



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Town Commission and  
Planning and Zoning Board  
Mixed-Use Corridor Workshop  
Tuesday, March 1, 2016, 6:00 p.m.,  
Lake Park Town Hall  
535 Park Avenue

<b>James DuBois</b>	—	<b>Mayor</b>
<b>Kimberly Glas-Castro</b>	—	<b>Vice-Mayor</b>
<b>Erin T. Flaherty</b>	—	<b>Commissioner</b>
<b>Michael O'Rourke</b>	—	<b>Commissioner</b>
<b>Kathleen Rapoza</b>	—	<b>Commissioner</b>
.....		
<b>Judith Thomas</b>	—	<b>Board Member - Chair</b>
<b>Martin Schneider</b>	—	<b>Board Member – Vice-Chair</b>
<b>Michele Dubois</b>	—	<b>Board Member</b>
<b>Anne Lynch</b>	—	<b>Board Member</b>
.....		
<b>John O. D'Agostino</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez, CMC</b>	—	<b>Town Clerk</b>

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, 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. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

- A. **CALL TO ORDER/ROLL CALL:**
- B. **PLEDGE OF ALLEGIANCE:**
- C. **DISCUSSION:**
  - 1. **Introductions**
  - 2. **Recap on Mixed-Use (Goal; Process; and Applicability)**
  - 3. **Capacity Analysis**
  - 4. **Land Development Regulations (using Visuals)**
  - 5. **Open Discussion and Next Steps**
- D. **ADJOURNMENT**



**Joint WORKSHOP Between the  
Town of Lake Park Town Commission and the  
Planning and Zoning Board**

**Agenda Request Form**

**Meeting Date: March 1, 2016**

**Agenda Item No.**

**Agenda Title: Mixed-Use Zoning Overlay District (MUZ) Workshop – LET’S  
CREATE A BUZZ FOR THE MUZ!**

- |                                     |  |                          |                |
|-------------------------------------|--|--------------------------|----------------|
| <input type="checkbox"/>            | SPECIAL PRESENTATION/REPORTS             | <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/>            | BOARD APPOINTMENT                        | <input type="checkbox"/> | OLD BUSINESS   |
| <input type="checkbox"/>            | ORDINANCE ON 1 <sup>st</sup> READING     |                          |                |
| <input type="checkbox"/>            | NEW BUSINESS                             |                          |                |
| <input checked="" type="checkbox"/> | <b>OTHER: <u>WORKSHOP DISCUSSION</u></b> |                          |                |

**Approved by Town Manager** *[Signature]* **Date:** 2-25-16

*Nadia Di Tommaso / Community Development Director* *ND*  
Name/Title

<b>Originating Department:</b>  <p align="center"><b>Community Development</b></p>	<b>Costs: \$ Consultant fees (pursuant to agreement)</b>  Funding Source: #500-34000  Acct. # _____ <input type="checkbox"/> Finance _____	<b>Attachments:</b> <ul style="list-style-type: none"> <li>➔ Responses to Dec. 9, 2016 Workshop Questions and Comments</li> <li>➔ Updated Capacity Analysis</li> <li>➔ Zoning Packet, including draft Transfer of Development Rights provisions</li> <li>➔ Massing Analysis</li> <li>➔ Visuals Packet</li> </ul>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <b>ND (through flyers; Town website; Channel 18; and direct mail)</b> OR Not applicable in this case  <b>Please initial one.</b>

**Summary Explanation/Background:**

*Let’s create a BUZZ for the MUZ!*

The purpose of the enclosed agenda item documents is to be able to better formalize the discussion on the proposed zoning provisions so as to *visually* present the various components and engage a Commission, Board and public discussion on the Mixed-Use Zoning Overlay District (MUZ) for the

Federal Highway Corridor. Since this is a workshop, the documents herein are not intended to include ALL the relevant sections that would otherwise be included in a standard Ordinance or amendment package, but rather aims to VISUALLY address some pertinent Mixed-Use categories that staff, and its team of consultants, believe are suitable provisions for Lake Park's Federal Highway corridor. As requested at the last workshop, included in the packet are responses to the questions/comments raised at the December 9, 2015 workshop. Staff and its team of consultants added significant emphasis to certain components of the proposed language, namely (just to highlight a few areas):

- Provided additional flexibility in better defining the purpose of the overlay district in the introductory section, along with eliminating some of the stringent architectural requirements, but relying on the applicability of the district to allow for high-end, visually attractive developments. Additionally, in performing an analysis of heights versus # of units for other mixed-use developments built throughout the County, the proposed maximum densities have been increased to provide for additional flexibility. Consequently, a revised capacity analysis has also been included.
- Draft Transfer of Development Rights provisions have also been developed for the purposes of preserving the two historically-designated properties and the one additional historically significant property along the corridor.
- An extensive packet of visuals, along with a graphical massing analysis has also been developed.

Mixed-Use is certainly *not* a new concept, however each community can benefit from Mixed-Use developments along their main streets for a very basic reason: *it creates an environment to live, work, and play* and ultimately creates a synergy within the community that allows for all its components to blossom.

WE WANT TO HEAR FROM ALL STAKEHOLDERS and look forward to discussing this very important initiative in what we hope will be our last public workshop prior to solidifying the various components and carrying them through the required public hearing and approval process.

Please refer to the enclosed list of documents.

**Recommended Motion: DISCUSSION ITEM ONLY.**

December 9, 2016 MUZ WORKSHOP

RESPONSES TO QUESTIONS & COMMENTS

- TDRs for historic buildings
  - Staff Response: Draft provisions for Transfer of Development Rights along the corridor have been developed and serve to preserve the two historically designated properties along the corridor, along with a third historically significant property. The draft provisions are available in the agenda item packet and will be discussed at the workshop on March 1, 2016.
  
- Confusion about process/function of an overlay
  - Staff Response: The introduction of what is referred to as an “Overlay District” means that new regulations specific to some geographic area is applied while preserving the underlying zoning district standards and it may have stricter standards or other criteria with the intent to promote specific development goals and objectives of a municipal or county jurisdiction.
  
- Think about a broader code – provide a range of options – simplified approach...AND...Challenge – if you become too regulatory as opposed to prescriptive...AND... Prescriptive instead of regulatory – a range of possibilities for how a lot develops...AND...existing land use allows 20 units per acre...AND...Level of Service predicated on the fact that you can get around a bus
  - Staff Response: In an attempt to provide more flexibility and after conducting an analysis of surrounding mixed-use buildings in terms of their built heights and number of units, staff has increased the allowable densities in the various sub-areas. In addition, a more refined purpose and applicability section to the district has been developed so as to allow for the elimination of certain prescriptive guidelines. The intent is to rely on the development to introduce varied architectural while ensuring that a significant amount of architectural interest and techniques are incorporated. Usable, active and attractive ground floor spaces are required and accentuated building facades on all street fronts will be required. Additionally, all interior parking spaces must be architecturally treated from the street front.

The goal of staff and its consultants is to present a draft development option that will allow land owners the greatest flexibility in redeveloping a site in the MUZ Corridor. The focus has been to design language so that a range of options can be realized as it relates to architectural style, façade fenestration, building height, and others.

An updated Capacity Analysis retaining an acceptable Level of Service standard, even with the increased, proposed, densities has been completed and enclosed.

- Complete streets – look at the new median south of Silver Beach Road...its successes and its deficiencies...AND... Landscaping issues on complete streets
  - Staff Response: Staff and its consultants have observed the median improvements to the South of Silver Beach Road, as well as those on Federal Highway North of Northlake Blvd. in the Town of North Palm Beach and what exists on Northlake Blvd. from Federal Highway to I-95, as well as Park Avenue in the Town. All of these areas provide excellent examples of medians that have a variety of plant species and landscaping that is attractive and may be appropriate for Federal Highway. The Complete Streets initiative is important and integral to the corridor however, staff will be dealing with this initiative separately so as to draft a Complete Streets Policy that will be applicable to the Town as a whole and include landscaping considerations. Palm Beach County and the Metropolitan Planning Organization have taken particular interest in the Complete Street Initiative and working groups have been organized for all County-wide stakeholders so that a comprehensive policy can be pursued and possibly some funding sources can be identified. Staff has also considered adding a contribution-type fund for developers so that monies are contributed from adjacent development to enable the complete street initiative along the corridor in the future. This is still a work in progress.
  
- 100 foot lot – won't support 6 stories – small lot considerations...AND....impacts of building 6-stories on the west side, being adjacent to residential and having to look at a big wall
  - Staff Response: Mixed-Use developments come in all sizes. Certainly, lots with smaller land areas will either need to combine with neighboring lots, or scale back their development proposal. Staff proposed maximums to allow for increased flexibility however, it is true that the maximums will not always be possible.

Furthermore, the intent of the mixed-use district is to provide architectural interest on all facades, including those adjacent to residential. While it will be impossible to prevent the increased intensity and massing a 6-story development will have when compared to a 1 or 2-story development, the developments are limited to the existing commercial footprint on the west side of Federal Highway (but for Silver Beach – an area which is also being protected by certain provisions that provide for retaining residential uses beyond 150 west of Federal Highway) and will simply serve to maximize the values and services on these already commercially-designated sites.

- Emphasize provisions for mixed use as opposed to single use zoning
  - Staff Response: While the underlying district regulations will still apply, the mixed-use zoning overlay aims to address those components that are specific to mixed-use in order to facilitate the integration of uses and these specific provisions will override those in the underlying zoning district. Certainly this is a work in progress and the language will get further refined prior to it moving through the public hearing process (and will likely include a public benefit component to further allow for the waiver of certain underlying district provisions that may not apply or be beneficial to a particular development proposal). We are open to any all suggestions since we hope this development option will benefit the entire community.

- Wall/fence in screening – do not allow chain link
  - Staff Response: The proposed language currently prohibits the use of chain-link fencing in all mixed-use development projects (except of course for temporary construction situations whereby chain-link may be used during construction to secure job sites).
  
- Automotive uses? No further proliferation...AND...Don't encourage child care, schools. Tax exempt defeats the purpose
  - Staff Response: The existing underlying Zoning District on the east side of Federal Highway (C-1), which would still apply, already provides for strict requirements that prevent the proliferation of auto uses and the C-1B Zoning District on the west side of Federal Highway does not permit automotive uses. Child-care facilities have been included in the provisions since there may be some mixed-use developments that may look to favor child-care related uses and that complement the residential component of mixed-use developments. Certainly this can be further discussed at the workshop. Schools have been listed as being prohibited.
  
- Look at North Palm Beach, buildings on east side – some go to 5 stories
  - Staff Response: This comment was taken into consideration by staff and its consultants when they compared other developed sites throughout Palm Beach County.
  
- MARINA- related comments:
  - 15 story urban waterfront – should not be 15 stories – go higher on west side of US-1.
  - 15 story on waterfront will block view
  - Look at Marina task force recommendations
  - Maintain marina parking
  - Maintain view
  - Separate zoning plan for marina district
  - Marina – a place for the County to come and enjoy the waterfront
  - Whole town can benefit from maintaining marina
  - Consider tax base – urban waterfront development to provide a public benefit to Town
  - Reconsider proposal for waterfront district – urban waterfront park most potential
  - Big buildings west of US-1 – enhance waterfront as a park
  - Staff Response: In order to create a transition from the west side to the east side given the need to account for the single-family residential on the west side and the transitional uses moving east, including our prime park/recreational spaces, marina and intracoastal amenities and natural features, the block adjacent to the Marina (on the east side of Federal Highway and privately-owned) has been deemed to be a prime location for the most dense and intense development. The Marina and its facilities will be closely considered from a parking and circulation perspective. Essentially, any mixed-use development in this area would maximize the Marina area by bringing in services, people and value to the area.

## TOWN OF LAKE PARK – CAPACITY ANALYSIS

DATE OF REVIEW: February 23, 2016

PROJECT APPLICANT: Town of Lake Park

REQUEST: Change the Mixed Use Overlay District development density and intensity standards as follows:  
FROM a maximum of 20 units per acre and a maximum FAR of 2.5;  
TO a maximum of 40 units per acre and a maximum FAR of 2.5 in the Urban Neighborhood Edge sub district, a maximum of 60 units per acre and a maximum FAR of 4.0 in the Urban Edge sub district, and a maximum of 80 units per acre and a maximum FAR of 6.0 in the Urban Waterfront sub district.

The 62.60-acre subject property is designated Mixed Use Overlay District on the Future Land Use Map. The Town is proposing to: reduce the size of the District to 41.2 acres as shown on the Map, and; change the development standards as summarized in the request above.

The impacts in maximum development potential that would result from the Comprehensive Plan amendment are outlined in the attached “Town of Lake Park 2015 Mixed Use District Comprehensive Plan Amendment Maximum Build-out Analysis”. The impacts of maximum build-out on the Town’s ability to meet its adopted Level of Service standard are summarized below. As can be seen, the Town will continue to meet its Level of Service standards even in the event of maximum build-out under the Comprehensive Plan designation, with the exception of parks. At maximum build-out, it is estimated that 1.36 acres of additional park land would be required. Ultimately, however, it is unlikely that the subject property could ever be developed to maximum allowed build-out due to the site configuration, land development regulations, and other constraints.

### Level of Service Analysis

This analysis is based on those standards contained in the City’s adopted Comprehensive Plan.

#### Transportation:

Roadway Adopted LOS Standard – LOS D  
Estimated trips - +24,886 trips on US-1  
Current daily trips – 25,989  
Projected daily trips at build out – 50,875  
Current LOS – B  
Projected LOS D

#### Sources:

Palm Beach County 2015 Historic Traffic Growth Table  
FDOT 2013 Quality Level of Service Handbook  
FDOT Generalized Annual Average Daily Volumes for Florida’s Urbanized Areas

Potable Water:

Residential LOS Standard - 97 gallons per capita per day  
Non-residential LOS Standard - 1,777 gallons per acre/day  
Estimated impact -- + 350,152 gallons per day  
Current consumption (Seacoast Utility Authority service area) – 13.3 million gallons per day  
Projected consumption at build out – 13.65 million gallons per day  
Current capacity – 30.5 million gallons per day

Sources:

Seacoast Utility Author Engineer's Report on the Physical Condition of the System  
Seacoast Utility Authority website, [www.sua.com](http://www.sua.com)

Sanitary Sewer:

Residential LOS Standard– 66 gallons per capita per day  
Non-residential LOS Standard – 1,089 gallons/acre/day  
Estimated impact - +234,774 gallons per day  
Current consumption (Seacoast Utility Authority service area) – 5.16 million gallons per day  
Projected consumption at build out – 5.39 million gallons per day  
Current capacity – 12 million gallons per day

Sources:

Seacoast Utility Author Engineer's Report on the Physical Condition of the System  
Seacoast Utility Authority website, [www.sua.com](http://www.sua.com)

Solid Waste:

Solid Waste  
LOS Standard – 3.43 lbs./capita/day for residential, 112.56 lbs./acre/day for commercial  
Estimated impact at build out - +14,105 lbs. /day  
Palm Beach County Solid Water Authority has capacity to convert all solid waste generated in County into electricity for the next 20 years

Sources:

Palm Beach County Solid Waste Authority, [www.swa.com](http://www.swa.com)

Parks & Recreation:

LOS Standard – 2.5 acres/1,000 residents  
Estimated impact - +9.42 acres  
Current park acres required to meet LOS Standard – 21.5 acres  
Projected park acres required to meet LOS Standard at maximum build out – 33.26 acres  
Existing park acreage – 31.9 acres

Sources:

City park inventory

Schools:

LOS Standard - Enrollment not to exceed 110% of capacity (measured in Concurrency Service Areas (CSAs))

Estimated impact of maximum build out - +340 students (+151 elem., +76 middle, +113 senior)

Current enrollment, elementary schools in CSA 5 – 3,744 students

Projected elementary school enrollment at maximum build out – 3,895 students

Capacity, elementary schools in CSA 5 – 5,104 student stations

Current enrollment, middle schools in CSA 5 – 1,512 students

Projected middle school enrollment at maximum build out – 1,588 students

Capacity, middle schools in CSA 5 – 2,756 student stations

Current enrollment, high schools in CSA 5 – 1,523 students

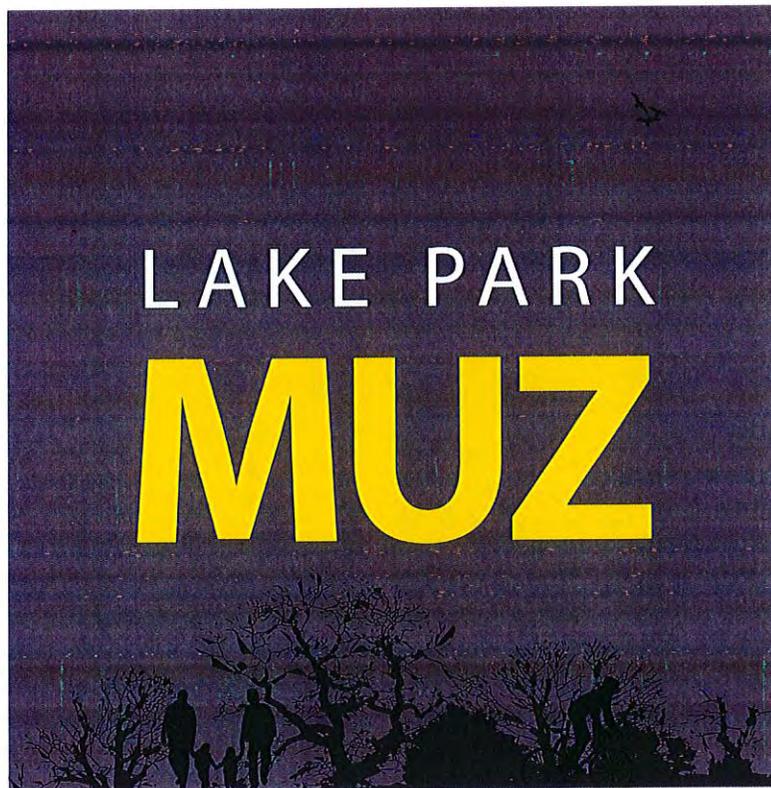
Projected high school enrollment at maximum build out – 1,636 students

Capacity, high schools in CSA 5 – 1,733 student stations

Sources:

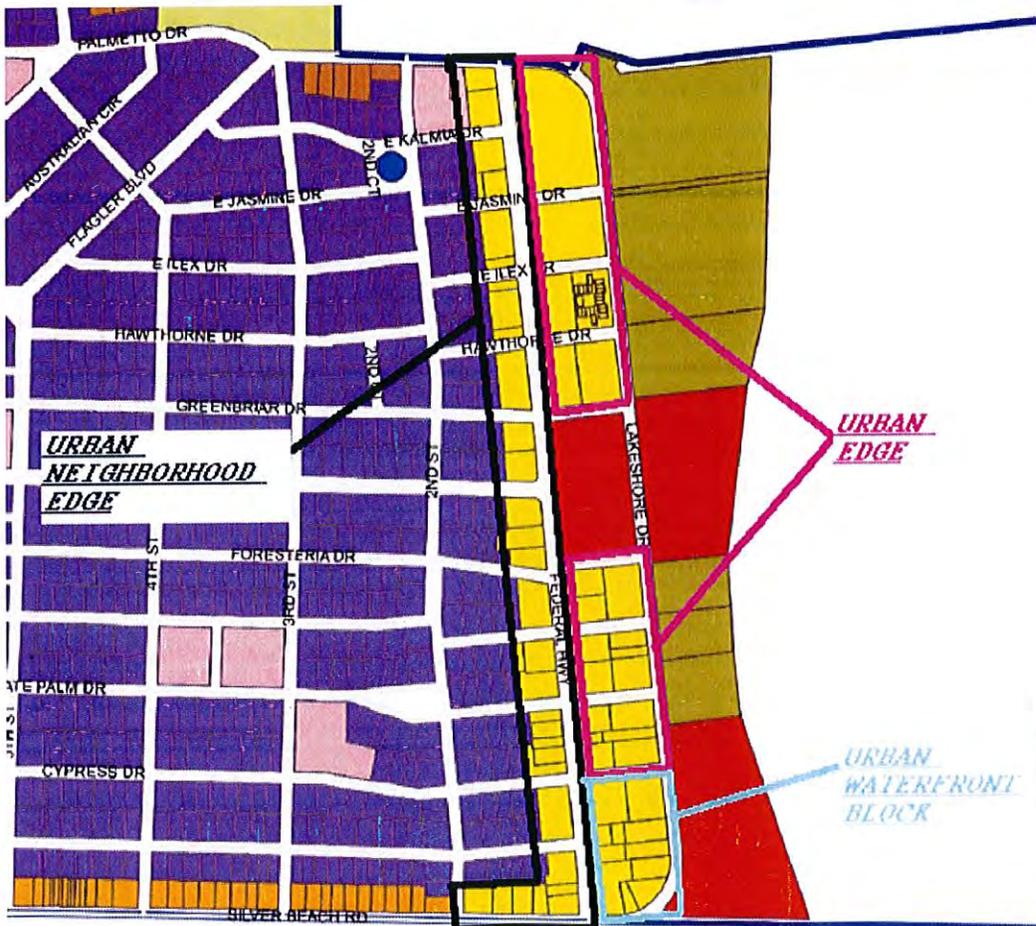
October 2015 FTE Report School Concurrency Table, Palm Beach County Public Schools

Attachment



# Mixed-Use Zoning Overlay District (MUZ)

Figure 1: Mixed-Use area and sub-districts



The following mixed-use zoning overlay district provisions represent a commercial/residential zoning classification that permits, rather than mandates, a vertical mix of commercial and residential uses within the same building or parcel, for horizontal development. The overlay district is intended to accommodate a physical pattern of development often found along main streets and downtowns and in neighborhood commercial areas of older cities. This development pattern known as mixed-use are characterized by high quality urban design principles and serve as economic engines.

*Primary Smart Growth Principle Addressed:* Mix of land uses

*Secondary Smart Growth Principle Addressed:* Compact building design.



## Introduction

An “overlay” district is a zoning district that is superimposed over one or more existing districts in order to impose additional restrictions, permit additional uses, or implement density bonuses or incentive zoning to achieve community goals. In the case of mixed use zoning, it is used to allow added uses and to provide incentives to achieve local goals. Thus developers can develop either according to the underlying zoning or according to more flexible mixed use provisions.

The overlay, as we have noted, encourages coordinated, cohesive development across lots or through lot consolidation. Rather than allowing piecemeal development, it encourages a sense of place over a larger area. The overlay allows the community to enable and require a mix of uses and to control their features. Changing the underlying zoning to allow a mix by right would only enable the mix but would not require it nor would it control it via the special permit process. The overlay concept is especially useful where the desired mixed use area crosses zoning district boundaries or includes only a piece of a district or where the community wishes to protect certain uses in parts of a district.

To encourage developers to use the mixed use development option, the regulations need to include incentives and provide for community control while avoiding excessively burdensome requirements. If the regulations raise too many hurdles, the development option will never be used.

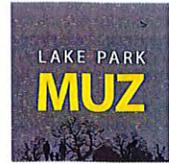
The choice of incentives should also consider what is most likely to appeal to developers in the areas under consideration. The following incentives would be made available:

- The ability to build certain kinds of housing in a mixed-use setting (e.g., multi-family) where it is not otherwise allowed in the underlying zoning district
- More flexible design standards and allowing the approval process to dictate community acceptable designs
- Less open space where flexibility produces better design
- Less parking, provided that adequate parking is achieved through such alternatives as shared parking arrangements; higher reliance on public transportation, bicycling, or walking; or transportation demand management techniques
- Streamlined/Expedited permitting
- Transfer of Development Rights in order to preserve historically-designated properties

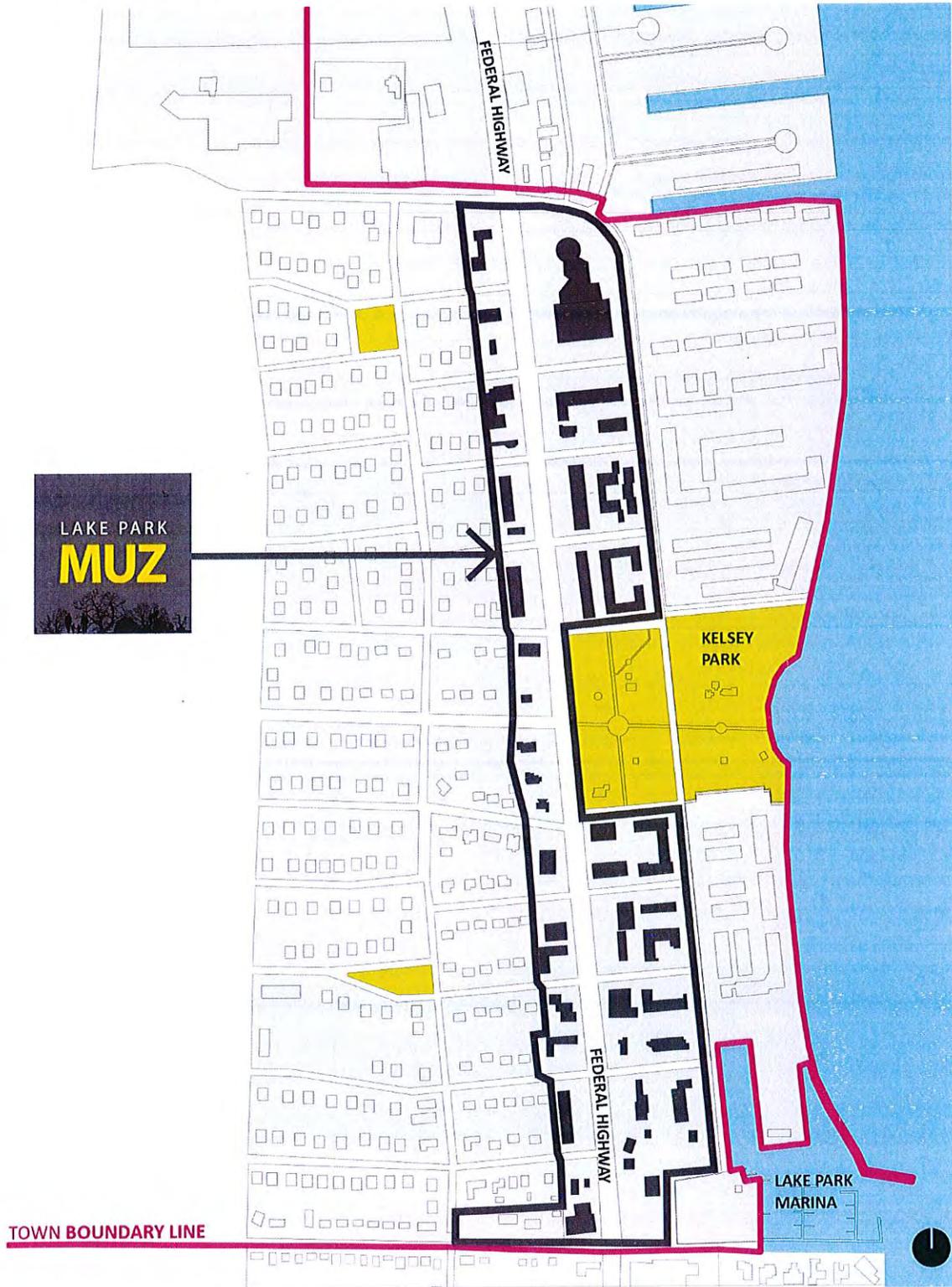
In balancing incentives and requirements, it is important to remember that the community retains control through the special permit process. The special permit ensures high quality design. The board may always say no or negotiate more desirable design. While the comprehensive plan will control maximum density and intensity, this Mixed-Use Zoning Overlay District aims to provide maximum flexibility in design such that that parking, water and sewer infrastructure, along with design elements such as connectivity, walkability, and architectural features, are used to guide development.

