *Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to [article 4](#) of these LDRs.

6. *Landscaping/buffering.* Landscaping and buffering shall be provided as required by [section 23.6-1](#).

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.

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

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.

10. *Townhouses.* Residential only mixed use urban planned development districts located within a single-family residential (SF-R) zoning district, a project may utilize townhouses. Use of townhouses shall not, in and of itself, provide a bonus on density, intensity or height.

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Section 4: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 7: Effective Date. This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the ____ day of _____, 2024.

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

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2024.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

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ATTEST:

Melissa Ann Coyne, City Clerk