Mixed-Use Zoning Overlay District (MUZ) - Aerial View





Mixed-Use Zoning Overlay District (MUZ) - Boundary





## Purpose

The purpose of the Mixed-Use Zoning Overlay Zoning District (MUZ) is to:

- (1) Provide an additional development option; and
- (2) Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;
- (3) Encourage development that exhibits the physical design characteristics of pedestrian oriented, storefront-style shopping streets; and
- (4) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

### **Applicability and Procedures**

The standard MUZ regulations contained in this chapter shall apply to all Mixed-Use developments. When provisions of the MUZ overlay district conflict with other town code regulations, the MUZ regulations shall prevail.

Mixed-use development or redevelopment within the corridor shall adhere to the regulations imposed by the MUZ overlay district. Compliance with the standards of the MUZ shall be demonstrated by submittal of a site development plan application which includes an architectural drawings/elevations and which must adhere to the town's site plan development approval process as defined by the town code.

The area within the boundaries of the MUZ is divided in three Sub-districts: Urban Neighborhood Edge, Urban Edge, and Urban Waterfront Block as identified in Figure 1. The highest density and intensity within the MUZ shall be allocated to the Urban Waterfront Block, the area adjacent to the Lake Park Marina and shall only be developed as mixed-use if residential enclaves are not created. The Urban Waterfront Block is also the Sub-District which can incorporate commercial uses on the ground floor and within the upper floors. The second highest densities and intensities shall then be allocated to those parcels located on the east side of North Federal Highway, with the lowest densities and intensities on the west side of North Federal Highway.

All mixed-use developments must include a North Federal Highway frontage which shall consist of ground floor commercial that can extend along the side streets up to half a block deep and internal to the remainder of the site. Upper floor commercial is also permitted along North Federal Highway and up to a half a block deep on the side streets and internal to the remainder of the site. Mixed-Use developments on the east side of Federal Highway (except within the Urban Waterfront Block Sub-district) and on the



west side of Federal Highway at Silver Beach Road, shall incorporate residential uses and facades facing Lake Shore Drive and along Silver Beach Road starting 150 west of Federal Highway pursuant to the residential design guidelines found herein.

## Special Definitions *(will be further refined following workshops)*

1. **Accessory Building:** An enclosed building that is subordinate to and not the main or principal building on a lot or parcel.
2. **Accessory Structure:** An unenclosed structure that is subordinate to and not the main or principal building on a lot or parcel and that is used: as a garden feature, such as a fountain, gazebo or cabana; for recreation, such as a pool or hard courts; for the accommodation of mechanical equipment, such as a pump, a/c compressor or electrical generator units; or similar uses.
3. **Building Frontage:** The portion of the building required to be located along the build-to line.
4. **Building placement diagrams:** Diagrams that provide a schematic representation of the permissible footprints and profiles of structures.
5. **Build-to Line:** A line parallel to the block face, along which a building shall be built.
6. **Clear Zone (Visibility Triangles):** As defined in the Town's general landscape code.
7. **Colonnade:** A roofed structure, extending over a private walkway that is open to the street and sidewalk except for supporting columns or piers.
8. **Fenestration:** Design and position of windows, entrances, and other structural openings in a building.
9. **Forecourt:** The front yard area defined by three sides of the principal building and a low garden wall parallel to the street, making the space suitable for gardens and outdoor seating. At street corners, the forecourt edges are defined by two (2) principal building walls and a low gardens wall parallel to the street.
10. **Green:** An outdoor open space that shall not be hard surfaced for for more than twenty (20) percent of the area exclusive of dedicated streets. The landscapes shall consist primarily of lawn, trees, and gardens structures.



11. **Live-work building:** A mixed-use building type with residential dwelling units located above work spaces.
12. **Main street:** A vehicular and pedestrian thoroughfare lined primarily with mixed-use buildings, as depicted on the *Complete Streets* report.
13. **Minor Street:** A street that is predominantly residential in character.
14. **Mixed-use building / Mixed-use development:** A mixed-use building is a building that includes a combination of two or more vertically integrated uses, such as retail and/or office uses on the ground floor, with residential uses above. A mixed-use development may include horizontal use-type differentiation however, those buildings facing Federal Highway, must be mixed-use buildings with commercial and residential frontages. Buildings facing Lake Shore Drive may be mixed-use buildings however, the façade uses facing Lake Shore Drive and the first 100 feet along the side streets, must be residential facades, except the Urban Waterfront Clock as long as a zoning enclave is not created within this block; if a development cannot acquire the necessary parcels to avoid an enclave, this parcels facing Lake Shore Drive within the Urban Waterfront Block can only be built using the underlying zoning district requirements. All mixed-use development must include a Federal Highway frontage component if Lake Shore Drive is included in the project.
15. **On-street parking:** Parking on a public or private street.
16. **Pedestal:** The bottom portion of a building that creates the street frontage.
17. **Pedestrian passages:** Interconnected paved walkways that provide pedestrian passage through blocks and that connect directly with the network of sidewalks and open spaces.
18. **Penthouse:** Topmost built area of a building with a floorplate area less than that of the tower below.
19. **Permeable Materials:** Materials used for paving parking lot and roadway surfaces that allow stormwater run-off to infiltrate the ground, such as porous concrete, porous asphalt, concrete, brick, stone or similar materials.
20. **Plaza:** An outdoor open space fronted by mixed-use, retail, and office uses. A minimum of fifty (50) percent and a maximum of seventy-five (75) percent of the plaza's area, exclusive of dedicated streets, shall be hard surfaced. The landscape of plazas shall consist primarily of hard-surfaced areas, permanent architecture or water-oriented features, and trees that are placed in an orderly fashion and that are regularly spaced.
21. **Storefront:** The first story portion of a mixed-use building consisting of habitable space used for business, office, or institutional purposes.
22. **Story:** an enclosed floor level within a building containing habitable space.



23. **Street:** Any thoroughfare, such as a public street, private street, or easement that affords primary access to abutting property.
24. **Tower:** The middle portion of a building above the pedestal and below the penthouse.
25. **Urban Edge** means a Sub-district of the Mixed-Use Overlay Zoning District with the second possible highest mixed-use density and intensity as identified in Figure 1. Structures may be a maximum of 10 stories.
26. **Urban Neighborhood Edge** means a Sub-district of the Mixed-Use Overlay Zoning District with the lowest possible mixed-use density and intensity as identified in Figure 1. Structures may be a maximum of 6 stories.
27. **Urban Waterfront Block** means a Sub-district of the Mixed-Use Overlay Zoning District with the highest possible mixed-use density and intensity as identified in Figure 1. Structures may be a maximum of 15 stories.
28. **Weather Protection Features:** Architectural features that provide protection from the sun and rain, including without limitation, colonnades, awnings, bus shelters, or projecting roofs.

## Zoning Uses

*Balanced mix of uses:* The mixed use district should include a balanced and vibrant mix of compatible uses, with first floor street-front uses generally reserved for **retail, entertainment, restaurant, personal services, hotels and office uses**. The proposed regulations encourage this mix by regulating first-floor street front uses and by incorporating a goals and performance criterion that considers a development's mix, requires a market analysis that supports the proposed mix of uses and identifies the interrelationship of the proposed mix. Generally, mixed-use developments will allow residential uses on first floors of buildings or parts of buildings only where they are behind those with commercial street frontage, or for those structures facing Lake Shore Drive and along Silver Beach Road starting 150 feet west of Federal Highway. This limitation does not apply to the Urban Waterfront Block. Mixed-use promotes the commingling of uses in a single structure or within separate structures on the same site.

*Connectivity of uses:* This mixed-use zoning overlay district encourages links among uses. It encourages people to walk from one use to another and to enjoy and socialize in an attractive outdoor setting. Many design features promote this ambience. They include the layout and orientation of buildings; the network of sidewalks and pathways; the location of parking relative to structures and walkways; and the amount and placement of green space, landscaping, benches, and other amenities. All these factors provide a public benefit if appropriately designed and will be considered in the site plan approval process.



The uses allowed in the overall MUZ may include any of the uses which are allowed in the underlying zoning district for the property where the MUZ development is to be located, except for those uses which are industrial in nature, or automotive/boat sales, service and rental uses which are strictly prohibited. Marina-related uses such as boat sales and rental shall be permitted in the Urban Waterfront Block sub-district. Additional uses may be permitted by the town commission following review and approval of a separate special exception application. The following regulations outline additional provisions to those uses permitted in the underlying zoning districts.

### **Uses in General**

1. **Outdoor uses/enclosed uses.** All uses shall be conducted within completely enclosed buildings, except outdoor uses expressly permitted in this article. Materials and products shall be stored within an enclosed building or within an area completely enclosed within walls having a life expectancy of twenty (20) years or more from the date of installation. Storage shall not be visible above the height of the walls. Commercial vehicles shall be stored or parked within an enclosed building or an area enclosed by a fence, wall, or hedge, and out of the view from adjacent properties. In order to promote street connectivity, passive storage or parking uses may be integrated within the interior of structures, but are prohibited from being integrated in any street front façade.
2. **Indoor/Outdoor Operations.** All permitted uses in the MUZ overlay zoning district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to certain off-street parking or loading areas, or outdoor seating areas, or certain uses that are integral to primary uses and promote outdoor activity and social interaction. The restaurant furniture located on the sidewalk shall maintain a minimum three (3) foot wide obstacle-free corridor for pedestrian circulation along the sidewalk. Alcoholic beverages may be served outdoors only where such service is strictly incidental to the service of food.
3. **Mixed Use.** The vertical or horizontal integration of residential, retail, personal services, restaurant, entertainment, hotel, office and similar uses which shall be permitted as provided herein. Vertical integration allows any combination of primary uses, with business uses typically located on the ground floor and office and/or residential uses on the upper floors. Horizontal integration allows any combination of parcels with different primary uses within the same block.
4. **Temporary Uses.** Temporary uses including tent sales; stands for the sale of flowers, fruit and similar uses; and festivals and farmers' markets are permitted, are subject to



the special event permit provisions and signage application provisions of the Town code.

5. **Accommodation Uses:** Facilities that provide short-term lodging including hotels, motels, rooming houses, bed and breakfasts, and similar uses. One hotel room shall equal one dwelling unit.
6. **Child Care Facilities and Schools:** Child care facilities shall be those defined by the State Department of Children and Families. Child care facilities shall provide outdoor recreation areas. Schools are prohibited in mixed-use developments.
7. **Commercial Parking Garage:** Accessory uses that provide parking as the primary on-site use. These structural facilities offer short-term parking of vehicles and may charge a fee for such use. This group includes: shared parking facilities; shuttle parking facilities; and transit park-and-ride facilities. This group shall not include parking facilities that are ancillary to another on-site use. Shall meet the parking code requirements. Exposed surface parking is discouraged. Internalized commercial parking garages with linear buildings are encouraged. Linear buildings facing Lake Shore Drive and the first 100 feet extending west from Lake Shore Drive along the side streets shall incorporate softened residential-like façade features onto exterior linear building facades.
8. **Drive-Through Facilities:** Drive-through facilities associated with a retail use, personal service establishment or restaurant. Drive-through facilities shall be permitted only when such facilities are 100% concealed from streets by buildings or walls that are architecturally compatible with the overall site design.
9. **Entertainment Use:** Uses in this group shall include: supper clubs; arcades; movie theaters; performance theaters; radio, movie and/or television studios; billiard halls; skating rinks; bingo halls; piano bars; bowling alleys; and similar uses. Adult entertainment uses are strictly prohibited. The sale of alcohol, if provided, shall be ancillary to the primary entertainment use and shall comply with the Town Code, but shall not be subject to the 500 foot distance separation to certain uses.
10. **Food/Beverage Establishments:** This group shall include: full service restaurants; fast food restaurants; bars, pubs, microbreweries; and similar uses. The sale of alcohol, if provided, shall comply with the requirements of the Town Code, but shall not be subject to the 500 foot distance separation to certain uses.
11. **General Retail/Personal Service Establishments:** Establishments that provide goods and services geared toward an individual consumer. This group shall include businesses such as: banks; beauty parlors; bakeries; bookstores; apparel stores; grocery stores; pharmacies; tailor shops; health clubs; gift shops; animal establishments, and similar



uses. This group shall also include schools offering instruction in dance, music, martial arts and similar activities, but this group shall not include colleges/universities.

12. **Live/work Units:** An individual residential unit integrated with a general retail/personal service establishment, professional business office, or workshop. Commercial signage is not permitted on the exterior walls of live/work units.
13. **Professional Business Offices:** Facilities used primarily for the business of professionals with only limited transactions occurring on-site. This group shall include offices for: accountants; architects; appraisers; attorneys; consulates; financial firms; insurance adjusters; realtors; medical offices and other uses found by the Director to be similar.
14. **Residential Uses:** Urban villas, courtyard houses, sideyard houses, duplexes, rowhouses, apartments (including student housing), and other similar uses, when incorporated horizontally into a mixed-use development that includes mixed-use buildings fronting Federal Highway. Home offices are permitted pursuant to the Town Code regulations for Home Occupations. Multi-Family Units can be incorporated above the ground floor of a mixed-use building fronting Federal Highway or entirely within a multi-family building whose residential units front Lake Shore Drive or the first 100 feet of building frontage extending west from Lake Shore Drive. Maximum allowable dwelling units pursuant to the density requirements of the Comprehensive Plan



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All developments having a Lake Shore Drive frontage shall only incorporate residential uses facing Lake Shore Drive and along the first 100 feet extending west from Lake Shore along the side streets (or west along Silver Beach beyond the first parcel). This does not apply to the Urban Waterfront Block as long as a zoning enclave is not created within this block. If a development cannot acquire the necessary parcels to avoid a zoning enclave, those parcels facing Lake Shore Drive within the Urban Waterfront Block can only be built using the underlying zoning district requirements. All mixed-use development must include a Federal Highway frontage component if Lake Shore Drive is included in the project.

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## Setbacks/Build-to Requirements

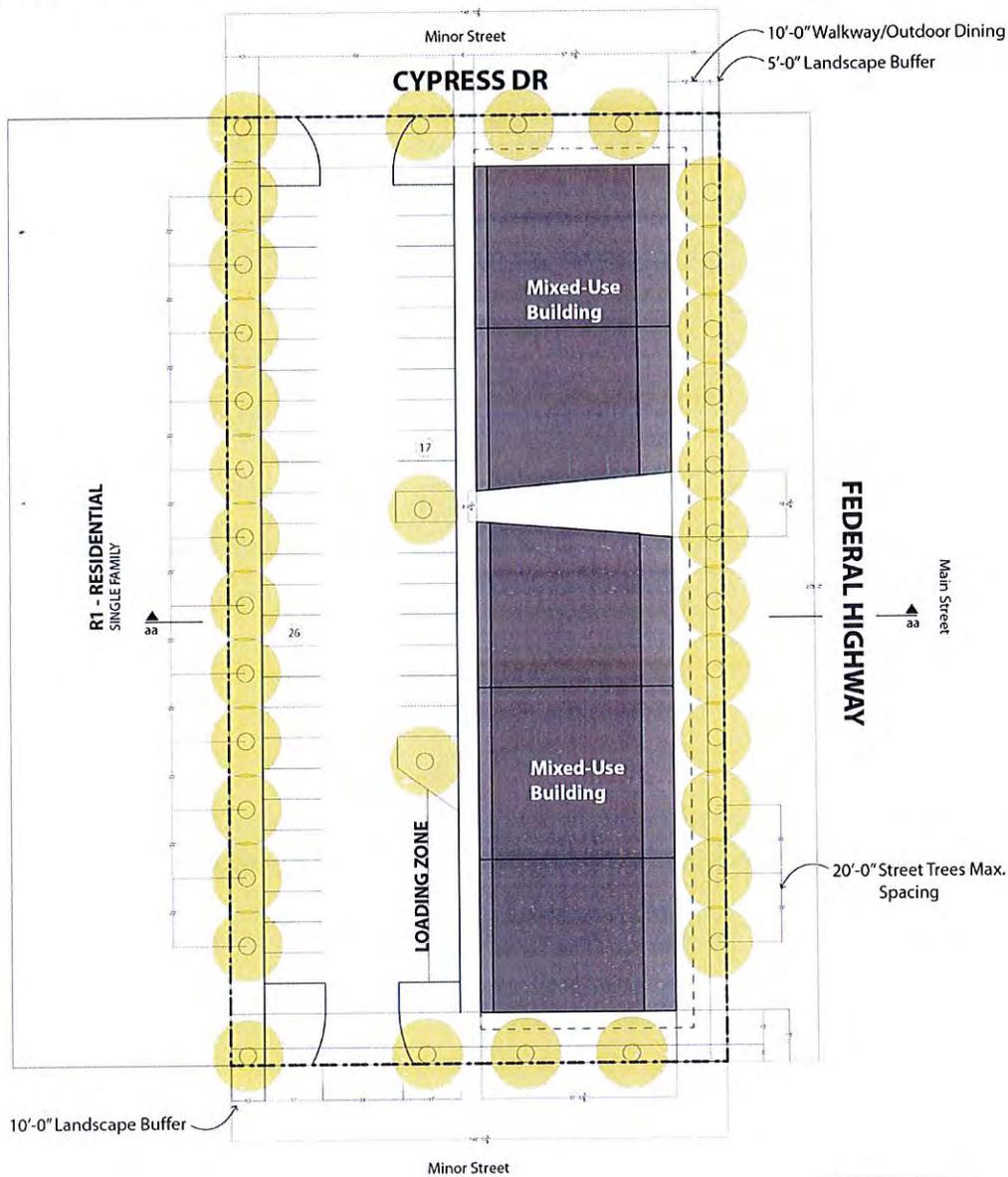
The MUZ provides flexibility in setbacks with the Federal Highway side being dictated by the 5-foot landscape buffer as defined herein, with an additional 10 feet for walkways and/or outdoor dining areas. These improvements are in addition to the Complete Streets initiative (when developed by the Town as a separate Town policy that will run its own course) which aims to provide an enhanced sidewalk area with landscaping improvements for Federal Highway. A street side activity component is required and shall be integrated and compatible with those uses integrated into the mixed-use development. Side street lot lines, interior lot lines and lot lines facing Lake Shore Drive are also dictated by the landscape buffer width requirements found herein. Essentially, the build-to lines will be dictated by the buffer requirements and added walkway/circulation *requirements (will be further refined following workshops)*.

**BUILDING PLACEMENT STANDARDS** *(additional visuals with added details in "Visuals" packet)*

MUZ design guidelines are suggested and encouraged. Their intent represents an objective for development and as such they are intended to be followed. Thus guidelines leave flexibility for design creativity to meet the intent of the guideline and the overall Town vision.

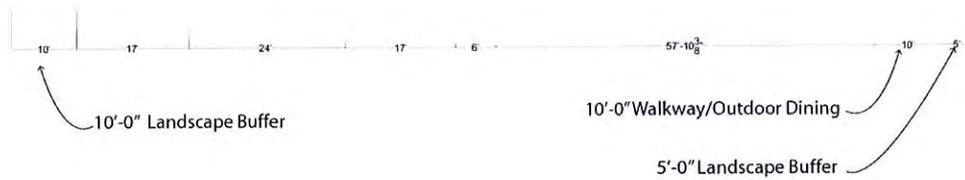
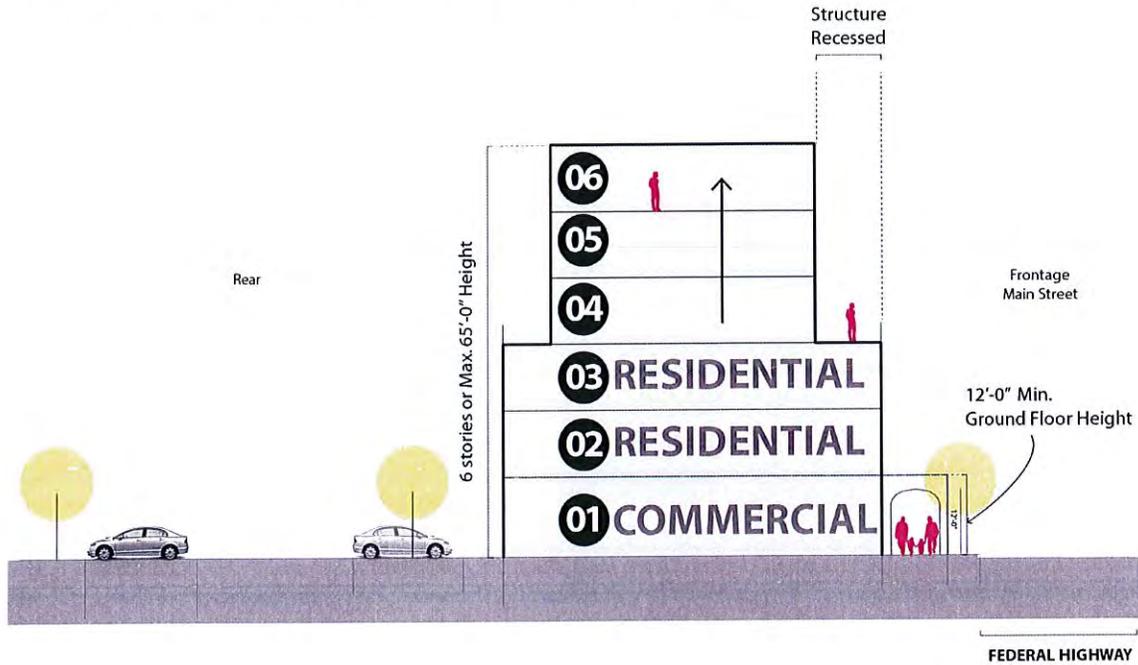
These guidelines are intended to provide criteria for design, while allowing flexibility for architects, landscape architects, developers and builders in the implementation of developments within the order to achieve diversity and individually distinctive developments.

**Urban Neighborhood Edge - Typical Block Design Guidelines - Plan**



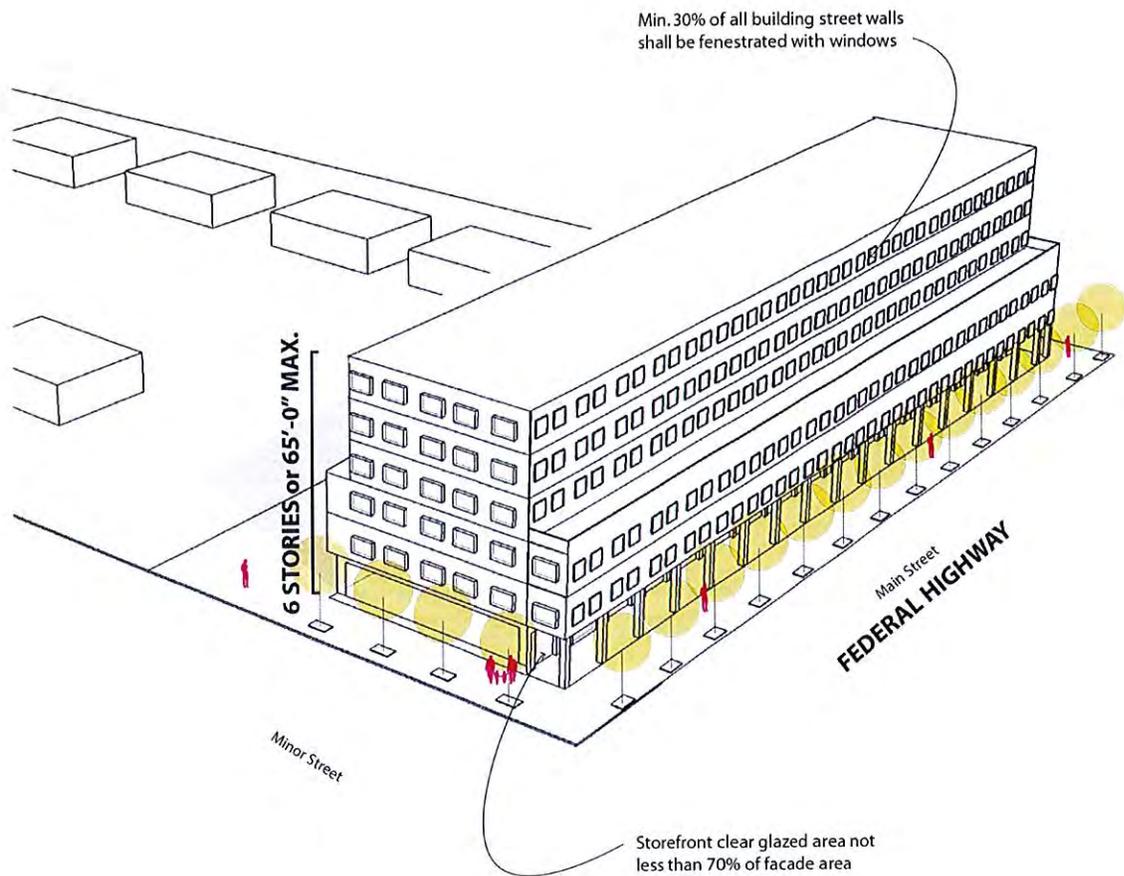
**Plan View**

**Urban Neighborhood Edge - Typical Block Design Guidelines - Section**

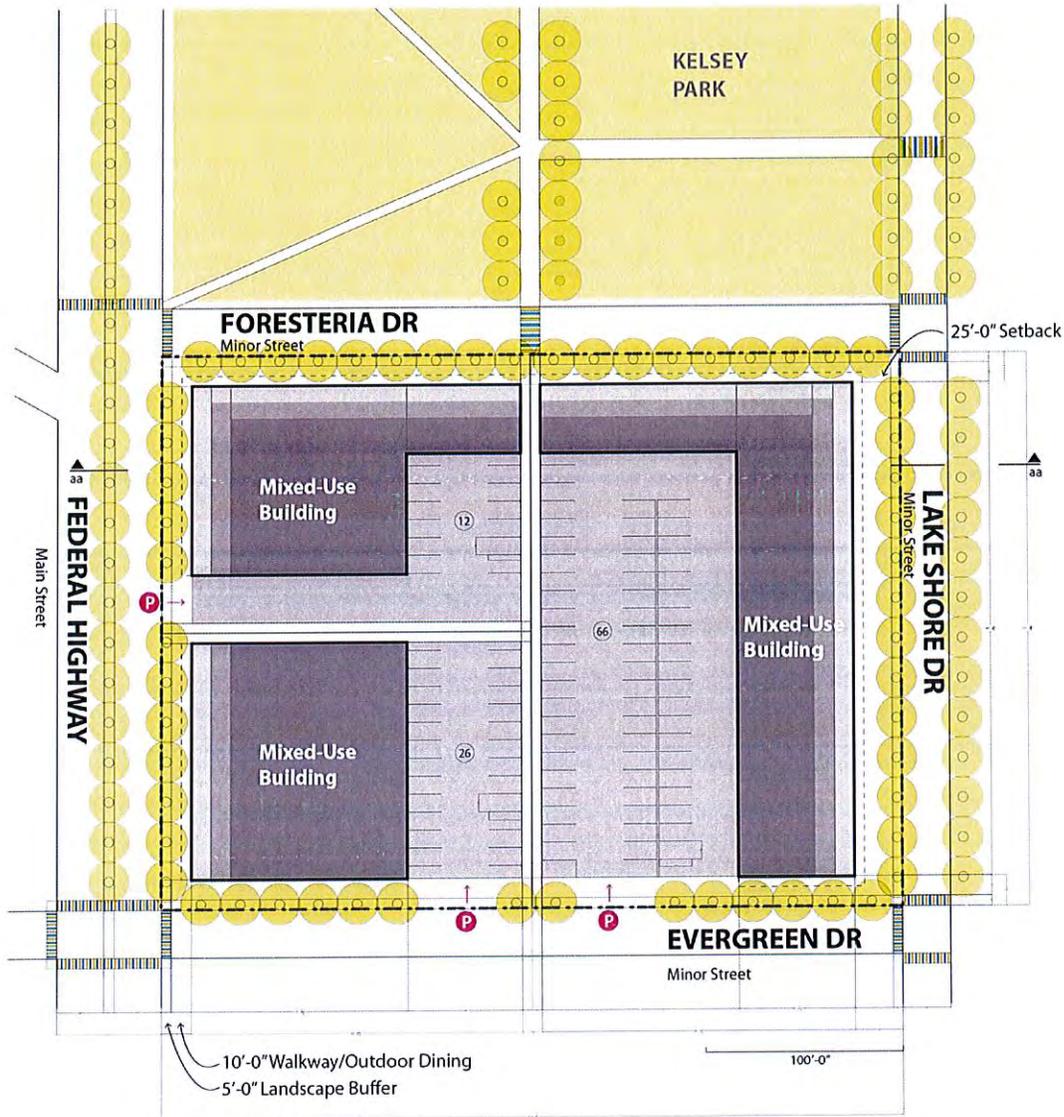


**Section AA**

### Urban Neighborhood Edge - Typical Block Design Guidelines - Massing

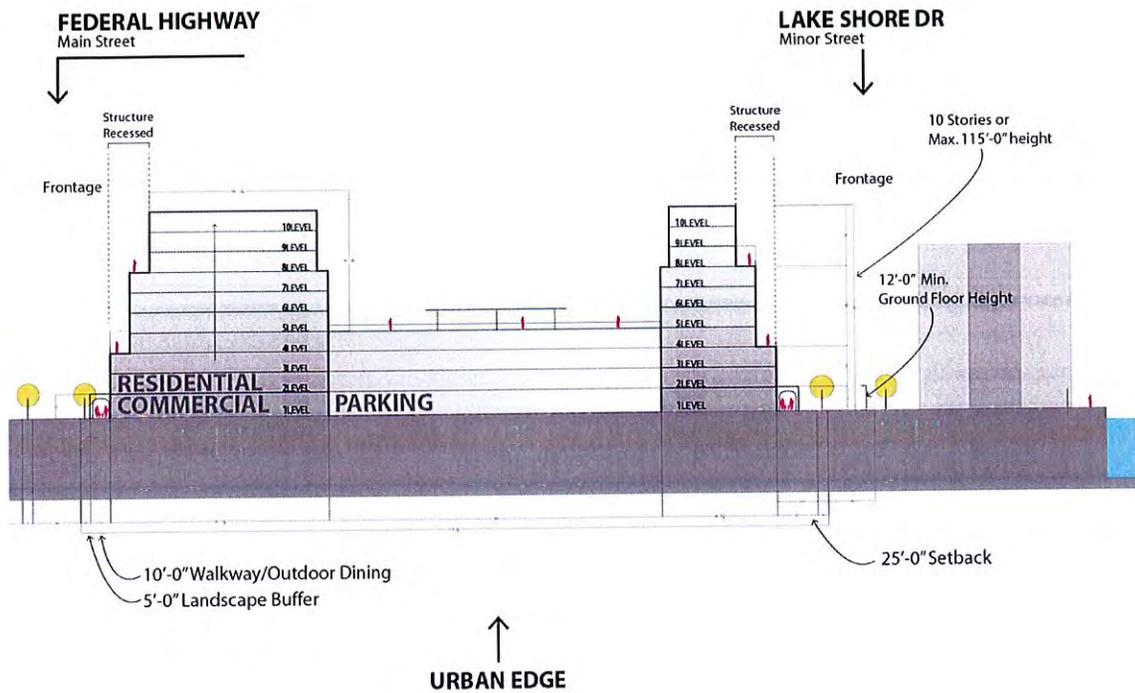


**Urban Edge - Typical Block Design Guidelines - Plan**



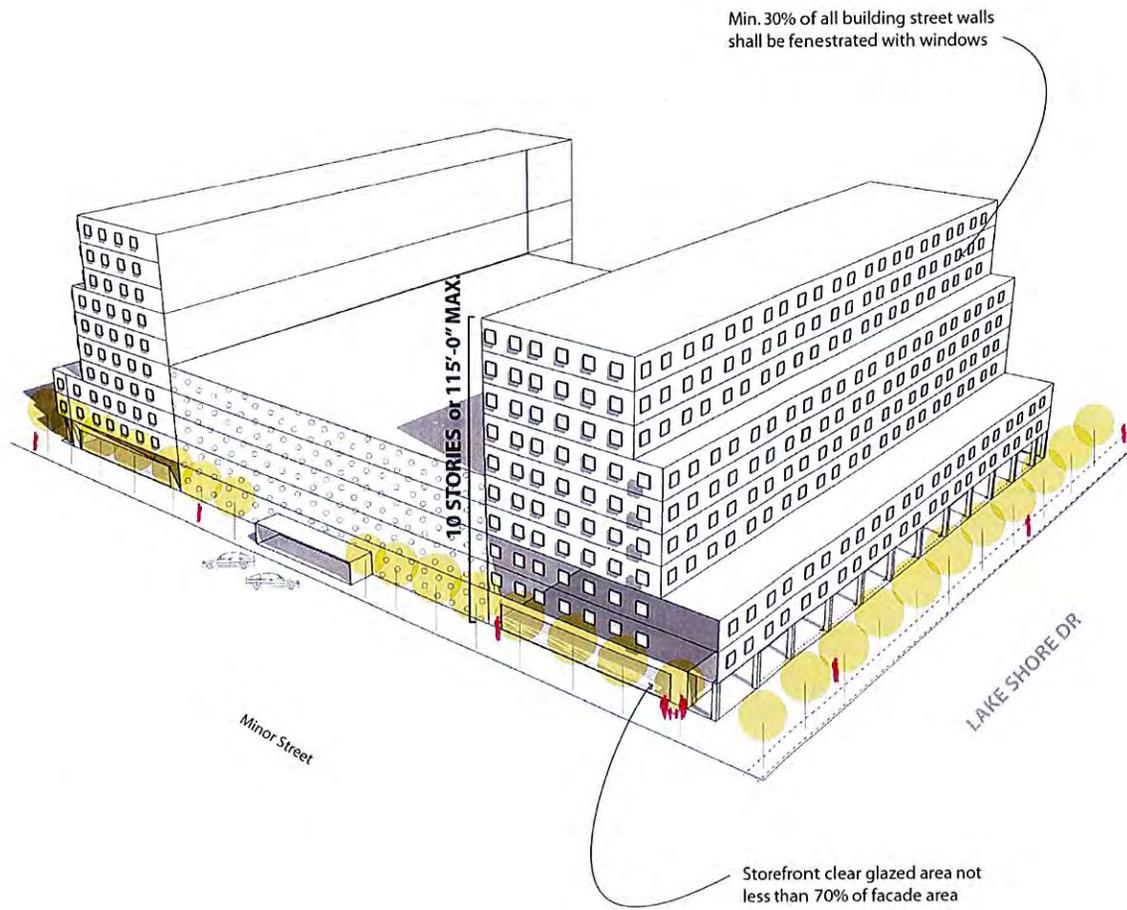
**Plan View**

**Urban Edge - Typical Block Design Guidelines - Section**

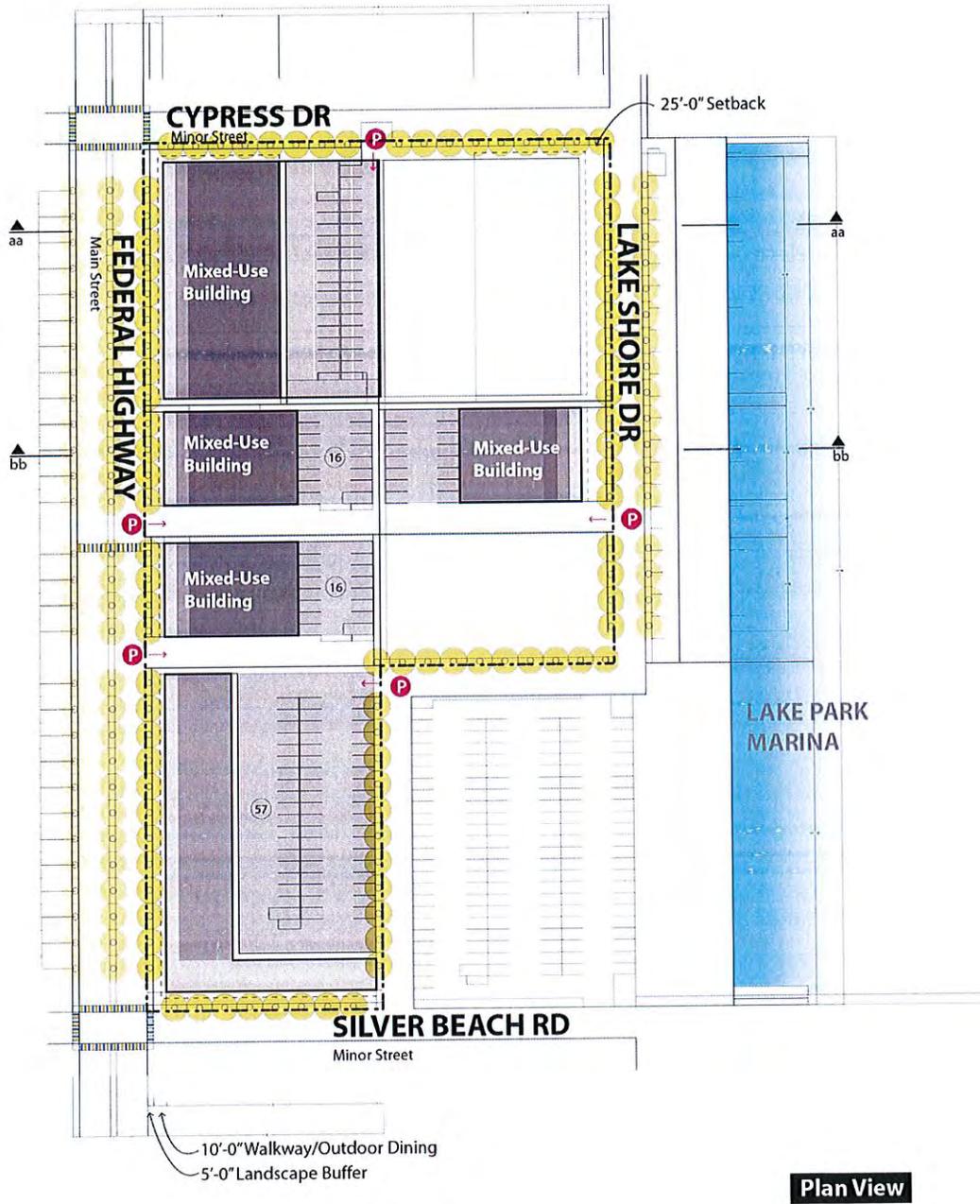


**Section AA**

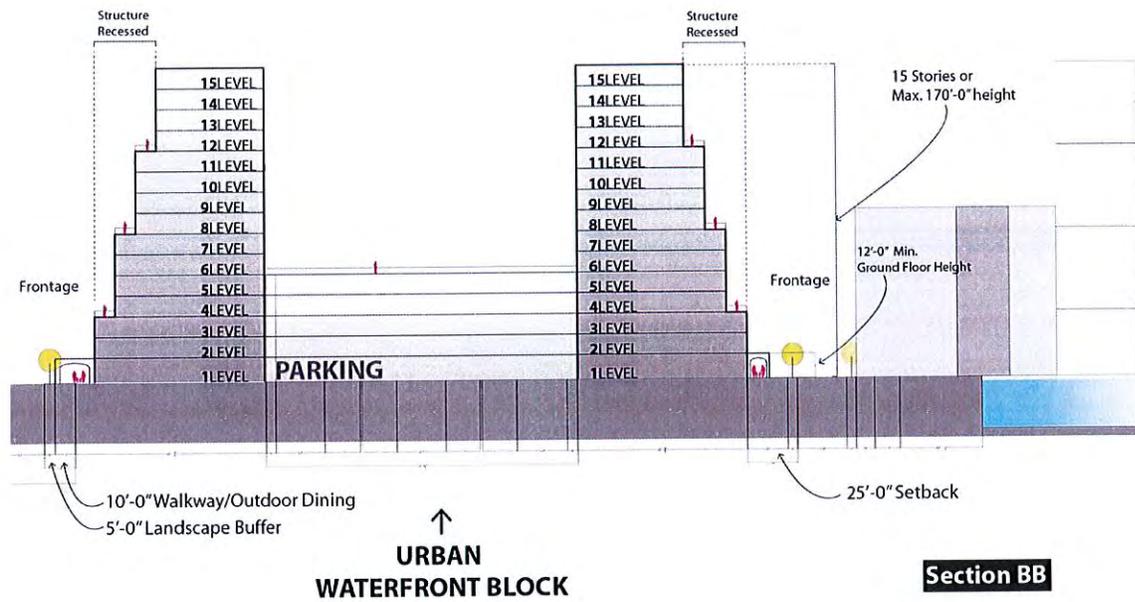
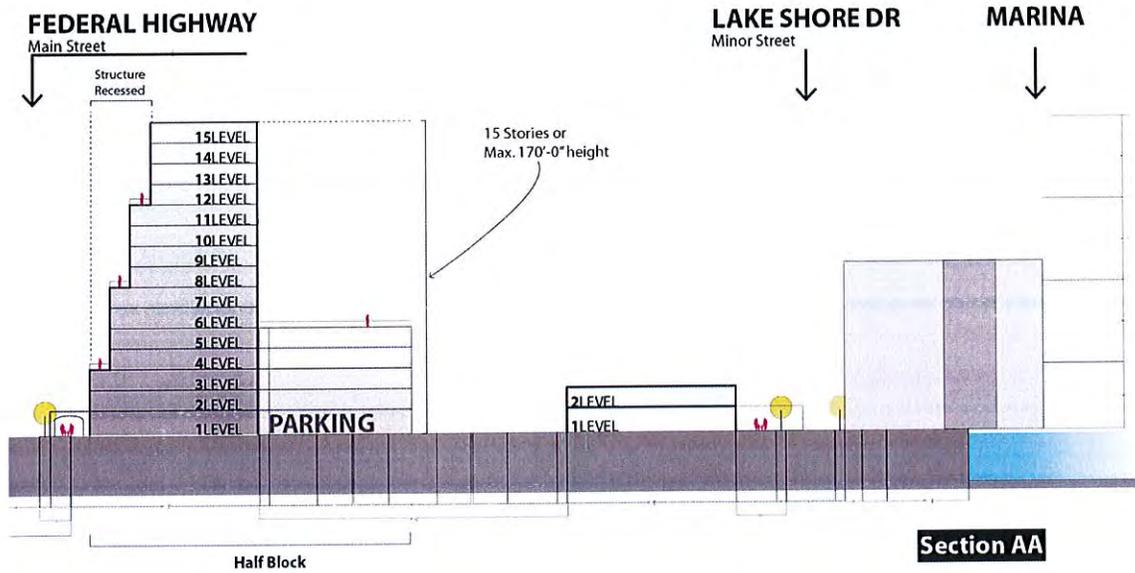
### Urban Edge - Typical Block Design Guidelines - Massing



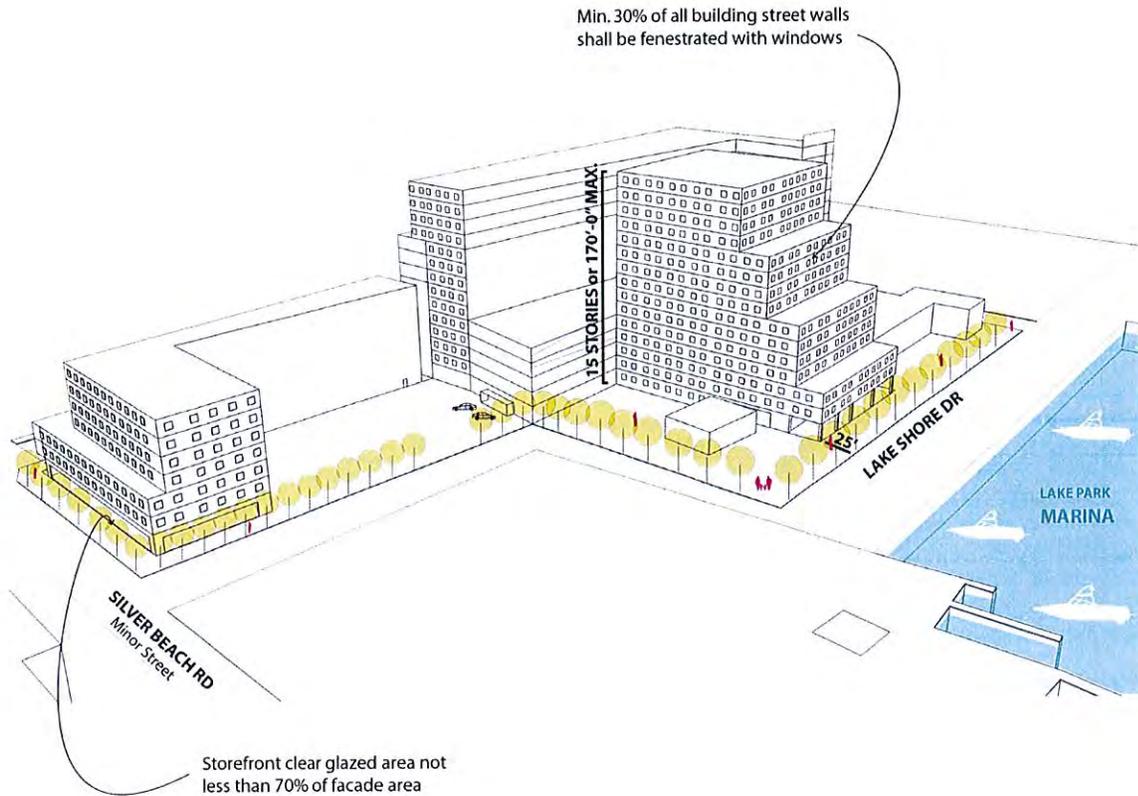
Urban Waterfront Block - Typical Block Design Guidelines - Plan



**Urban Waterfront Block - Typical Block Design Guidelines - Section**

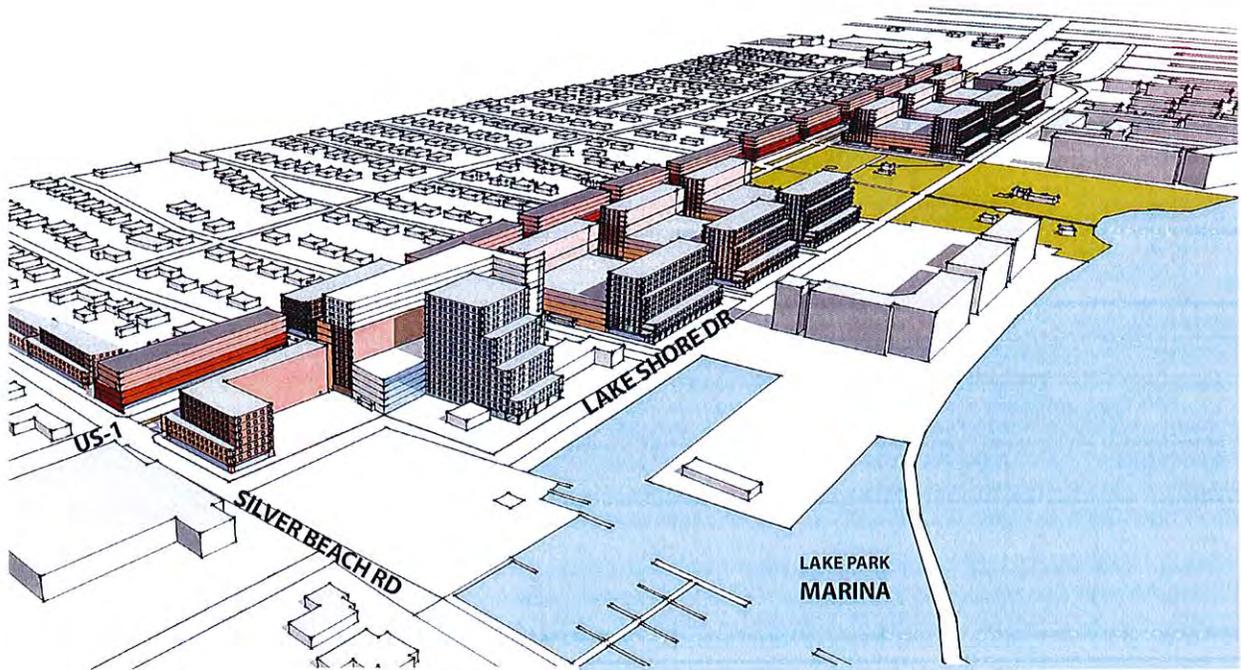


### Urban Waterfront Block - Typical Block Design Guidelines - Massing

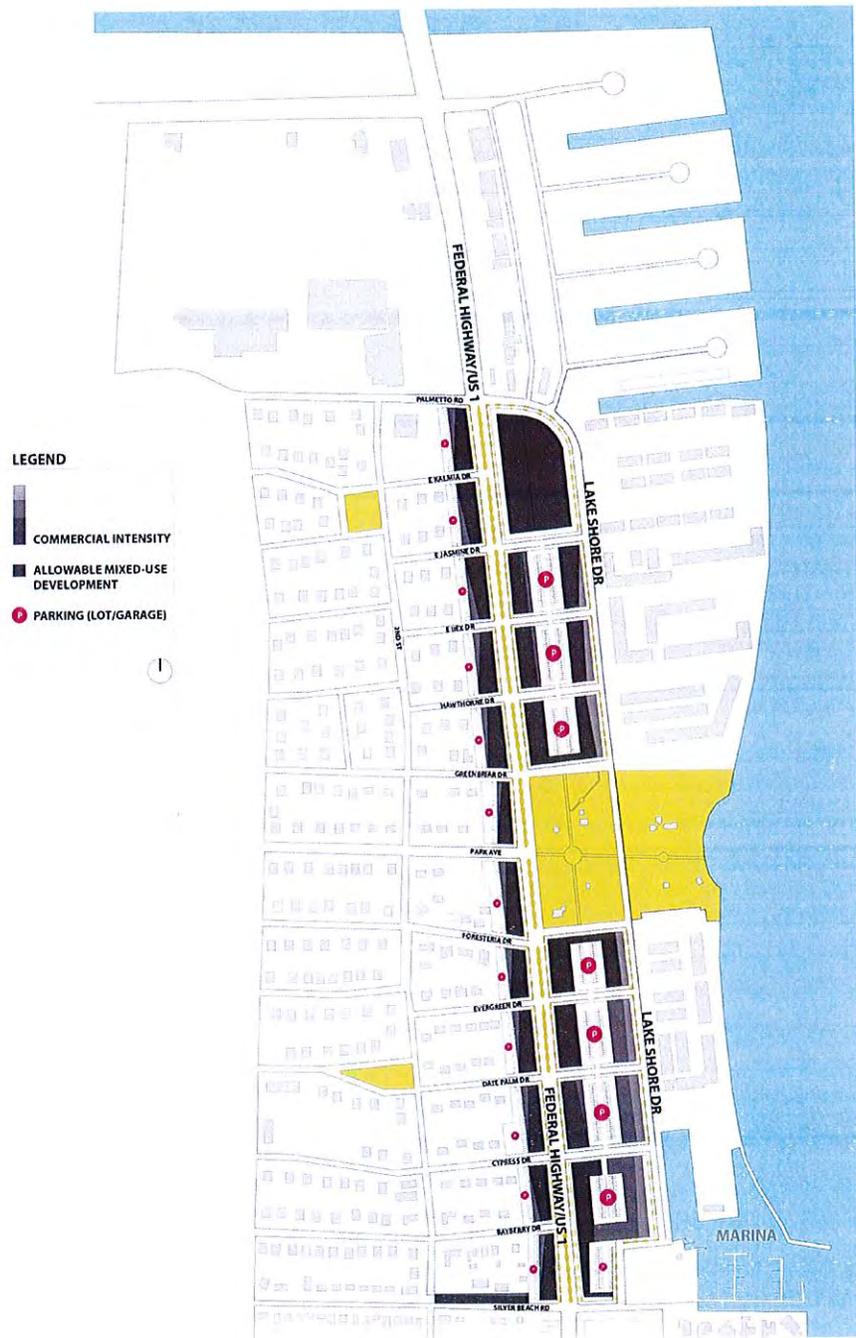


**Mixed-Use Zoning Overlay District (MUZ)**

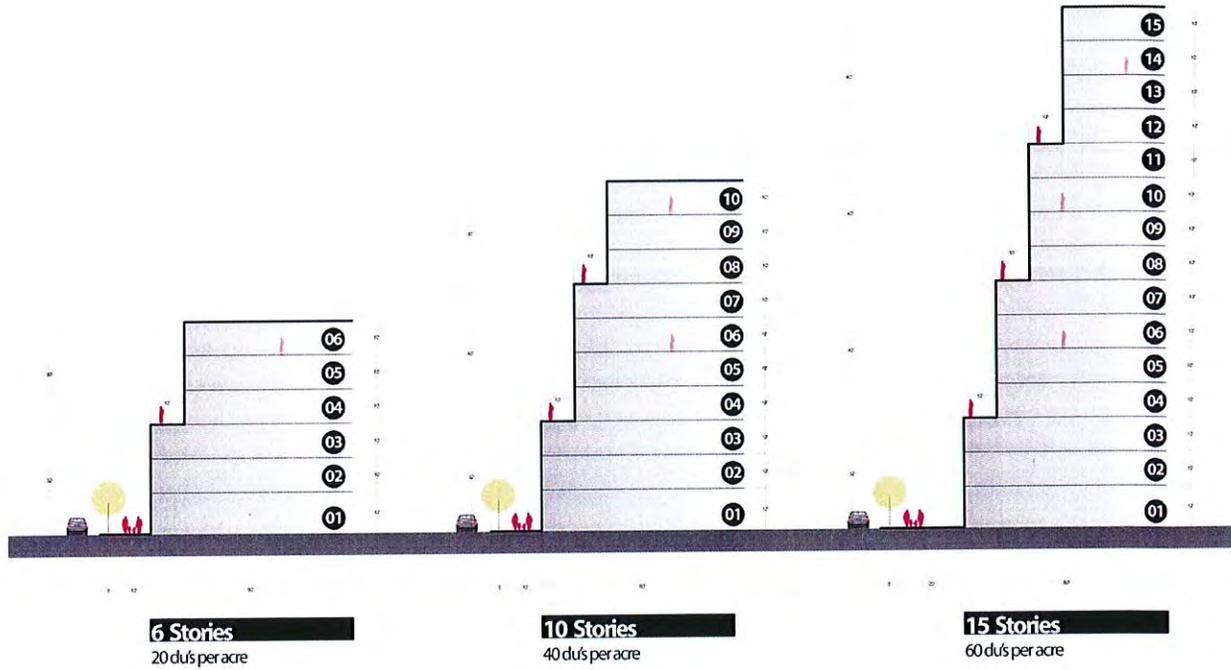
Typical Block Design Guidelines - Bird's Eye at entire corridor buildout



Mixed-Use Zoning Overlay District (MUZ) - Typical Block Design Guidelines - Master Plan



**Mixed-Use Zoning Overlay District (MUZ) - Sub-District Design Guidelines - Heights**





## **General Architectural Standards**

*Architectural standards.* The architectural style, materials, other treatments, etc., to be utilized within a Mixed-Use development shall be considered by the Town Commission as part of the overall review process. Architectural guidelines, as set forth in Chapter 78 of the Town Code shall be used as the basis for the overall design theme or style proposed for a Mixed-Use development and shall also be applicable to all residential components as well.

Varied architectural styles are possible. Ground floor height shall be minimum of 12 feet to enhance the ground floor architecture and pronounced main entrances are encouraged. Maximum height for all other stories can vary provided maximum building height as provided for herein is adhered to.

Additional provisions shall include the following:

### **A. Buildings**

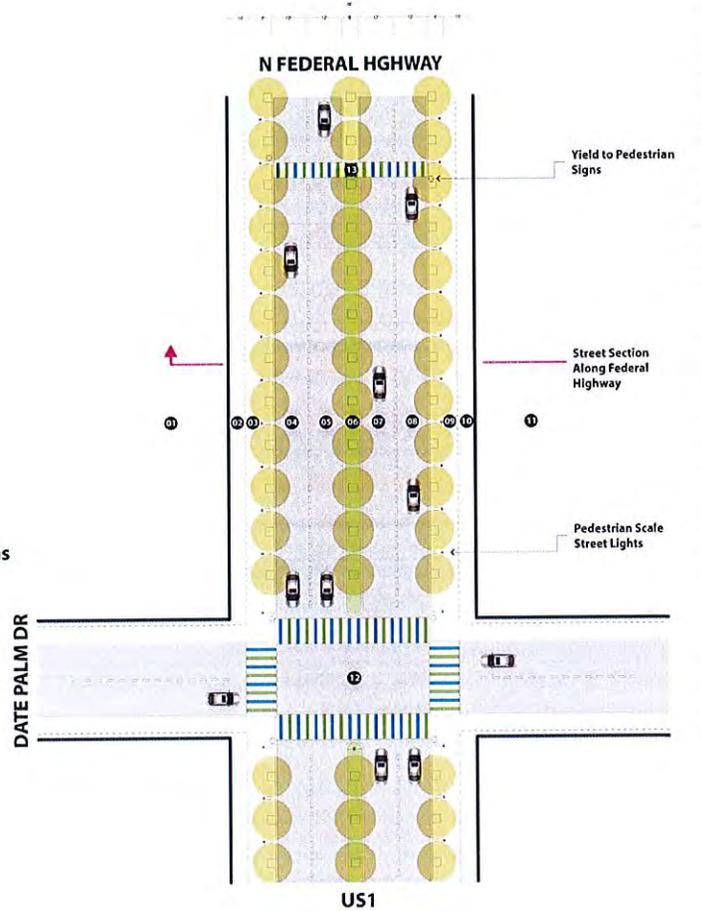
1. Storefronts shall be provided on the first floor of mixed-use buildings and shall be directly accessible from a street frontage or a designated open space as follows:
  - a. For properties with two or more frontages, storefronts shall be located on a minimum of two frontages, with priority given to frontages on a designated open space and the primary street.
  - b. Storefronts shall have a transparent clear glazed area of not less than seventy (70) percent of the façade area and shall be occupied by habitable uses that generate pedestrian activity and provide surveillance to the street. Security enclosures, if any, shall be of the mesh type that pedestrians can see through, and shall be located behind the storefront displays.
2. Colonnades are encouraged. All colonnades shall comply with the following:
  - a. Finished floor of the colonnade shall match the adjoining sidewalk.
  - b. Colonnades (i.e. first floors) shall have a minimum unobstructed clear height of twelve (12) feet and a minimum clear width of ten (10) feet. Awnings shall be permitted, but shall not count towards the required colonnades. Colonnades shall not cause roof drainage into the street. Colonnades shall be attached to buildings.
3. A minimum of thirty (30) percent of all building street walls shall be fenestrated with windows. Mirror type glass is prohibited. All glazing shall be of a type that permits view of human activities and spaces within the structure. Colonnade column spacing, windows, and doors shall be proportioned such that the height of each opening is greater than its width.



4. The height of an accessory building shall not exceed the height of a principal building.
5. Weather protection features shall be required along provided storefronts.
6. Awnings, balconies, stoops, stairs, open porches, and bay windows shall be permitted to extend into the minimum required setbacks, to a maximum of 5 feet, except when abutting private property: Roof eaves, chimneys, signs, and ramps may encroach into all setbacks. Porticoes, canopies, and colonnades shall be guttered, and drainage shall be deposited onsite.
7. Service areas shall be located out of the view from adjacent properties or from the street and shall be fully screened by a wall or fence.
8. The primary entrance of a building shall provide access to a street or a designated open space. The primary entrance to the upper levels of a mixed-use building with colonnades shall be through the colonnaded area along the front property line.
9. The Urban Neighborhood Edge is limited to 6 stories for a maximum overall height of 65 feet. The Urban Edge is limited to 10 stories for a maximum height of 115 feet. The Urban Waterfront Block is limited to 15 stories for a maximum of 170 feet. Design flexibility is granted for individual story height, however the ground floor must be pronounced at minimum 12 foot height. A transfer of development right, as further defined herein, shall provide an additional 11 feet per story transfer however, no more than 6 stories may be transferred in the Urban Waterfront Block; 4 stories in the Urban Edge and 2 stories in the Urban Neighborhood Edge.
10. Stories shall be scaled back at the 3<sup>rd</sup> story and every 4 stories thereafter so as to a recessed interest to the structure. Federal and Lakeshore recesses shall be greater than recesses provided along side streets however, all recesses shall provide architectural interest and may be achieved using various architectural techniques.
11. A live-work unit shall have two components: a workshop and a residential unit. The workshop shall be located on the first floor and shall be directly accessible from the primary street frontage or a designated open space. The workshop's facade shall have a transparent clear glazed area of not less than seventy (70) percent of the façade. The residential component of a live-work unit shall connect internally with the work component. **(will revisit following workshops)**
12. Complete Street Types *(for identification purposes only – contingent on the Town's adoption of a Complete Streets Policy which will run a separate approval process)*. **(will be further refined following the workshops so as to incorporate a fund for contribution purposes)**

Complete Streets Initiative - Design Guidelines

- 01 West side building
- 02 Outdoor space/Sidewalk
- 03 Landscape Buffer
- 04 Southbound travel lane
- 05 Southbound travel lane
- 06 Center green median
- 07 Northbound travel lane
- 08 Northbound travel lane
- 09 Landscape Buffer
- 10 Outdoor space/Sidewalk
- 11 East side building
- 12 Improve crosswalks at intersections
- 13 Mid-point crosswalks





## Street Type Required Elements

	Sidewalk /Walkway (Min.)	Landscape	Curb/ Gutter	Travel Lanes	Additional Travel/Turn Lanes (Min.)	Curb/ Gutter
<b>Service Road Type</b>	N/A	N/A	N/A	10'	N/A	N/A
<b>Pedestrian Passage Type</b>	10'	Tree grates; tree planters	N/A	N/A	N/A	N/A
<b>Complete Street Type</b> (No on-street Parking – No Bicycle Lanes)	8' (Center)	Tree grates; tree planters (5 feet); AND continuous landscape strip in center median area (11 feet)	2'	11'	11' where provided	2'



## Open Spaces and Recreation Areas

1. Open spaces under this article shall be classified as (a) designated, or (b) private open spaces.
  - a. Designated open spaces shall be subject to the following requirement:
    - i. The street area on the side adjoining the designated open space and consisting of the curb, street tree landscape strip and sidewalk shall count towards the square footage of the open space.
  - b. Private open spaces shall be subject to the following requirements:
    - i. Private open spaces shall be provided in the form of colonnades, courtyards, terraces, lawns, communal gardens, and landscaped roof terraces/gardens on buildings or garage structures. Designated open spaces shall count towards the private open space requirement. Lakes, golf courses, and parking lot buffers shall not count towards the open space requirement.
    - ii. All multi-family residential, non-residential and mixed-use developments shall reserve a minimum of ten (10) percent of the site for common, private open space.
    - iii. Private open spaces shall be shaded, and their ground surface shall be a combination of paving materials, lawn, ground cover, flowers, fruits or vegetables (if applicable). Enclosures of private open spaces shall comply with the requirements herein.

### Landscaping

Except as provided herein, landscape shall be provided as required by Town Code. Specific landscape requirements are as follows:

#### ***PART 1 - Complete Streets Initiative (contingent on the Town's adoption of a Complete Streets Policy)***

1. Street trees (max spacing of 20 feet – minimum 6 inch diameter at breast height), hedges (min. 4 feet high planted 2-feet on center), and additional plantings that add color and distinction are required. All buffer trees shall be spaced no greater than 20 feet apart. Please refer to the **(Town will revisit the preferred plant list following workshops)**.
  - i. Tree planters. Trees are planted within a raised planter located on the sidewalk. The planter shall be defined on all sides by a permanent masonry structure to consist of a minimum six (6) inch raised curb. The area within the planter, in addition to the required trees, shall be planted with ground cover, shrubs, or other appropriate plant material.
  - ii. Continuous landscape strips within center medians. Trees are planted in the area between the curb or roadway edge and the sidewalk. This area, in addition to the required trees, shall be planted with grass.



***PART 2 – PRIVATE PROPERTY LANDSCAPING (used to dictate build-to lines and essentially satisfy setback requirements)***

2. Private Property: Five (5)-foot landscape buffers widths are required along Federal Highway and along the side streets. The widths can be achieved using diamond cutout features whereby the centerline of the diamond is at least 5 feet wide and plantings shall be spaced no more than 20 feet apart. Landscape buffers along Lake Shore Drive and interior lot lines adjacent to residential parcels shall be a minimum of 10-feet wide and incorporate a combination of trees (max spacing of 20 feet for Lake Shore Drive and 40 feet for interior lot lines), hedges (min. 4 feet high planted 2-feet on center), and additional plantings that add color and distinction. The Town Code regulations for buffer planting requirements shall apply as required above.

**Parking**

Except as provided herein, parking shall be provided as required by Town Code.

1. Multi-story parking garages and parking lots, shall count toward all parking requirements except for the parking requirements of individualized residential-type developments that are incorporated within a mixed-use development, but require their own individualized parking (for example, row houses or urban villas).
2. At a minimum, parking shall be provided as follows:

Parking must be internalized so as to not represent the primary street front feature, but rather liner buildings or other architectural design techniques shall be utilized to screen the parking from all street sides. Parking spaces are permitted to be 9 feet by 17 feet. Office and retail uses require 4 spaces 1,000sf; restaurants 10 spaces per 1,000 square feet of customer service area; residential uses average 1.5 spaces per unit plus 1 guest space per 3 units and a pick-up/drop-off area for which the dimensions will be determined by necessity based on incorporated uses. Additional loading/unloading is required for restaurants and an additional loading space for office/retail uses. A common area can be utilized and loading area must be justified by the developer's mix of uses and respective needs. Mixed-Use Developments that extend from Federal Highway to Lake Shore Drive shall eliminate curb cuts along Lake Shore Drive, except for developments within the Urban Waterfront Block.

**Multi-Family Residential Dwelling Units:** 1 space / 1 bedroom unit ; 1.5 spaces / 2 bedroom unit / 1.75 spaces / 3 or more bedroom units ; plus 1 guest space for every 3 overall dwelling units.

**Hotels:** 1 space for each of the first 40 guests and 1 space per 2 guest rooms over 40.



**General Retail/Personal Services and Entertainment Uses:** 4 spaces per 1,000 square feet of gross floor area.

**Professional Business Offices:** 1 space per 400 square feet of gross floor area.

**Food/Beverage Establishments:** 10 spaces per 1,000 square feet of patron area.

**Live-work configurations:** Shall comply with residential requirements for dwelling units and commercial requirements for non-residential uses.

3. **Parking reduction.** Reductions may be applied for and shall be based on shared parking scenarios as defined by the Town Code. Valet may also be incorporated for up to 50% of the required parking for non-residential uses, pursuant to the Town Code requirements. A valet lot used to meet non-residential parking requirements may be located off-site. Cross and joint access per the Town Code requirements may apply and may entitle developments to a reduction of the number of required parking spaces upon their respective properties by up to 50 percent provided the Town Code requirements for cross/joint access are met.
4. Mixed-use, multi-family residential, or non-residential developments in all Sub-districts may provide the required parking off-site, where the off-site parking is within seven-hundred fifty (750) feet of the development and in a land use designation that is similar to or higher intensity than the land use designation of the development being served. Any certificate of use for mixed-use, multi-family residential, or non-residential development shall immediately terminate in the event such parking area is not available. An applicant for approval of a mixed-use, multi-family residential or non-residential development with off-site parking shall execute and record in the public records of Palm Beach County a declaration of restrictions approved by the Town Attorney covenanting that such development shall cease and terminate upon the elimination of such parking area, and that no development requiring such parking shall be made of such property until the required parking area is available and provided.
5. All parking may be in the form of parking garage structures or parking lots which shall be located in the rear or on one side of the building, and shall be screened from the street. Parking is not permitted in setback areas required along street frontages and liner buildings or architectural features shall be used to screen internalized parking garages.
6. Parking garage structures shall be screened by a liner building features that are consistent and harmonious with the architectural features of those uses permitted along the designated street frontages where the development is located. No vehicles parked within the structure shall be visible from the street. Access to parking garages is prohibited along Lake Shore Drive and is preferred along the side streets.



### Lighting

Shall be provided pursuant to the Town Code lighting provisions. Additionally,

1. Street lighting shall comply with the following:
  - a. Street lighting shall be provided in these areas: commercial and live-work unit driveways and parking areas, sidewalks and pedestrian passages, commercial establishment entryways, recreation areas, and multi-family residential common areas and entryways.
  - b. Outdoor lighting of these areas shall comply with the Town Code requirements for lighting.
  - c. All light fixtures shall be of a pedestrian scale, with a maximum height of eighteen (18) feet and a maximum spacing between fixtures of sixty (60) feet or such other spacing as may be required for identified uses. Design enhanced light sources are encouraged.
  - d. The type and spacing of light fixtures approval shall be based on uniformity of types, location, right-of-way width, and luminosity.
  - e. Weather and vandalism resistant covers shall protect all light fixtures.
  - f. Streetlamps shall be installed on both sides of streets.
  - g. Cobra-head lights shall not be permitted.

Open parking lot, access road, service road and all public access area lighting shall be provided per the Town Code requirements. Lighting fixtures in these areas shall have a maximum height of eighteen (18) feet above grade.

### Walls/Fences

Shall be regulated pursuant to the Town Code regulations. Chain link fencing is prohibited in all mixed-use developments. Wall and fences are also prohibited within 10 feet of any street front property line. All walls and fences shall be consistent and harmonious with the architectural character of the mixed-use development.

### Signage

The Town's general signage code shall apply, except for:

A master signage plan is required for all mixed-use developments. Wall signage is permitted however, freestanding signage is discouraged, but for directional and instructional-related signage. Window signage is also discouraged, but for conspicuous open/close and business hour-related information, all of which needs to be incorporated in the master signage plan.

# DRAFT PROVISIONS

## Transfer of Development Rights

The Town shall allow for the transfer of development rights (unused floor area, density, and height) from one parcel to another in the Mixed Use Overlay District where the Town Commission determines that:

- (1) Such transfers will assist in the renewal, rehabilitation, and redevelopment of the District and;
- (2) Preservation of historical and archeological resources may be achieved through such shifts in the development pattern.

Definitions. As used in this section, the following terms shall have the meanings indicated:

ADMINISTRATOR — The Community Development Director.

RECEIVING SITES (ALSO REFERRED TO AS "RECEIVER SITES") — Areas within the Mixed Use Zoning District that are permitted to receive TDRs as defined herein.

SENDING SITES (ALSO REFERRED TO AS "SENDER SITES") — Areas within the Mixed Use Zoning District that are permitted to receive TDRs as defined herein.

SEVER — The removal of a development right from property rights possessed by an owner of real property. The term connotes a removal or separation, in perpetuity, as distinguished from a restriction or limitation, which may be overridden, deleted or is subject to a time frame.

TDR DEVELOPMENT BONUSES – Additional development rights, beyond the maximum potential development rights allowed under the Land Development Regulations, that may be achieved through the purchase of Transferable Development Rights.

TRANSFERABLE DEVELOPMENT RIGHTS (TDRs) — A development right is an appurtenant right of land ownership that has an economic value separate from the land itself, subject to reasonable regulation by local government under its police power, and that may be transferred from the land from which the right is severed (sender site) to another piece of land (receiver site). Once severed, development rights are no longer available to the sender site; but if only a portion of the development rights attributable to a sender site is transferred to a receiver site, the residual development rights remain with the sender site in accordance with the provisions of this section. Transferable Development Rights means the maximum floor area ratio (square footage) and density (dwelling units) exclusive of variances that would be permitted to be transferred by the property's zoning on the date of the transfer approval which will be calculated and allocated by a formula developed by the Town. These rights are sometimes referred to herein as "TDRs".

Establishment of sender sites; transfer of TDRs.

- (1) Establishment of sender sites. The following properties in the Mixed Use Zoning Overlay District that are designated as historic or otherwise deemed as historically significant are hereby deemed to be sender sites:
  - a. 700 Federal Highway, .4304 acres;
  - b. 600 Federal Highway, .3926 acres;
  - c. 624 Federal Highway, .4663 acres.

- (2) Development Rights. The maximum permitted development density, intensity and heights under the Mixed Use Overlay District Regulations for the three sender sites are as follows:
  - a. 700 Federal Highway - 17 residential units, 43,870 s.f., six stories (65 feet);
  - b. 600 Federal Highway – 15 residential units, 42,754 s.f., six stories (65 feet), and;
  - c. 624 Federal Highway – 18 residential units, 50,780 s.f., six stories (65 feet).
- (3) Transfer of Development Rights. The sender sites listed herein will not be permitted to redevelop in accordance with the provisions of the Mixed Use Zoning Ordinance due to their historic designation or historic significance. However, the owners of the sender sites may transfer the development rights listed in (2) above to the owners of a Receiving Site as provided herein. The existing development on the sender site must be maintained after the transfer of the development rights. In the event that the existing development on a Sender Site is damaged or destroyed, any redevelopment on the site must maintain the existing building footprint, or any remaining development rights, whichever is greater.

#### Establishment of receiver sites; purchase of TDRs.

- (1) Establishment of Receiver Sites. All properties in the Mixed Use Overlay District, with the exception of the designated Sender Sites listed herein, may be designated as Receiver Sites after approval of a site plan with development bonuses as provided herein.
- (2) Development Rights. Properties located in the Mixed Use Overlay District, with the exception of the sender sites, are permitted to be redeveloped in accordance with the provision of the Mixed Use Overlay District and Land Development Regulations. In addition, owners may receive development bonuses through the Purchase of Transferable Development Rights from the owners of Sender Sites as specified in (3) – (5) below.
- (3) TDR Residential Density Bonus. A Receiver Site may receive a residential development bonus of ten percent (10%) through the purchase of Transferable Development Rights from the owner of a Sending Site. Each additional unit permitted with the bonus would require the purchase of the equivalent development right from the owner of the Sender Site.
- (4) TDR Development Intensity Bonus. A Receiver Site may receive a F.A.R. bonus of ten percent (10%) of the maximum permitted square footage through the purchase of Transferable Development Rights from the owner of the Sender Site. Each additional square foot permitted with the bonus would require the purchase of the equivalent development right from the owner of the Sender Site.
- (5) TDR Height Bonus. A Receiver Site in the Urban Neighborhood Edge Subdistrict may receive a height bonus of two additional stories, 11 feet per story, through the purchase of equivalent Transferable Development Rights from the owner of a Sending Site. A Receiver Site in the Urban Edge District may receive a height bonus of four stories, 11 feet per story through the purchase of equivalent Transferable Development Rights from the owner of a Sending Site. A Receiver Site in the Urban Waterfront Block may receive a height bonus of up to six stories, 11 feet per story through the purchase of equivalent Transferable Development Rights from the owner of a Sending Site.

#### Calculation and costs.

- (1) The square footage of a transferable development right for a unit shall be calculated and determined by dividing the permitted floor area of the sending site by the permitted density on said sending site. This calculation will yield a square-foot-per-unit constant. The approval of a site plan with development bonuses achieved through the purchase of Transferable Development Rights shall result in a simultaneous decrease in square footage and units so that both square footage and density will reach zero at the same time. Only whole units may be

purchased and transferred to the receiving site. The foregoing, however, is subject to all limitations set forth herein and in the Comprehensive Plan.

- (2) The price of the Transferable Development Rights from the sender sites shall be determined by the owners.

#### Application Procedures.

- (1) Application. An applicant for the transfer of development rights to a potential receiving site shall file a complete application with the Administrator, together with a complete site plan application and all requirements contained the Land Development Regulations including but not limited to the following. Every application shall contain, as applicable:
  - a. The names, addresses and signatures of all fee simple owners of all properties included in the receiving site. "Fee simple owner" for the purpose of this requirement shall be defined as all parties having a financial interest, either direct or indirect, in the subject matter of the application. Such disclosure shall include, but not be limited to, disclosure of all natural persons having an ownership interest, direct or indirect, in all properties involved;
  - b. The street address, folio number and legal description of each parcel of land included in the potential receiving site, a description of adjacent lands, including land uses, densities, circulation systems, public facilities and the impact, if any, of the requested transfer of development rights;
  - c. A current certified survey, plans, including but not limited to a site plan elevation, landscaping, an area analysis of surrounding properties including but not limited to street elevations, height of buildings, surrounding floor area ratio and density and construction schedules;
  - d. A site conditions map including a three-dimensional model of the proposed development potential (site plan) without TDRs and a separate three-dimensional model showing the development potential utilizing the proposed transfer of development rights (both models shall be constructed of balsa wood, foam board, corrugated or like material);
  - e. Status of financing, if applicable; evidence of ownership;
  - f. Amount of consideration, including purchase price of the property, an executed closing statement or an executed copy of the purchase and sale contract if the applicant is a contract purchaser;
  - g. A general description of the manner in which the project shall be constructed; impact, if any, of the transfer of development right to adjacent properties; and copies of any covenants affecting the receiving site(s);
  - h. An executed TDR purchase agreement with the owner of the Sender Site (may be made contingent upon Site Plan and TDR Development Bonus Approval), and;
  - i. Any other agreements required by the LDRs and this section or that may be reasonably requested by the Town Manager or other reviewing agencies.
- (2) Review by Administrator. The Administrator shall review the application and shall forward it to the Town Commission together with all site plans.
- (3) Approval. The application shall be considered and approved, approved with conditions, or denied by the Town Commission as part of the site plan approval process.

**MUZ**  
Mixed-Use Overlay Zoning District

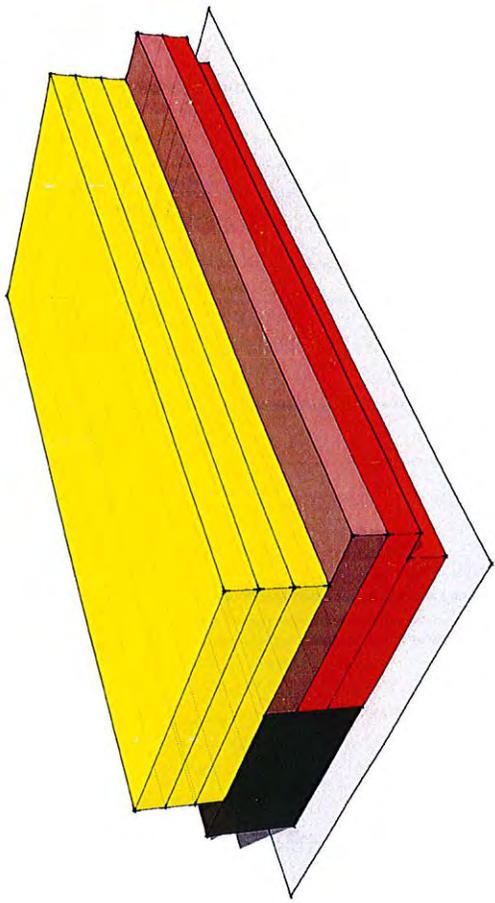
3D Massing Analysis  
02.24.16

Town of Lake Park

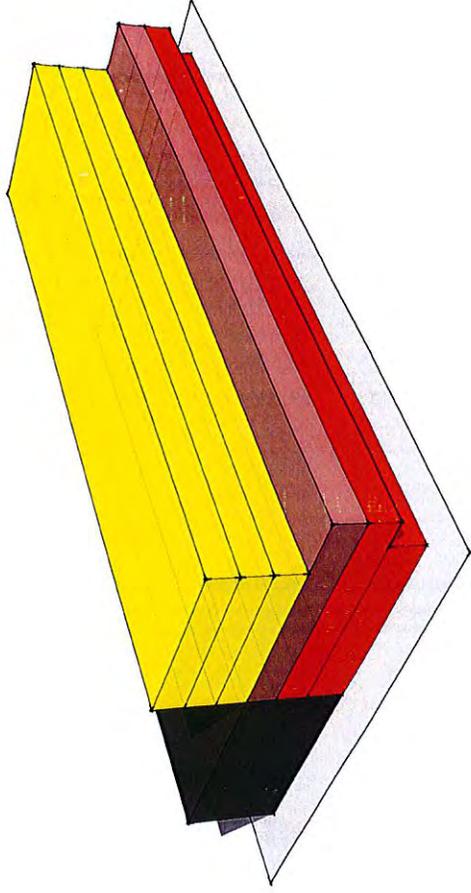
Massing Analysis

Source: Bell David Planning Group

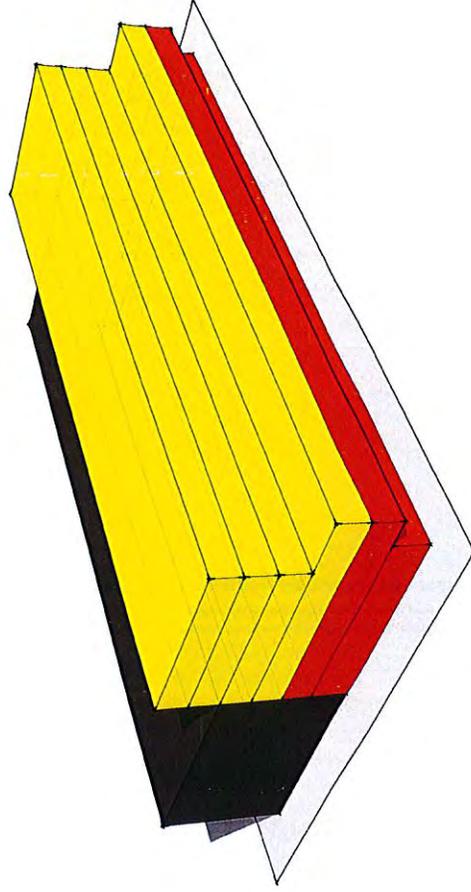
- Residential
- Residential/Commercial/Office
- Parking
- Commercial



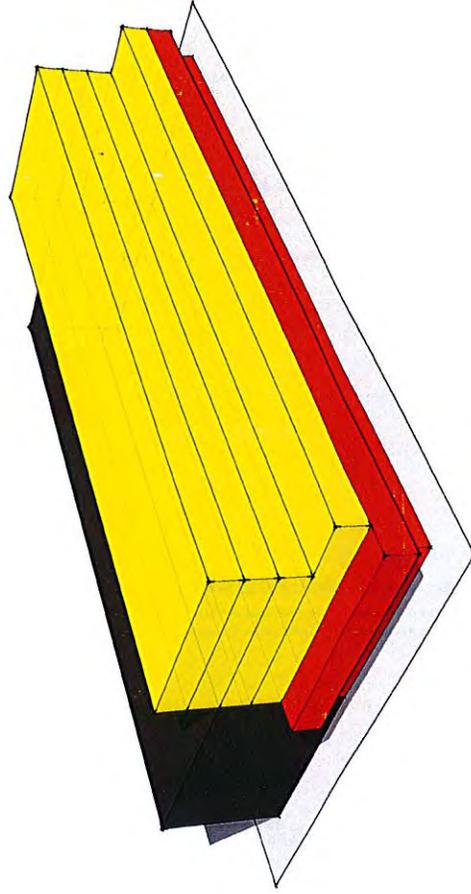
- Residential
- Residential/Commercial/Office
- Parking
- Commercial



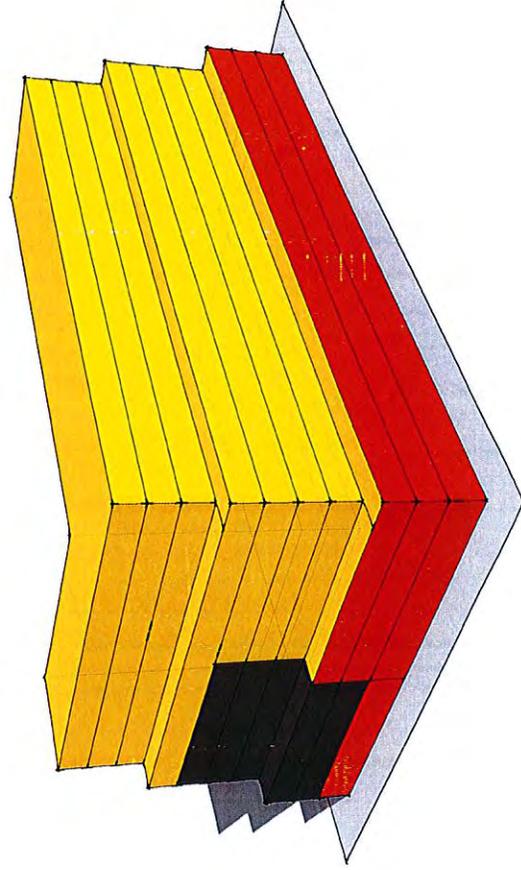
- Residential
- Residential/Commercial/Office
- Parking
- Commercial



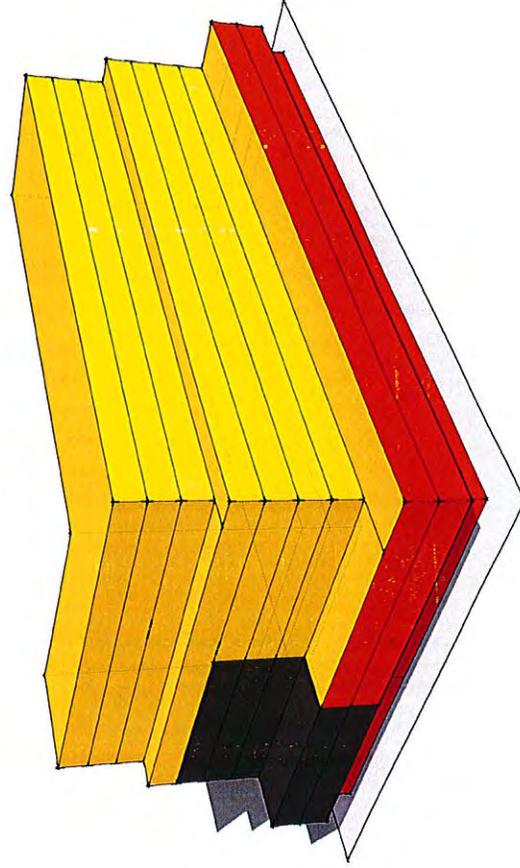
- Residential
- Residential/Commercial/Office
- Parking
- Commercial



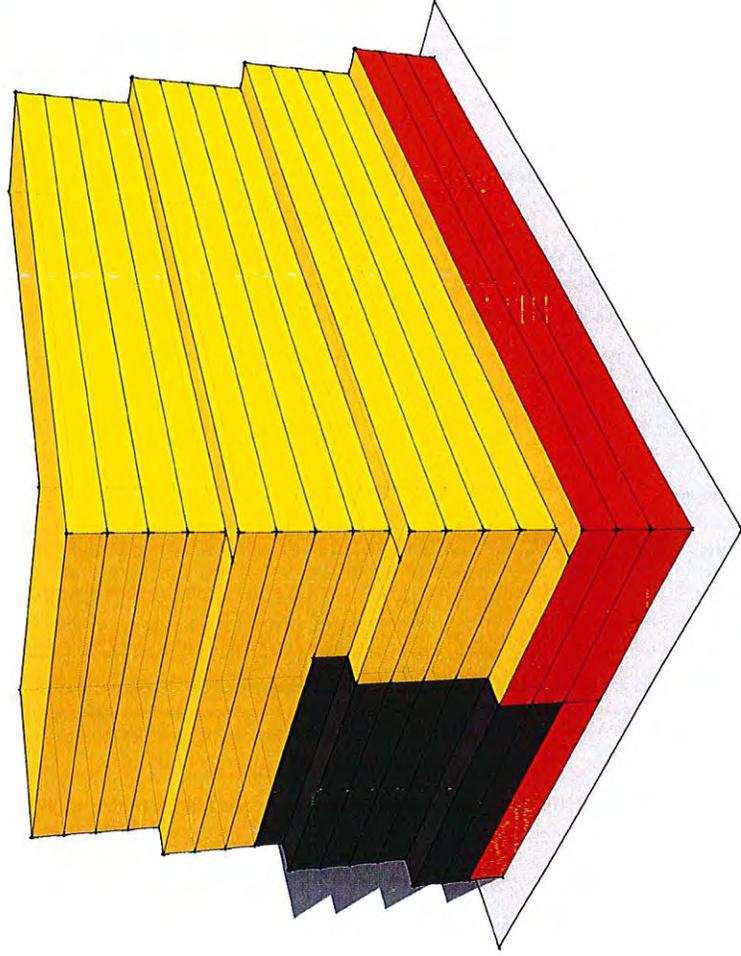
Residential  
Residential/Commercial/Office  
Parking  
Commercial



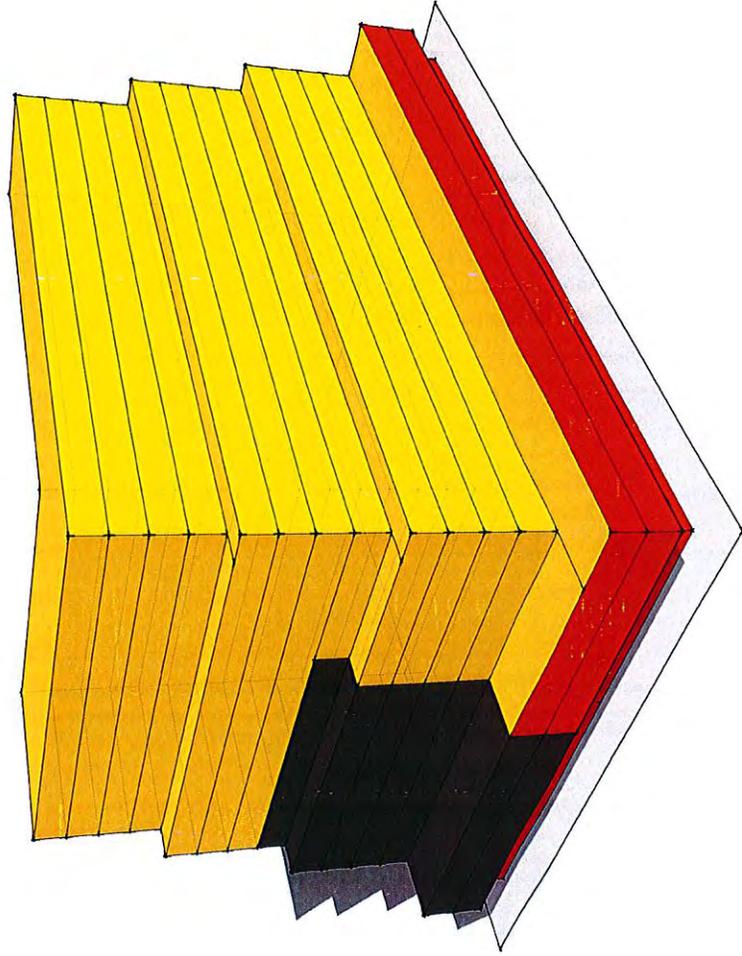
- Residential
- Residential/Commercial/Office
- Parking
- Commercial



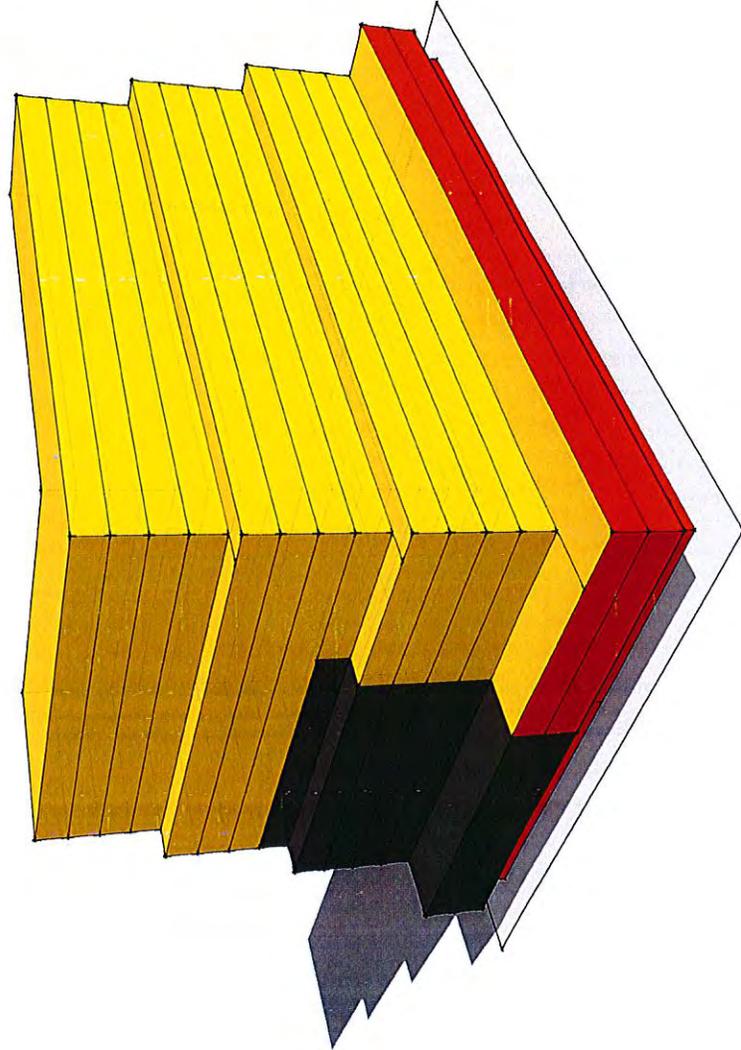
- Residential
- Residential/Commercial/Office
- Parking
- Commercial



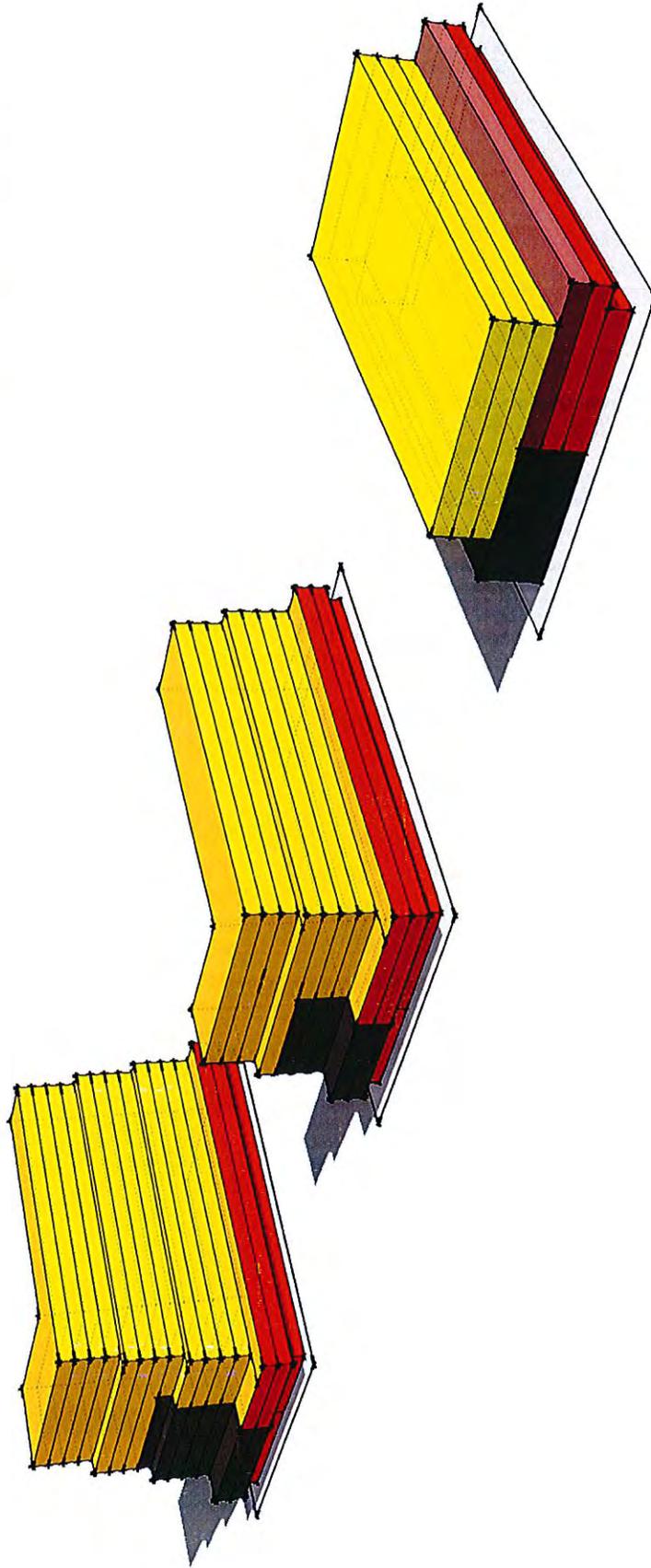
- Residential
- Residential/Commercial/Office
- Parking
- Commercial



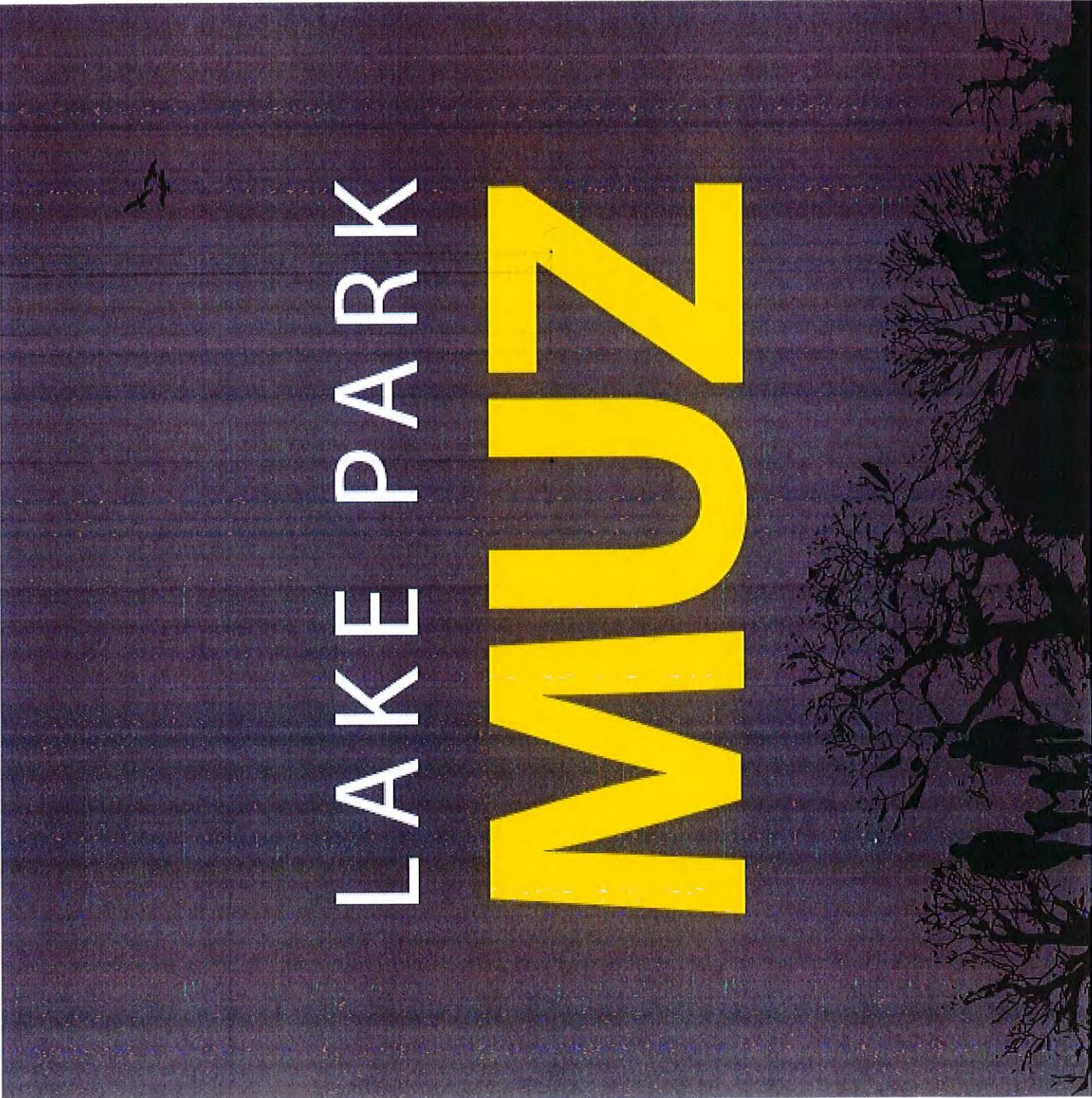
- Residential
- Residential/Commercial/Office
- Parking
- Commercial



- Residential
- Residential/Commercial/Office
- Parking
- Commercial



VISUALS





LAKE PARK  
**MUZ**

TOWN BOUNDARY LINE

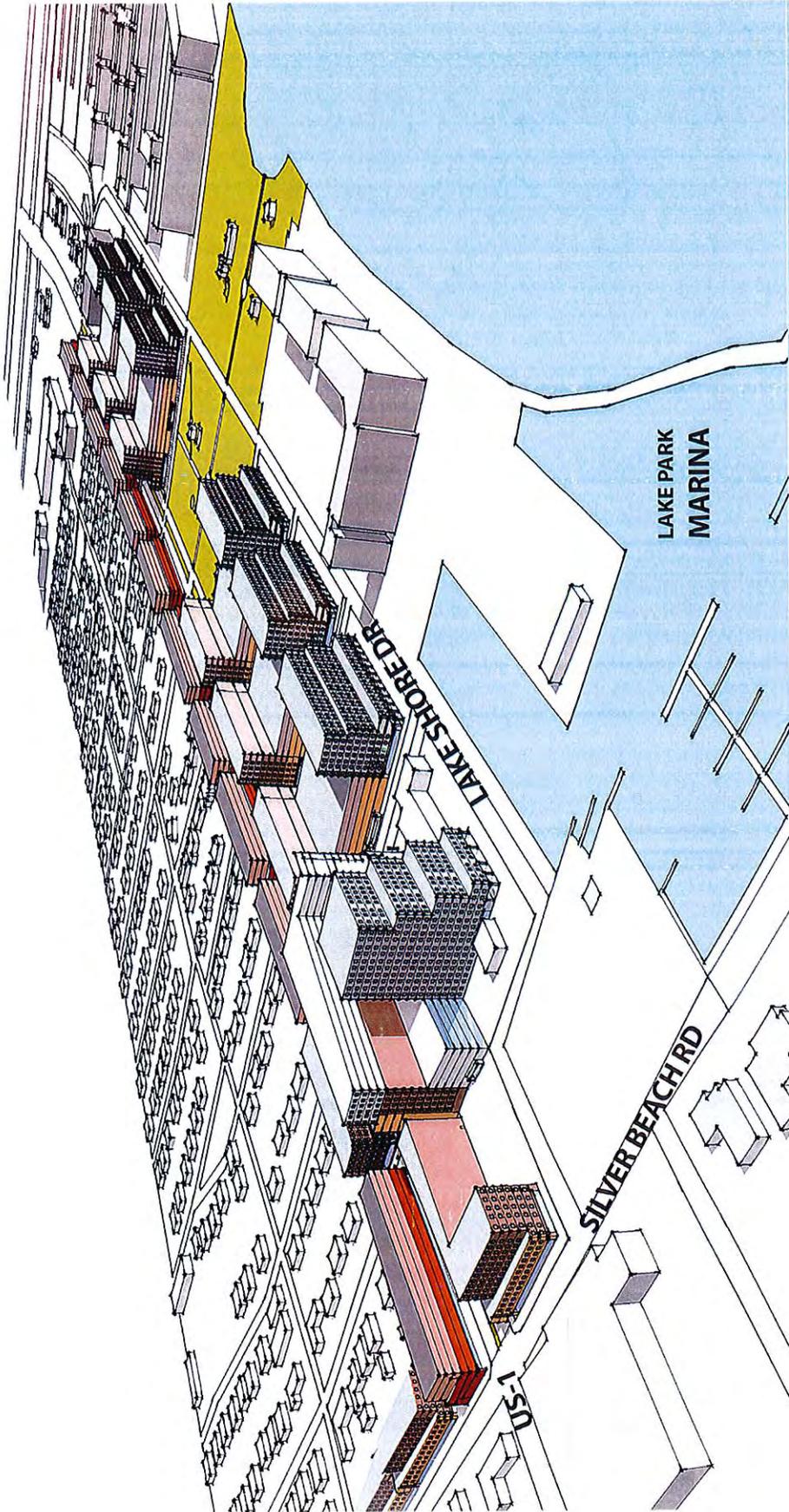
FEDERAL HIGHWAY

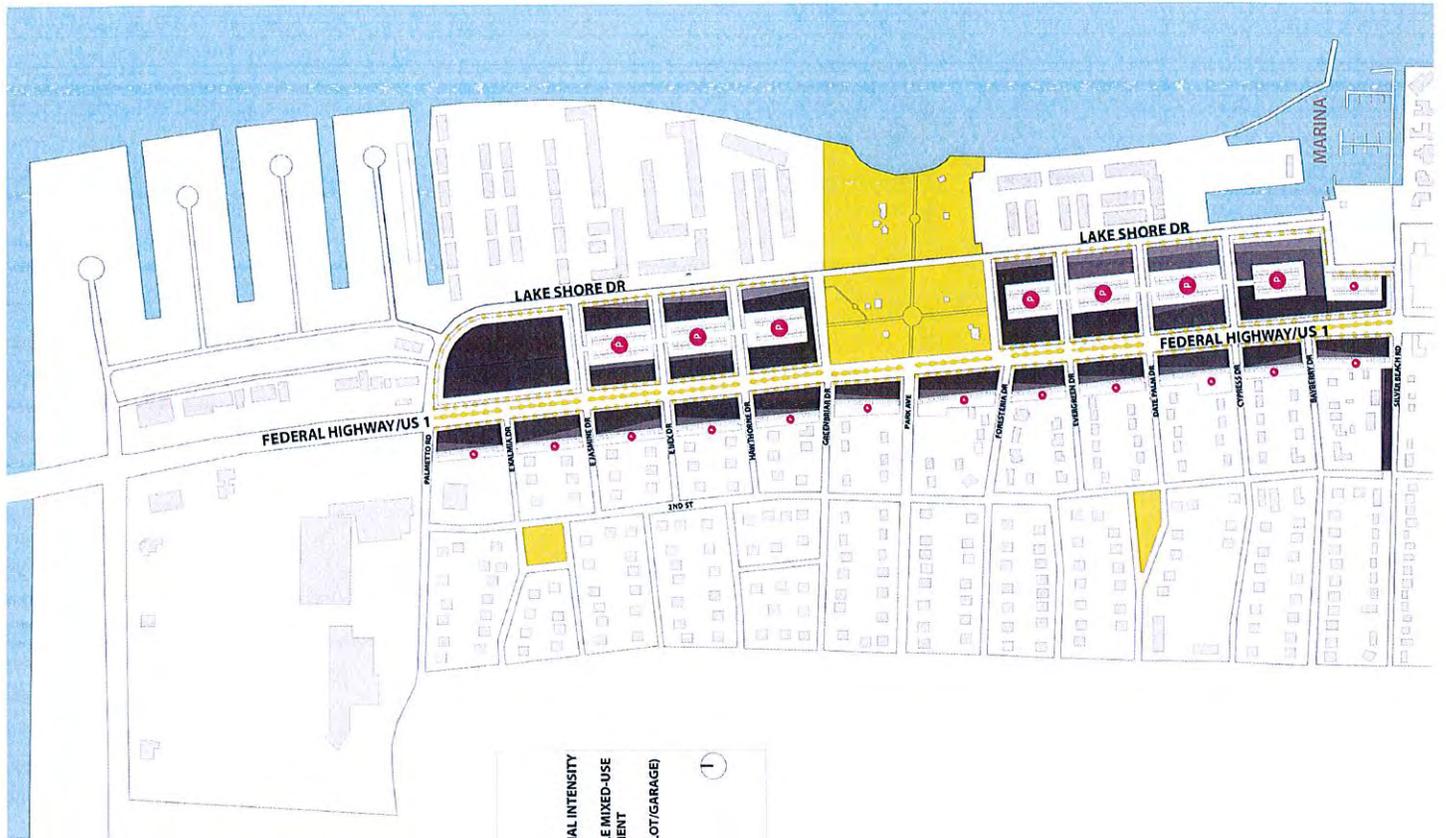
KELSEY  
PARK

FEDERAL HIGHWAY

LAKE PARK  
MARINA

Corridor Buildout Example





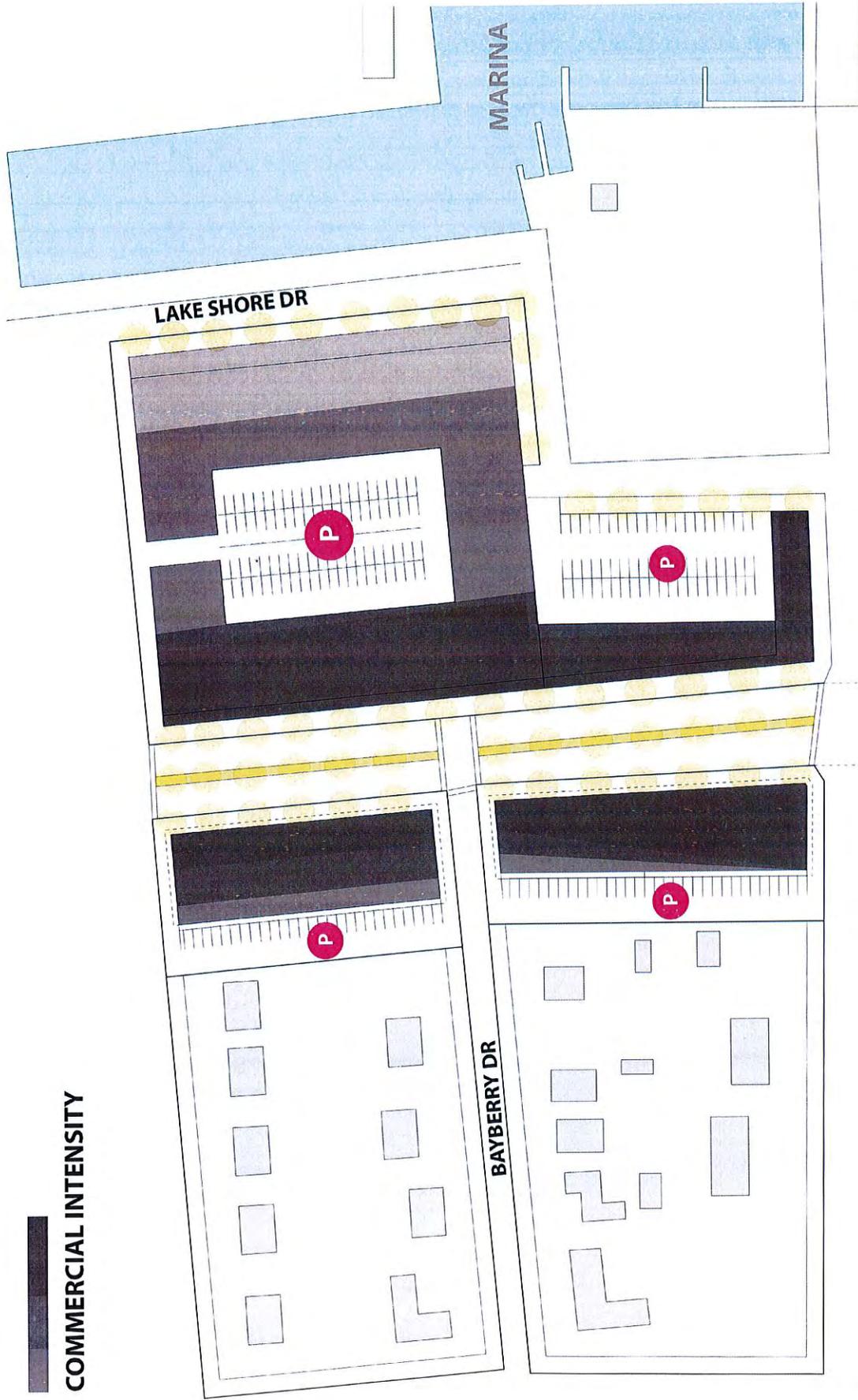
**LEGEND**

-  COMMERCIAL INTENSITY
-  ALLOWABLE MIXED-USE DEVELOPMENT
-  PARKING (LOT/GARAGE)





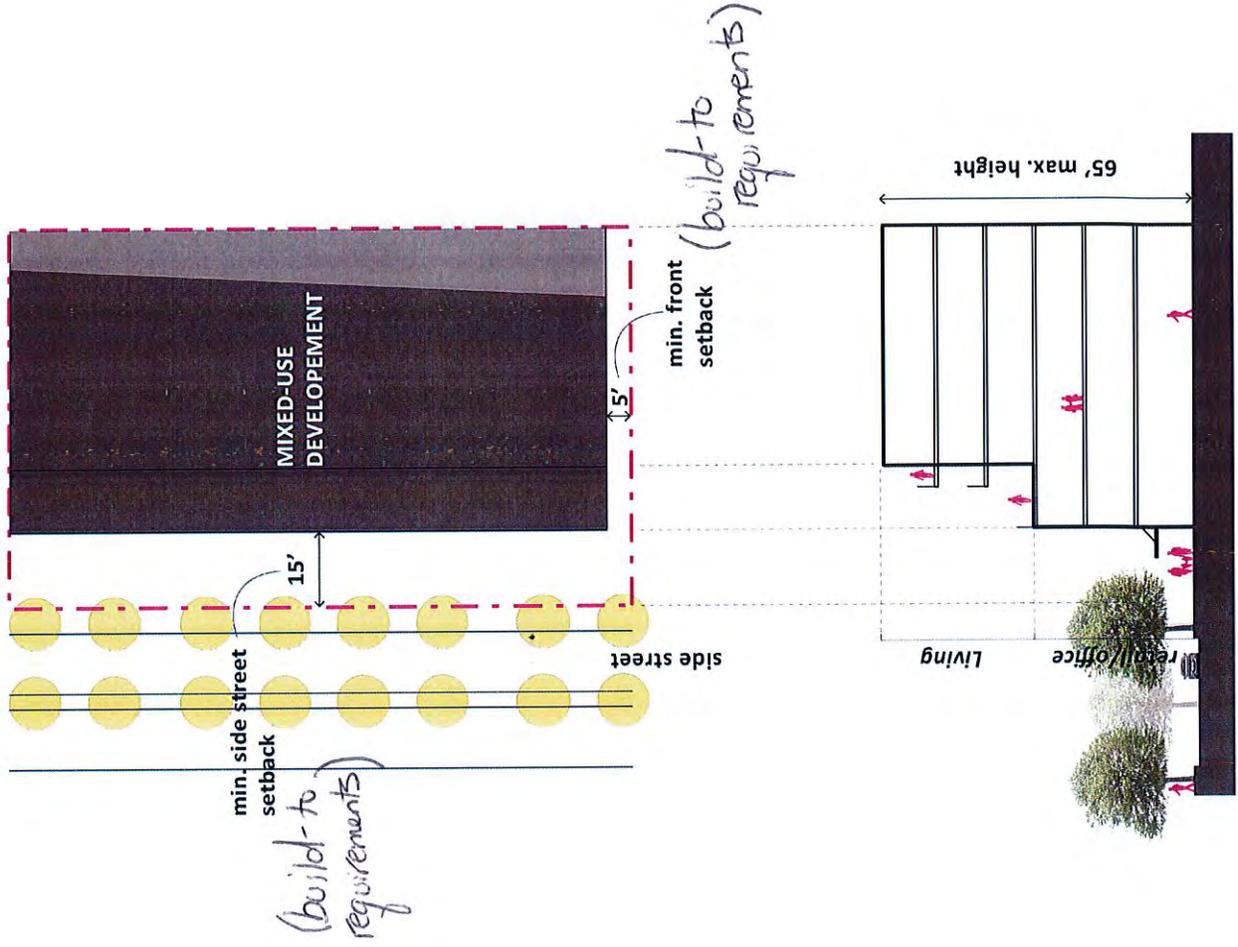
**COMMERCIAL INTENSITY**



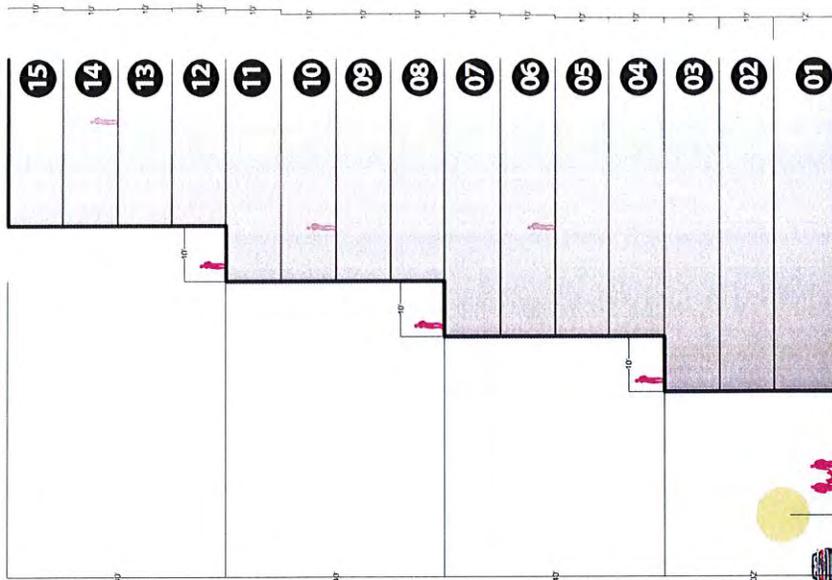
**FEDERAL HIGHWAY /  
US 1**

# Mixed Use District

MU3



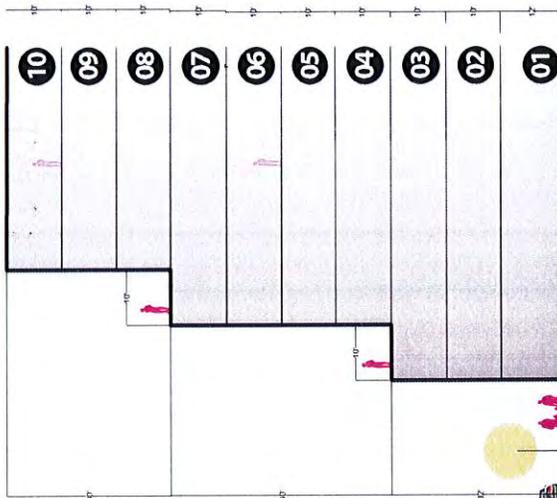
Max. 170'



**15 Stories**

80 du's per acre

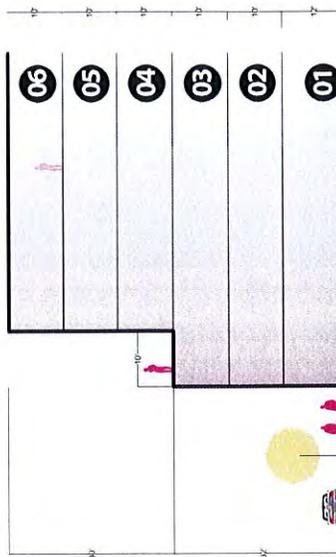
Max. 115'



**10 Stories**

60 du's per acre

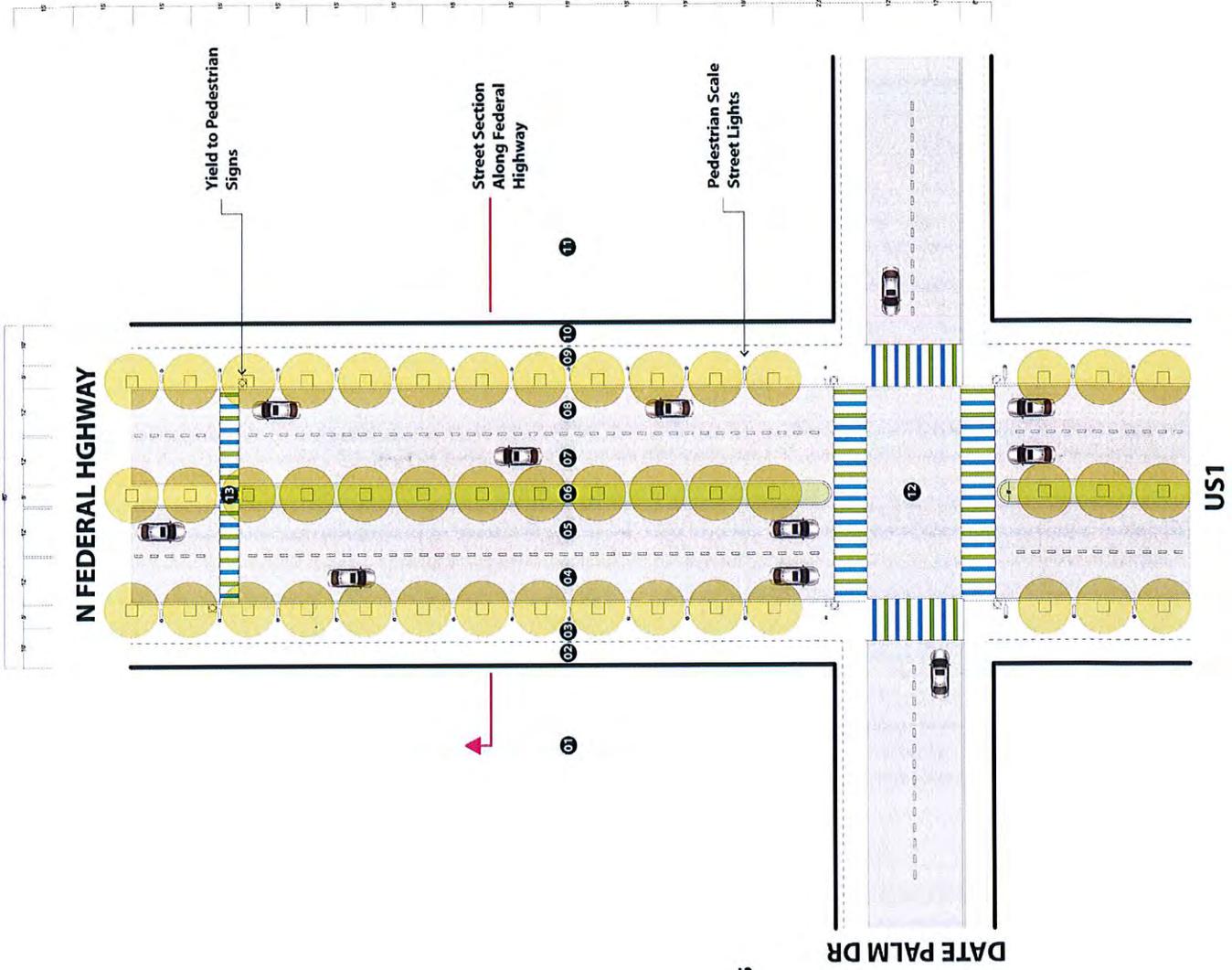
Max. 65'



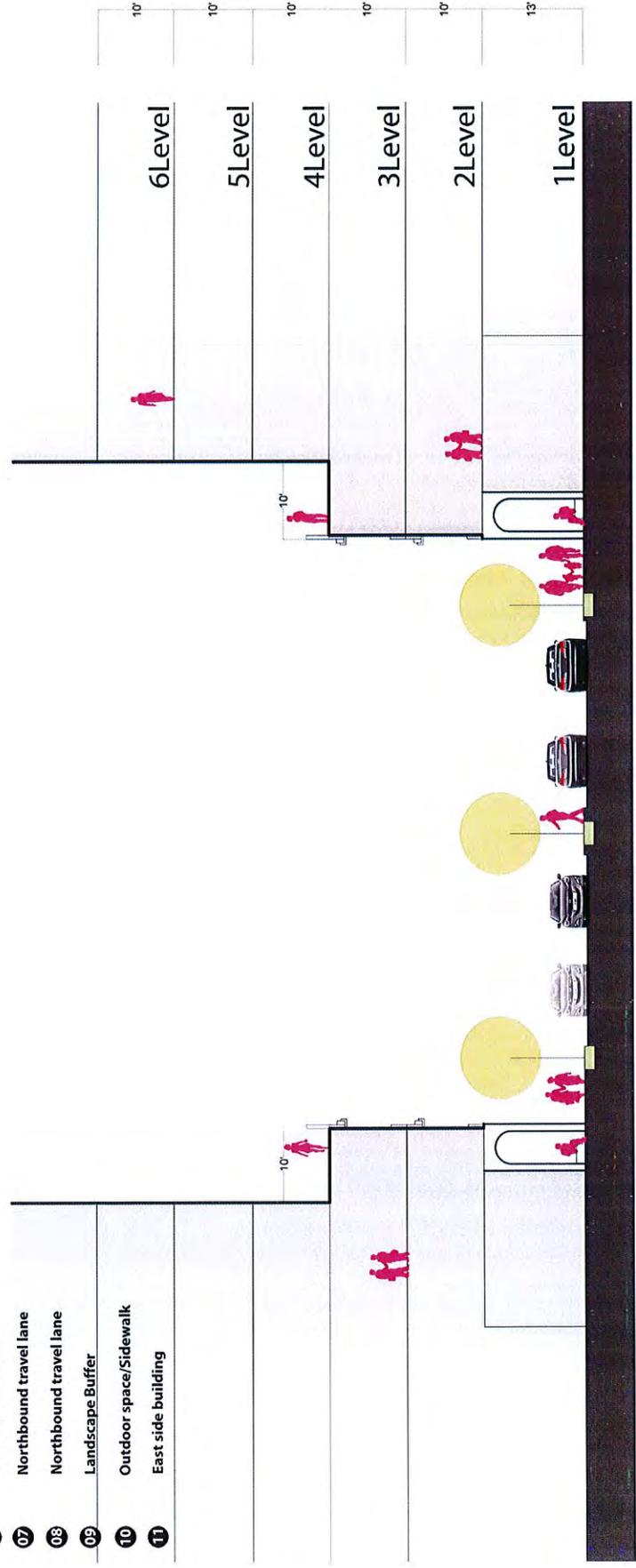
**6 Stories**

40 du's per acre

- 01** West side building
- 02** Outdoor space/Sidewalk
- 03** Landscape Buffer
- 04** Southbound travel lane
- 05** Southbound travel lane
- 06** Center green median
- 07** Northbound travel lane
- 08** Northbound travel lane
- 09** Landscape Buffer
- 10** Outdoor space/Sidewalk
- 11** East side building
- 12** Improve crosswalks at intersections
- 13** Mid-point crosswalks



- 01 West side building
- 02 Outdoor space/Sidewalk
- 03 Landscape Buffer
- 04 Southbound travel lane
- 05 Southbound travel lane
- 06 Center green median
- 07 Northbound travel lane
- 08 Northbound travel lane
- 09 Landscape Buffer
- 10 Outdoor space/Sidewalk
- 11 East side building

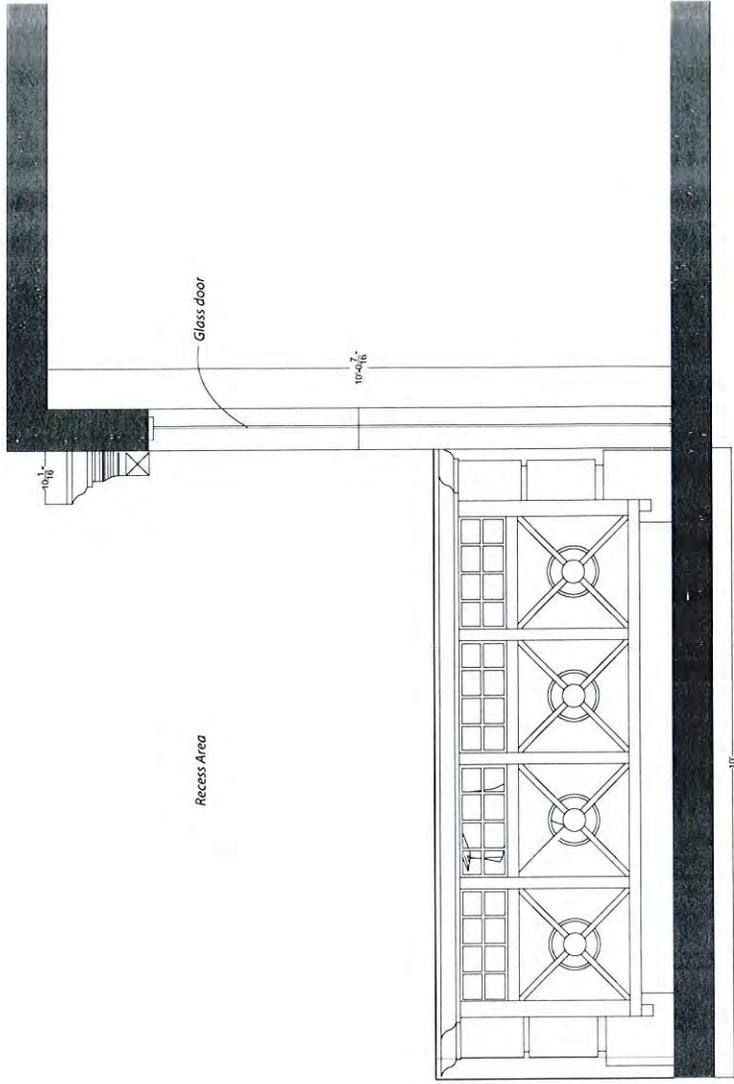
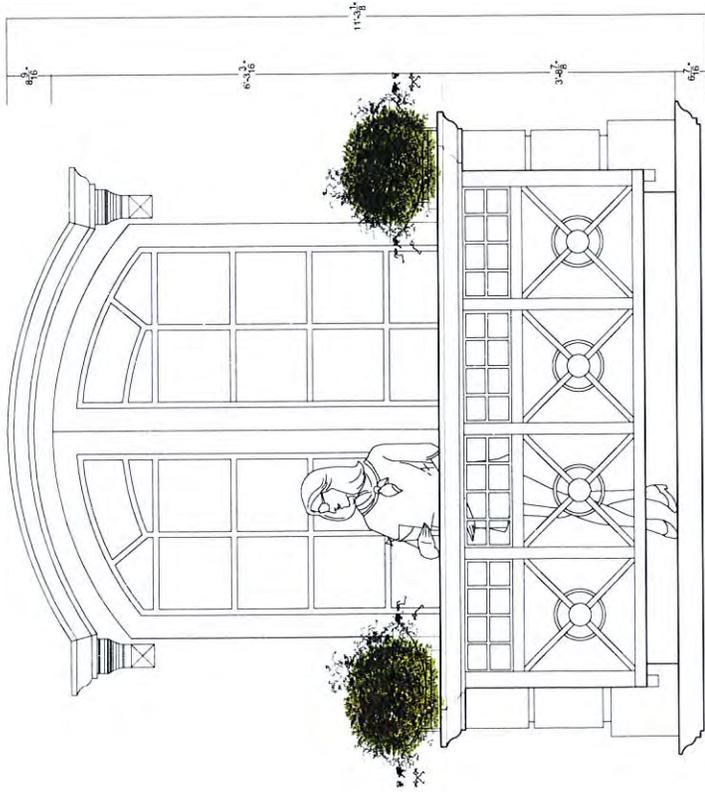


- 01
- 02
- 03
- 04
- 05
- 06
- 07
- 08
- 09
- 10
- 11

MEDITERRANEAN STYLE

(Architectural  
Balcony)

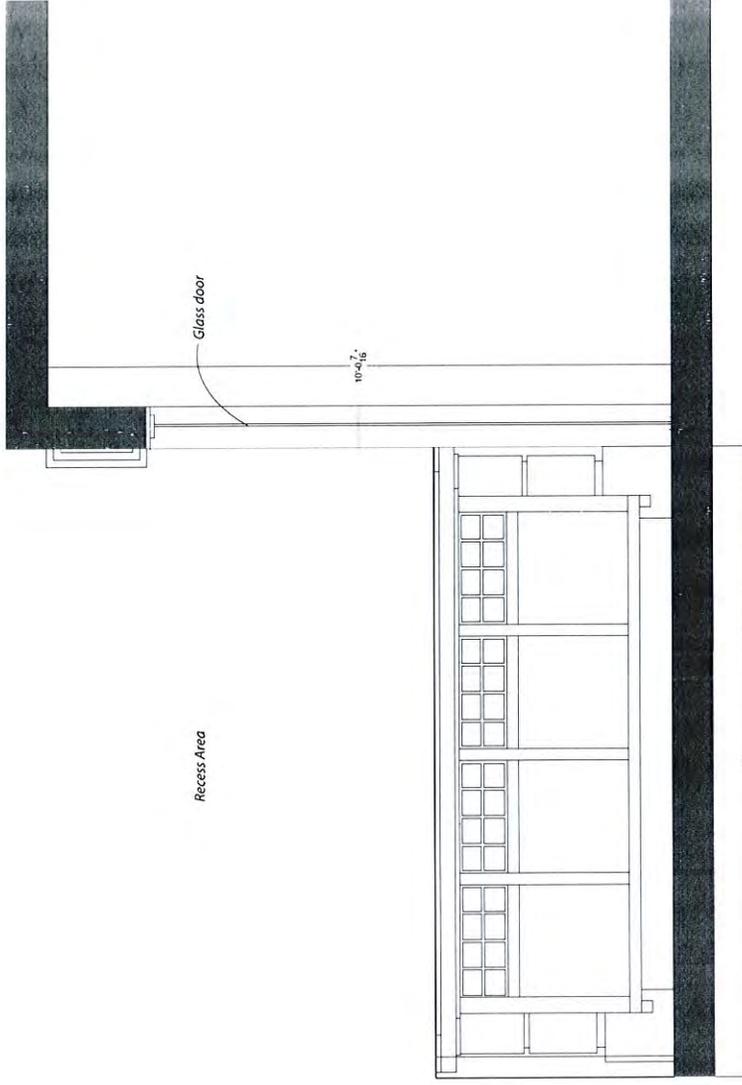
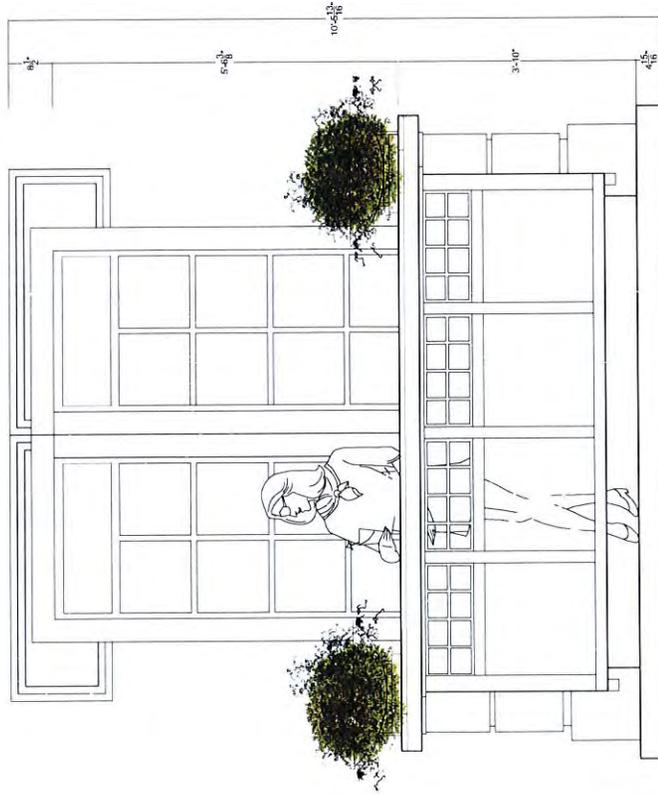
Example Only

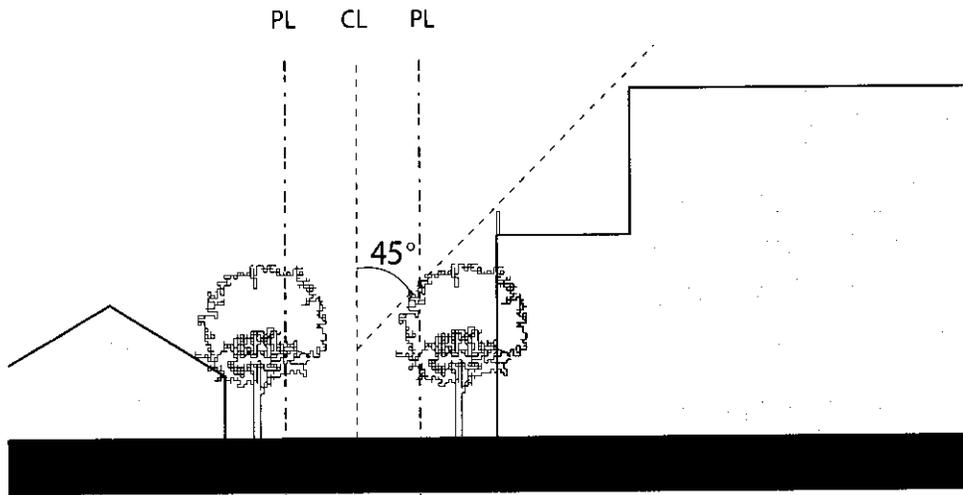


MODERN STYLE

(Architectural  
Balcony)

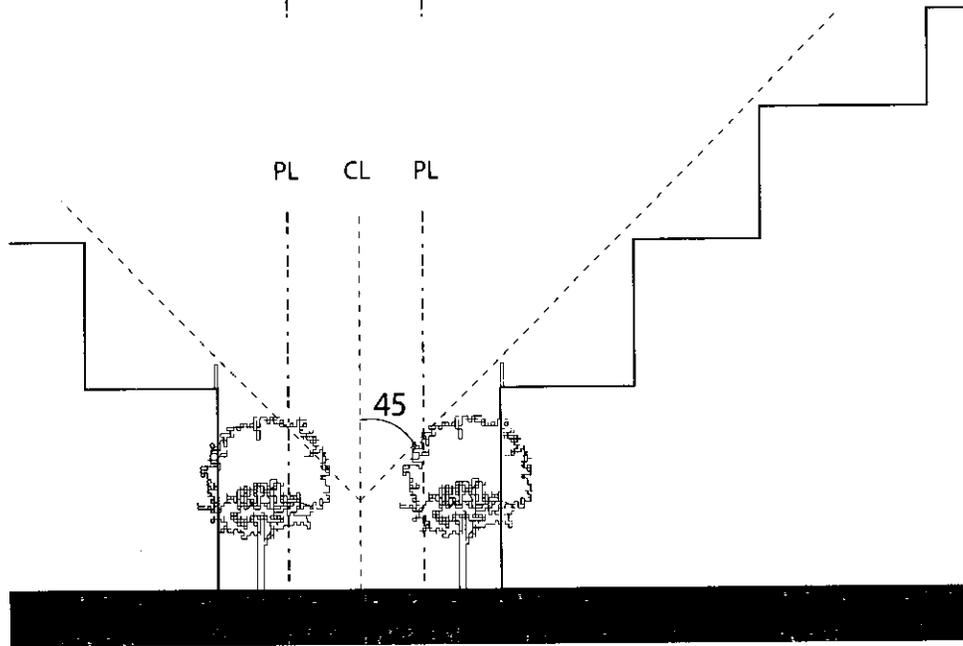
Example Only





RESIDENTIAL  
ZONED LOT

MIXED-USE/URBAN  
NEIGHBORHOOD EDGE  
ZONED LOT



MIXED-USE/  
URBAN  
NEIGHBORHOOD EDGE  
ZONED LOT

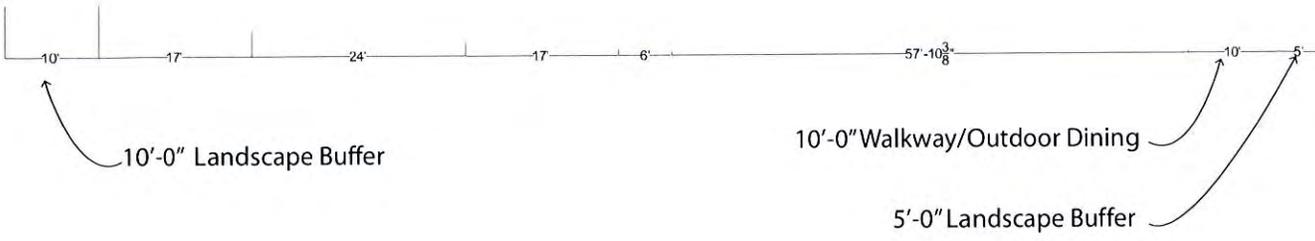
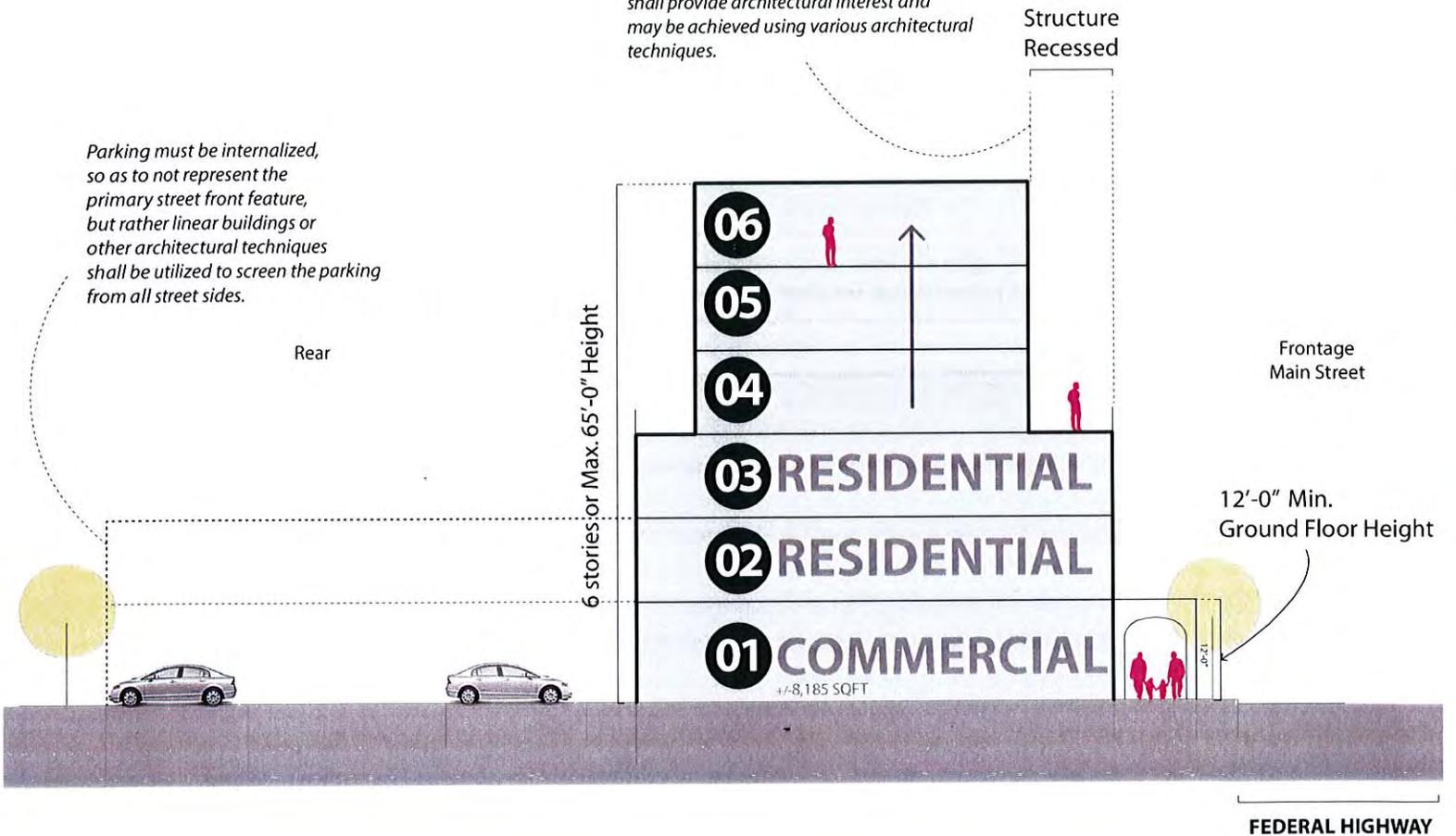
MIXED-USE/  
URBAN  
EDGE  
ZONED LOT

**45° Encroachment Plane**

**Side View**

Federal and Lakeshore recesses shall be greater than recesses provided along side streets, however, all recesses shall provide architectural interest and may be achieved using various architectural techniques.

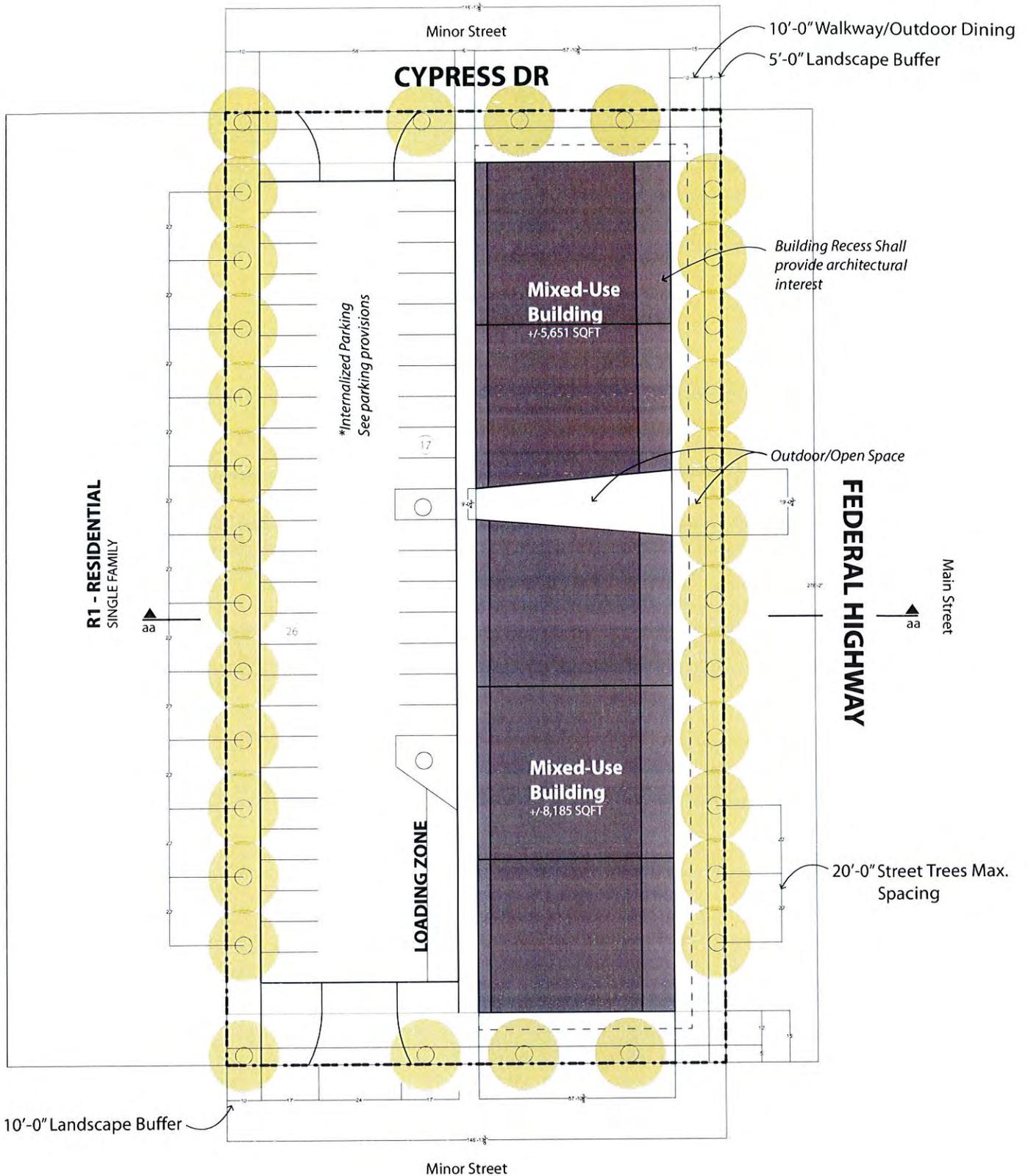
Parking must be internalized, so as to not represent the primary street front feature, but rather linear buildings or other architectural techniques shall be utilized to screen the parking from all street sides.



Density level  
40 units/acre

**Urban Neighborhood Edge**

**Section AA**



Density level  
40 units/acre

Federal and Lakeshore recesses shall be greater than recesses provided along side streets, however, all recesses shall provide architectural interest and may be achieved using various architectural techniques.

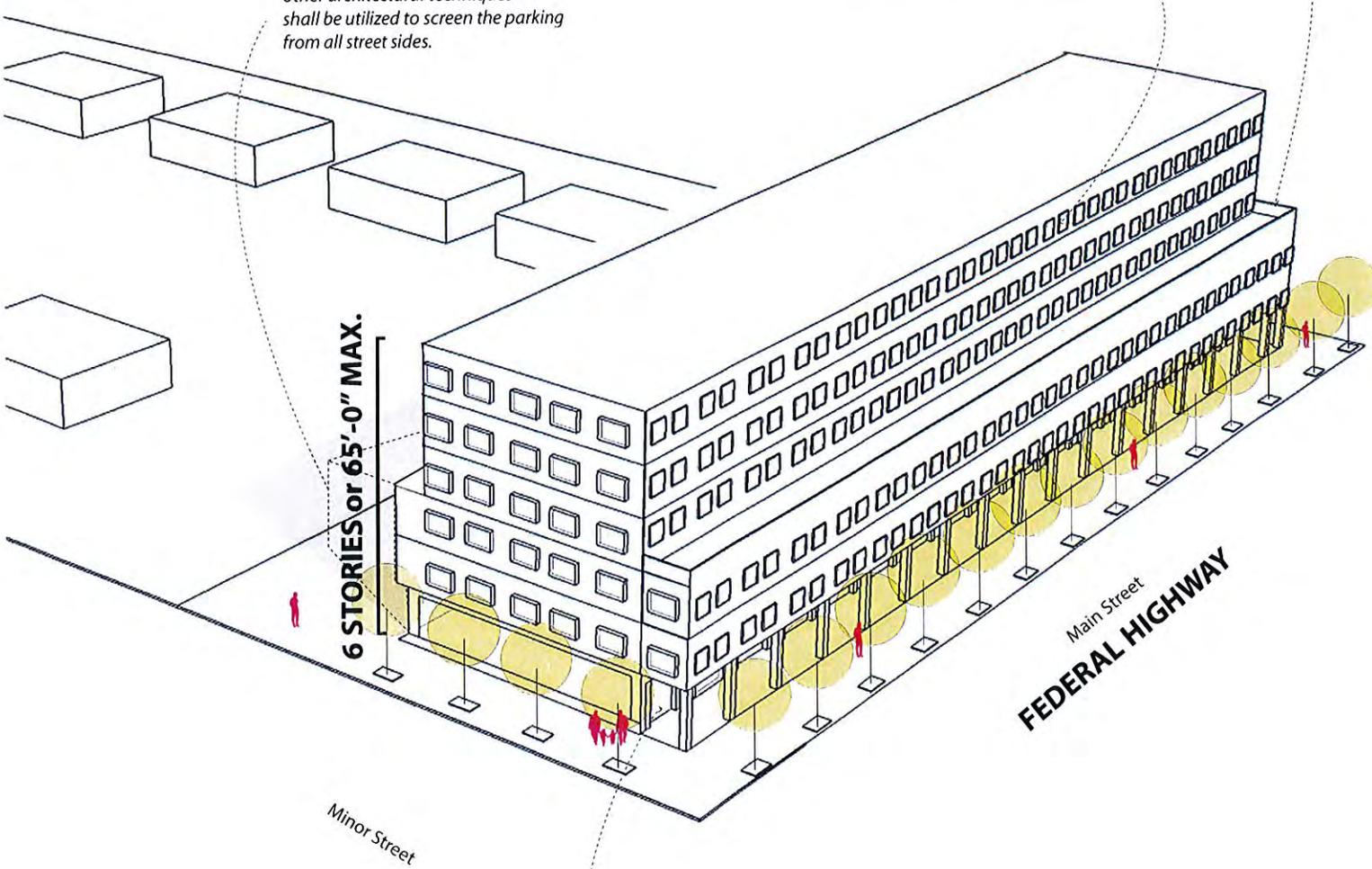
Parking must be internalized, so as to not represent the primary street front feature, but rather linear buildings or other architectural techniques shall be utilized to screen the parking from all street sides.

Min. 30% of all building street walls shall be fenestrated with windows

6 STORIES or 65'-0" MAX.

Storefront clear glazed area not less than 70% of facade area

Density level  
40 units/acre



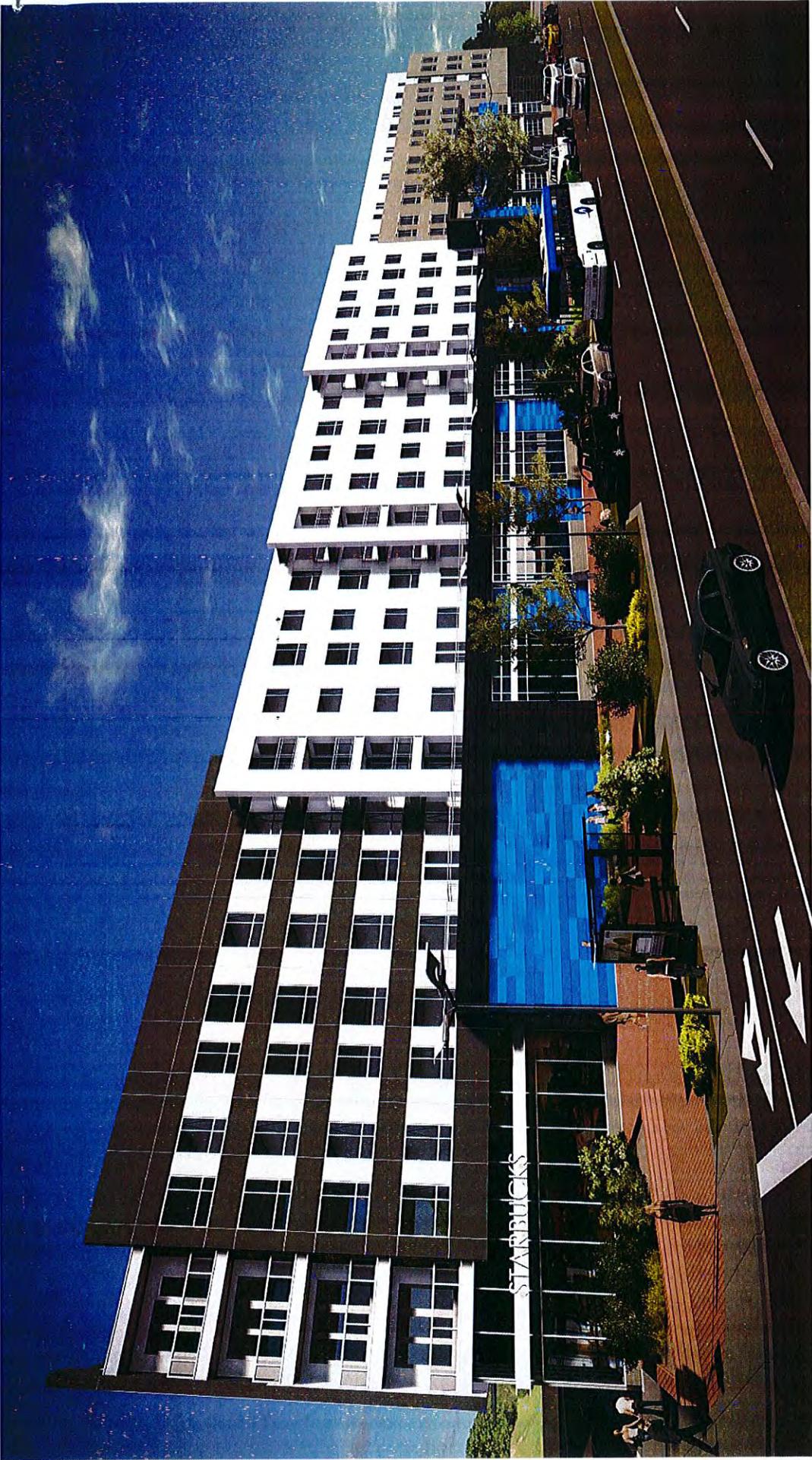
**Urban Neighborhood Edge**

**Massing**

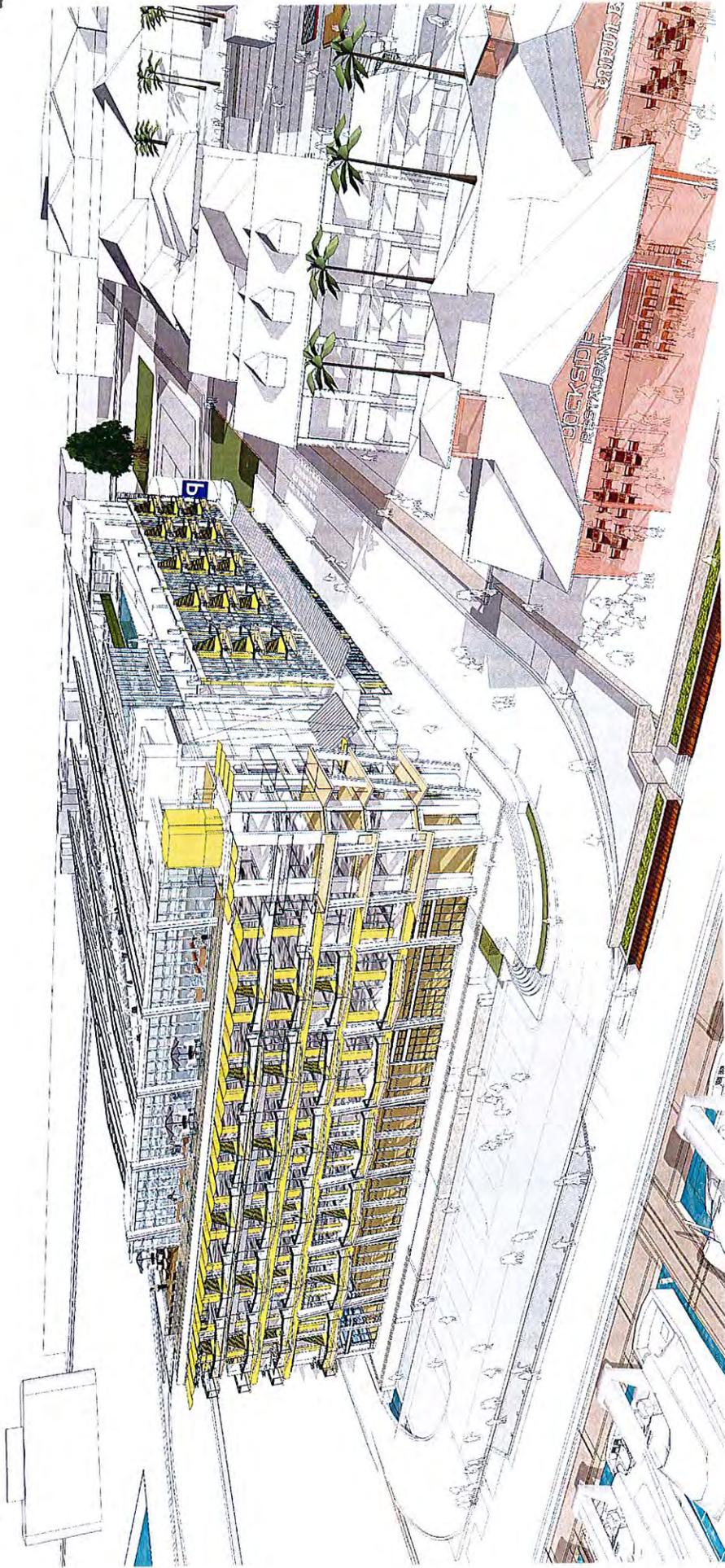
# 4-story Mixed-Use Example



Town of Lake Park  
Mixed-Use  
Overlay  
Zoning  
District



5-story Mixed-Use Example



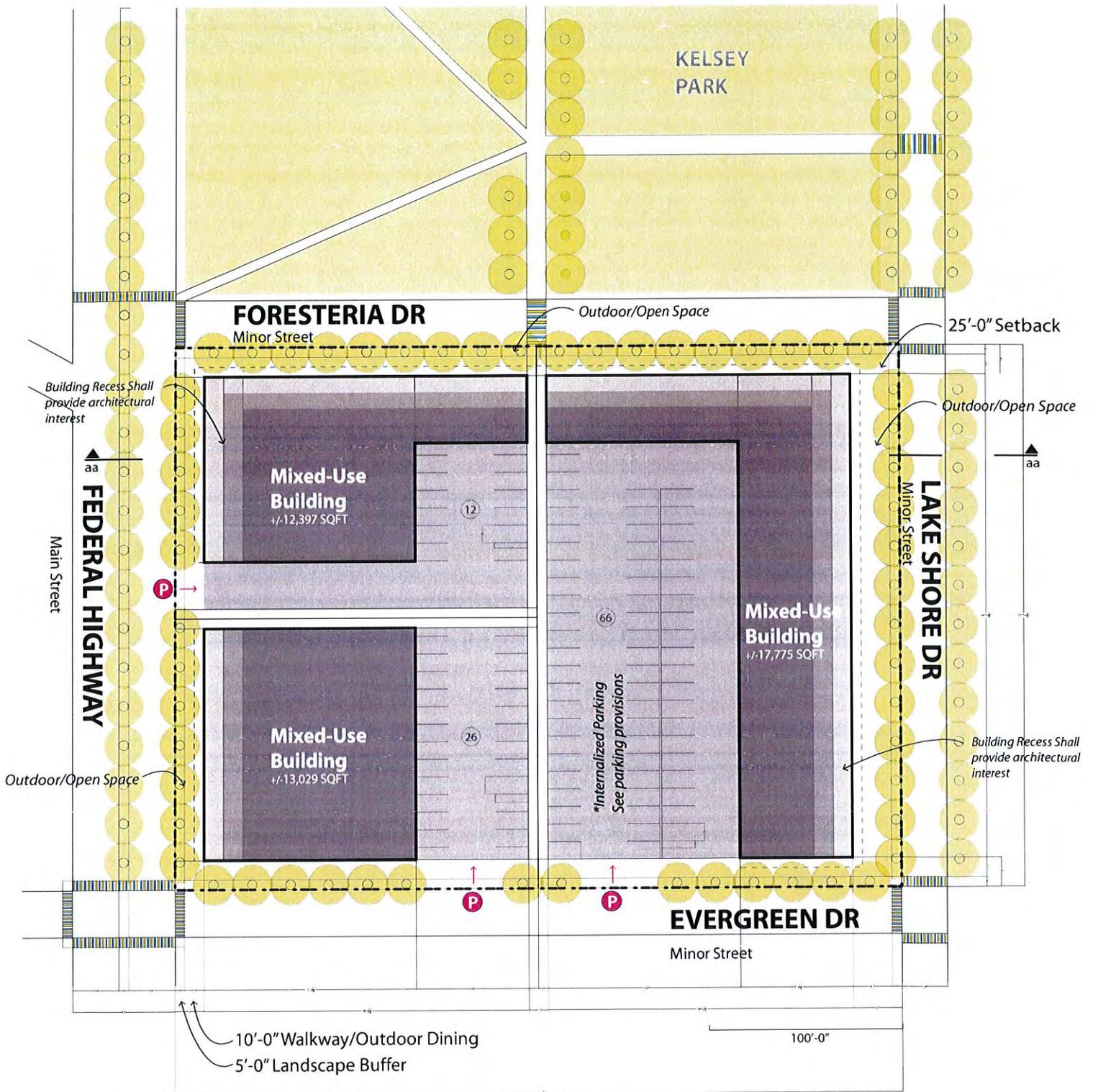
Riviera Beach 6-story  
Mixed-Use Example



4-story Mixed-Use Example  
(Delray Beach)



6-story with rooftop features  
Mixed Use examples

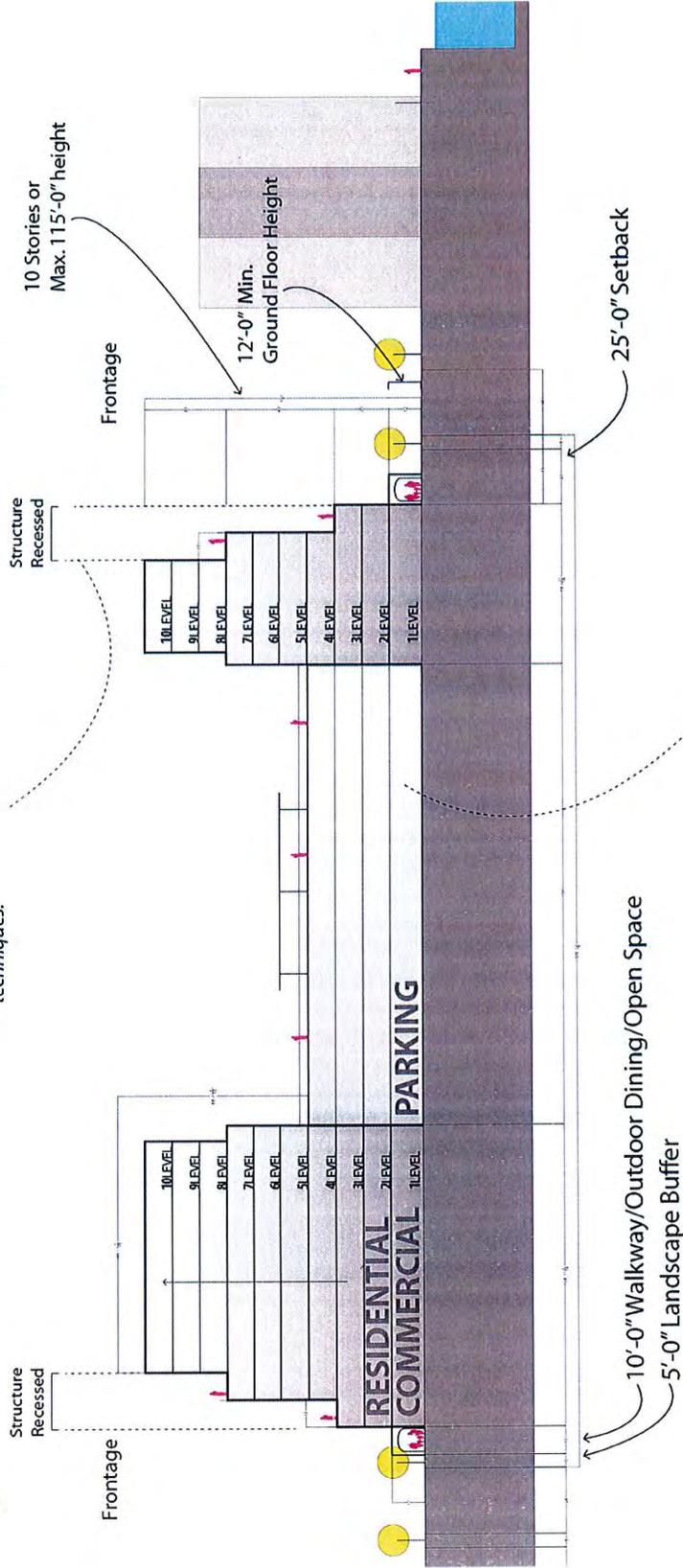


Density level  
60 units/acre

**FEDERAL HIGHWAY**  
Main Street

**LAKE SHORE DR**  
Minor Street

*Federal and Lakeshore recesses shall be greater than recesses provided along side streets, however, all recesses shall provide architectural interest and may be achieved using various architectural techniques.*



Density/level  
60 units/acre

**Urban Edge**

**Section AA**

Parking must be internalized, so as to not represent the primary street front feature, but rather linear buildings or other architectural techniques shall be utilized to screen the parking from all street sides.

Min. 30% of all building street walls shall be fenestrated with windows

Federal and Lakeshore recesses shall be greater than recesses provided along side streets, however, all recesses shall provide architectural interest and may be achieved using various architectural techniques.

10 STORIES OR 115'-0" MAX

LAKE SHORE DR

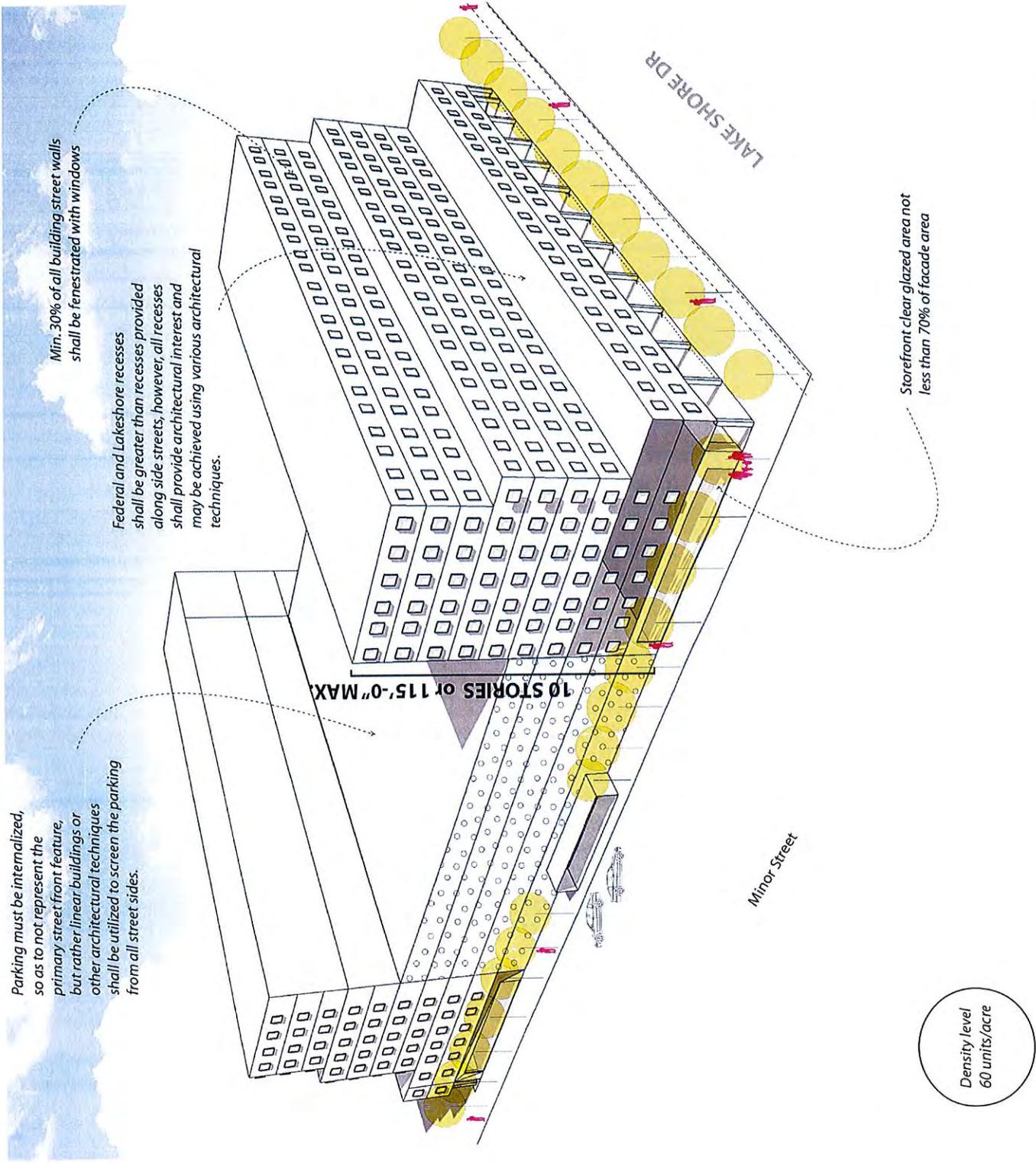
Minor Street

Storefront clear glazed area not less than 70% of facade area

Density level  
60 units/acre

**Massing**

**Urban Edge**





Village / Urban Architecture  
10<sup>th</sup>-story Mixed-Use Example

NOT CONSISTENT WITH ZONING INTENT



Example to visually discuss what is not recommended



8-story Mixed-Use Example



10-story Urban Neighborhood Edge Example



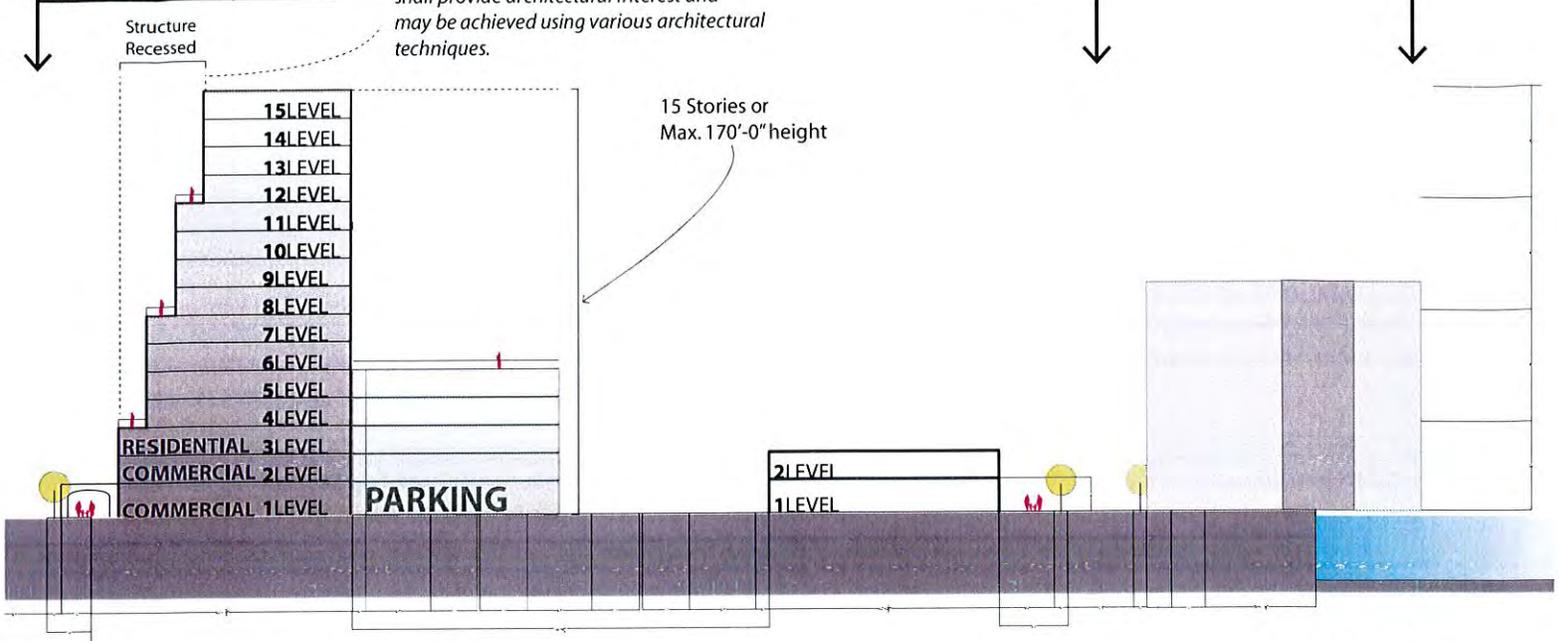
LAKE PARK  
**MUZ**

8-9 story Mixed-Use Example

# FEDERAL HIGHWAY

Main Street

Federal and Lakeshore recesses shall be greater than recesses provided along side streets, however, all recesses shall provide architectural interest and may be achieved using various architectural techniques.

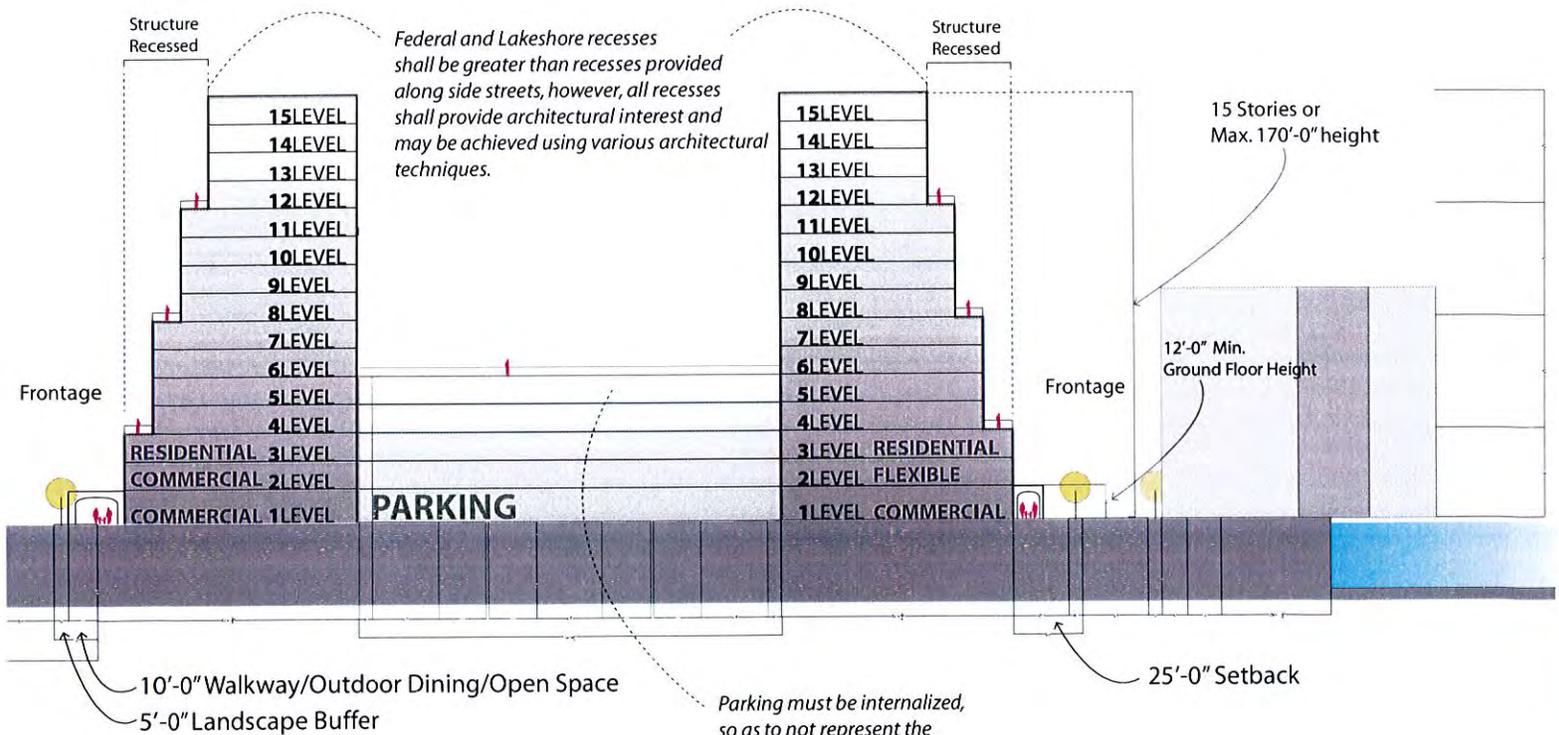


## Section AA

# LAKE SHORE DR

Minor Street

# MARINA

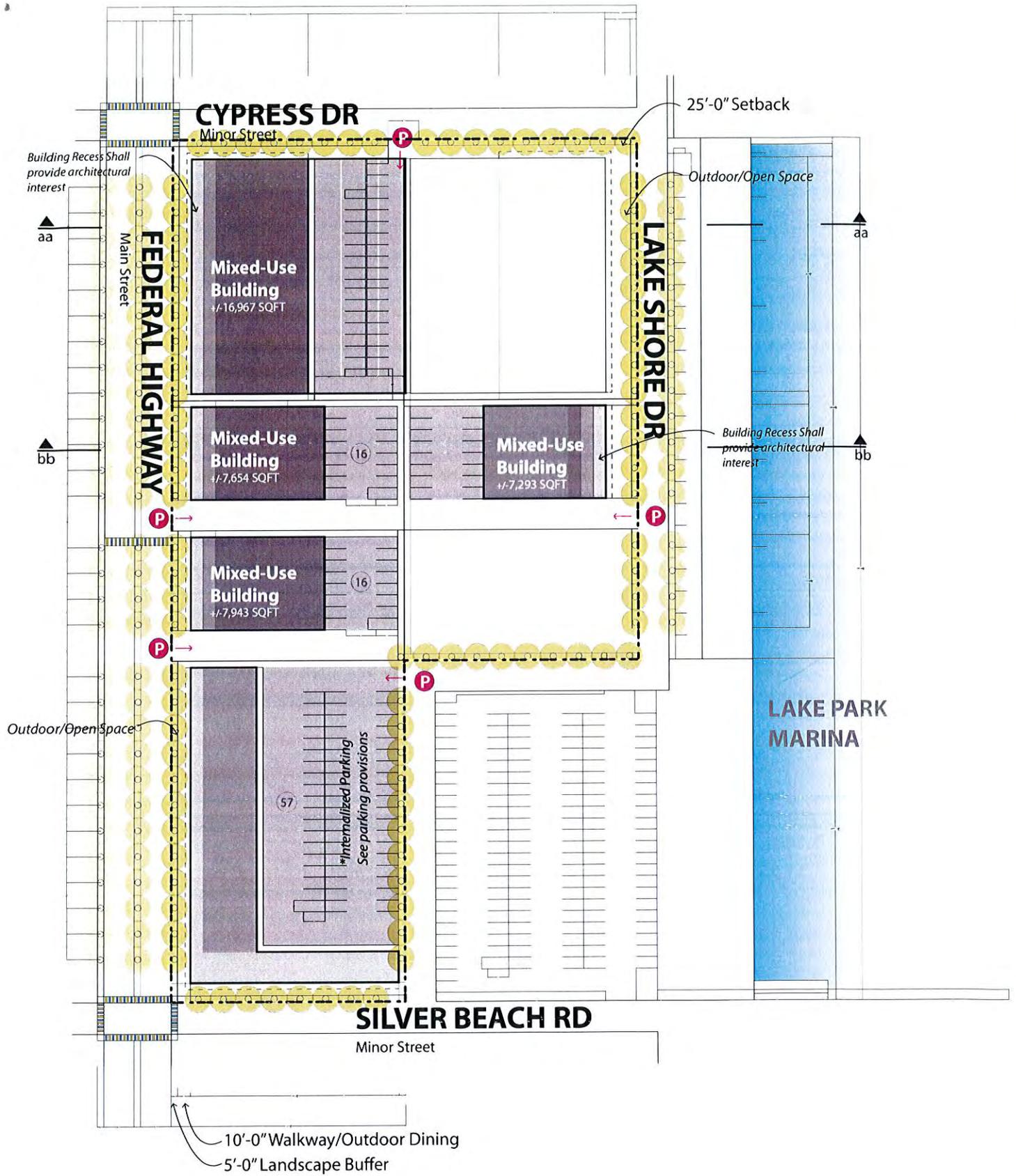


Parking must be internalized, so as to not represent the primary street front feature, but rather linear buildings or other architectural techniques shall be utilized to screen the parking from all street sides.

Density level  
80 units/acre

## Urban Waterfront Block

## Section BB



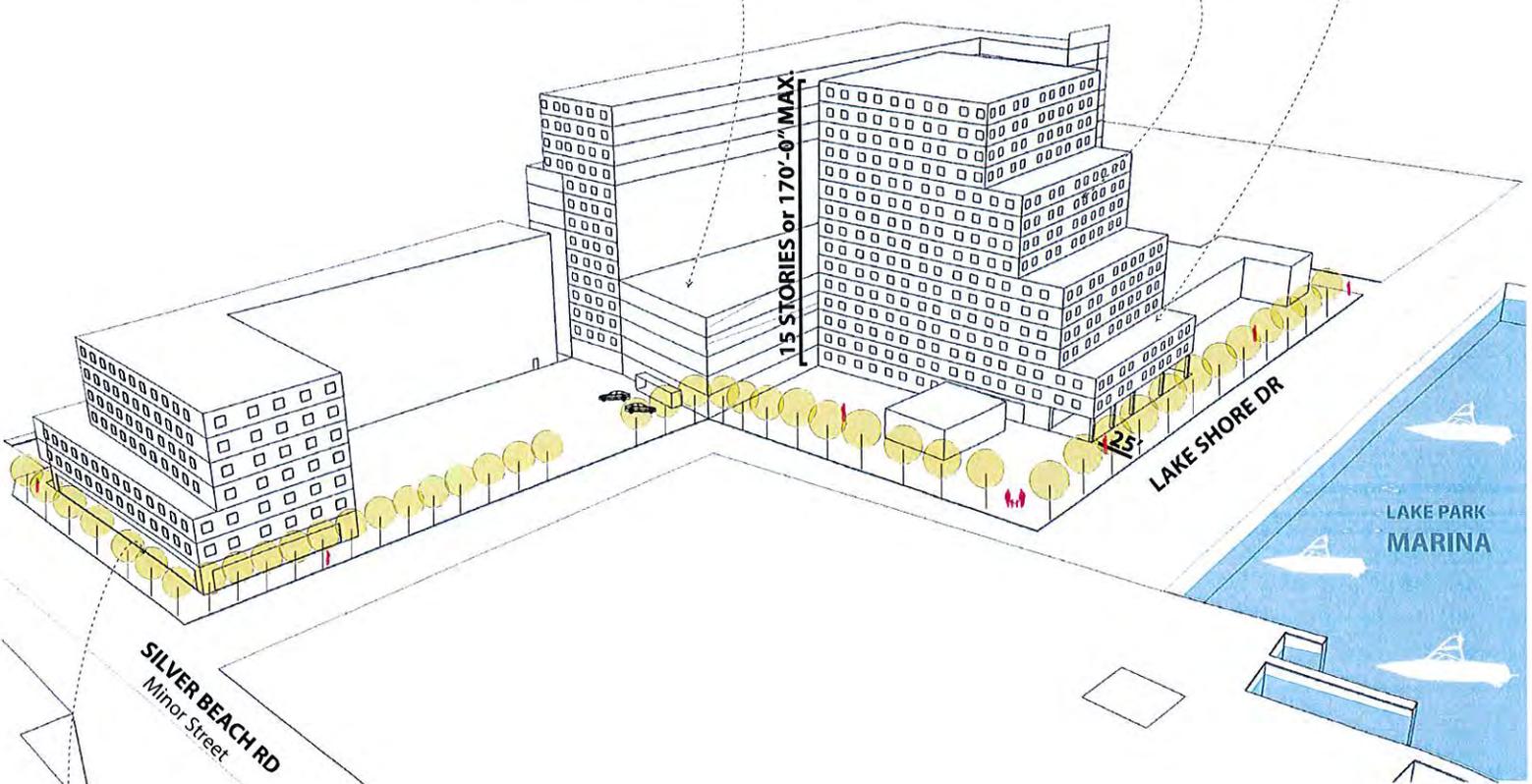
Density level  
80 units/acre

*Parking must be internalized, so as to not represent the primary street front feature, but rather linear buildings or other architectural techniques shall be utilized to screen the parking from all street sides.*

*Federal and Lakeshore recesses shall be greater than recesses provided along side streets, however, all recesses shall provide architectural interest and may be achieved using various architectural techniques.*

*Min. 30% of all building street walls shall be fenestrated with windows*

15 STORIES or 170'-0" MAX.

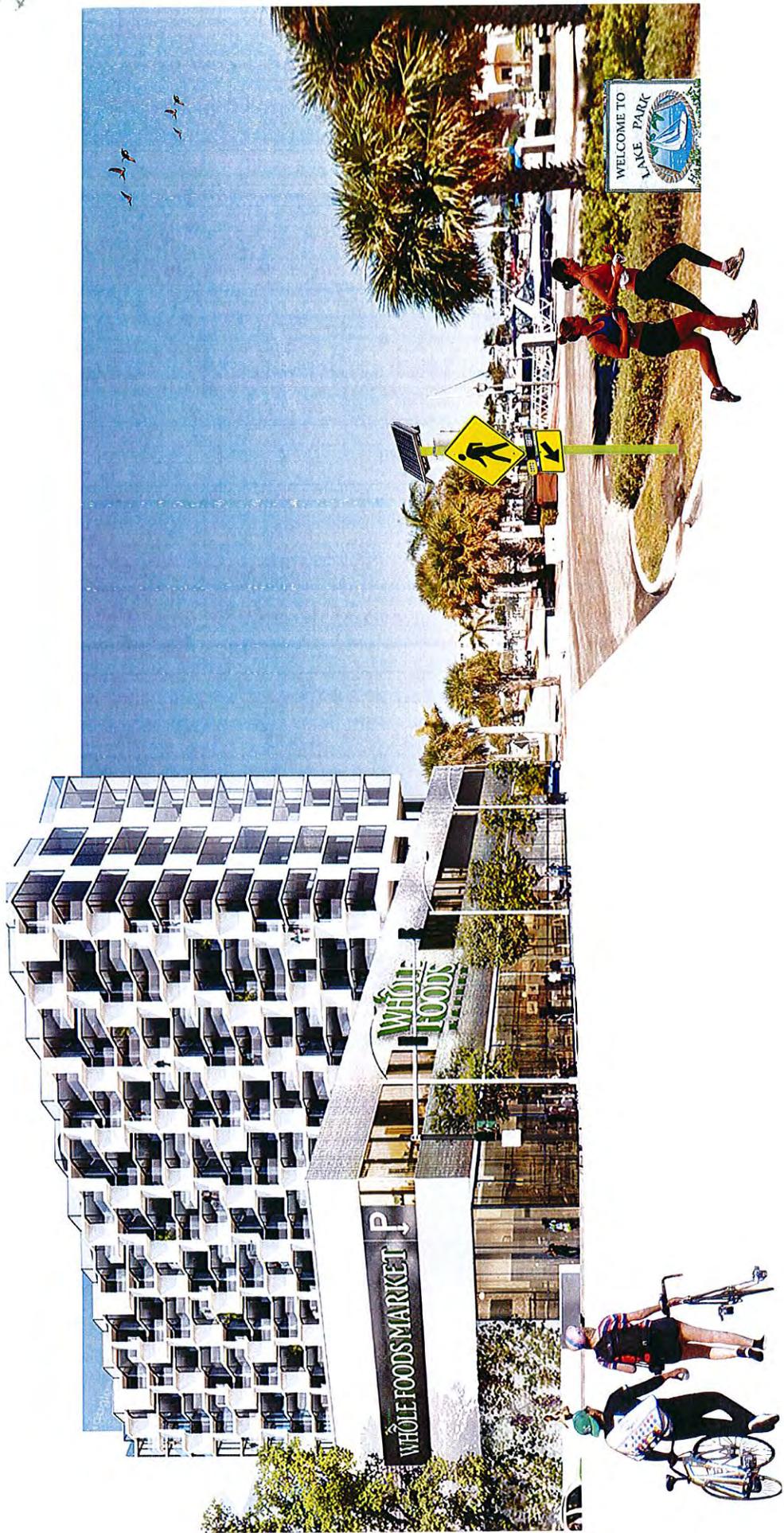


*Storefront clear glazed area not less than 70% of facade area*

Density level  
80 units/acre

**Urban Waterfront Block**

**Massing**



Urban Waterfront Block  
Example



Urban Waterfront Block  
Example

Very Intense + Dense Example (For discussion)

