

REQUEST FOR PROPOSALS

DEVELOPMENT OF VACANT LOTS ON DIXIE HIGHWAY

LAKE WORTH BEACH, FL

RFP #02-1819



RELEASE DATE:

JULY 1, 2019

SUBMISSION DEADLINE:

3:00PM// SEPTEMBER 4, 2019

LAKE WORTH BEACH COMMUNITY REDEVELOPMENT AGENCY

1121 LUCERNE AVE.

LAKE WORTH, FL 33460

561 493-2550

WWW.LAKEWORTHCRA.ORG

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Overview of the City

The City of Lake Worth Beach is located on the southeast coast of Florida, in Palm Beach County, just south of West Palm Beach and north of Delray Beach, FL. Although development in Lake Worth has been sporadic for the last 50 years, development pressure from both the north and south have made the City a focal point for new investment. The City is determined to attract new residents, businesses and activities while still remaining quaint, distinctive and authentic. Lake Worth Beach is known as the place where art is created due to the many artists who call Lake Worth Beach home. It is home to such cultural institutions as the Cultural Council of Palm Beach County, the historic Lake Worth Playhouse, Benzaiten Center for the Creative Arts and hosts the Street Painting Festival, Pride Fest and Dia de los Muertos. It is also well known for its inclusive environment and its diverse ethnic make-up.

The available sites are located on North Dixie Highway, in an area undergoing significant redevelopment. On the block to the south, a new mixed-use development was recently approved by the City Commission. That project, by Affiliated Development, will include 230 apartments and just under 10,000 square feet of commercial space. Also, just west of Dixie Highway and off of 19th Avenue North, 59 new single family homes are under construction by Meritage Homes. Values in this area have been steadily rising in recent years as more residents move to the area for its close proximity to everything Lake Worth, including the arts district, recreational activities, live entertainment and the beach, which is just over a mile away.

Purpose

The purpose of this Request for Proposals (RFP) is to solicit proposals for the development of a vacant, CRA-owned parcel on or adjacent to North Dixie Highway, between 17th and 18th Avenue North in the mixed-use, Dixie Highway area (corresponding land use regulations are attached). The CRA is seeking proposals for a mixed-use development that takes advantage of the Sustainable Bonus Incentive Program, allowing for additional height, density and intensity. It is the CRA's intention to competitively select a Developer with the proven ability and interest to construct and own the property once developed.

The CRA is interested in receiving proposals that provide the most transformative opportunity for the area and deliver the optimal return on investment. Interested development teams must submit qualifications, a design concept and a financial proposal.

Background

The Lake Worth CRA has undertaken both housing and commercial property development over the last decade. The goal of the CRA is to spur private investment and improve property values in the District. In 2010 the CRA was awarded \$23M from the Department of Housing and Urban Development for the development of at least 100 new or rehabilitated affordable housing units. The Lake Worth CRA and its partners, far exceeded this goal and, to date, created over 175 residential units. Other projects associated with the purchase of formerly blighted properties has also lead to the development of over 12,000 square feet of commercial space. With the development of commercial space, local jobs were created, meeting a NSP-2 National Objective. The CRA is seeking to continue the development of housing choices while also creating additional local job opportunities.

In 2016, the NSP-2 program wound down and the CRA turned its focus to commercial and mixed-use development. To help incentivize development by assembling parcels, the CRA procured a line of credit. With those funds, the CRA was able to buy multiple parcels in the District, including these parcels on North Dixie Highway.

The Properties

PCN #	Address	Size	Zoning	Land Use	Sales Price	Closing Costs	Total Cost
38-43-44-16-06-014-0010	1715 N. Dixie Highway	1.5287 acres	Mixed-Use Dixie	MU – Dixie	\$2,000,000	\$ 87,911	\$2,087,911
38-43-44-16-06-015-0012,	1106 17TH AVE N.	0.3624 acres	Mixed-Use Dixie	MU – Dixie	\$490,000	\$27,354	\$517,354
38-43-44-16-06-015-0030	1110 17TH AVE N.	0.302 acres	Mixed-Use Dixie	MU – Dixie			
38-43-44-16-06-015-0013	17TH AVE N. (easement area)	0.1006 acres	Mixed-Use Dixie	MU – Dixie			
TOTAL:		2.2937 acres	Mixed-Use Dixie	MU – Dixie	\$2,490,000	\$115,265	\$2,605,265

The site is located 1.3 miles from Downtown Lake Worth, .5 miles from the C-51 canal and the West Palm Beach border and a mile from an I-95 interchange. A Palm Tran bus stop is located one block south of the parcel. Palm Beach International Airport is less than 20 minutes away.

Developer Requirements

The selected developer will, at a minimum:

- Be an experienced, stable and financed developer who has completed similar projects in the South Florida area. Submissions from qualified firms, joint ventures or partnerships will be considered.
- Create an urban, mixed-use redevelopment project that capitalizes on Lake Worth Beach's prominent urban, central Palm Beach County location.
- Be able to develop an aesthetically-pleasing, well-designed project that incorporates innovative features and amenities such as green, sustainable building techniques while meeting the City's mixed-use zoning regulations and thoroughfare design guidelines
- Work with CRA/City Staff to identify and incorporate the design objectives for the area
- May include some affordable units for sale or rental; however, the majority of residential units should be at or above market rate. Mixed-income units are preferred. A market study that supports the proposed project is encouraged.
- Develop commercial space that will be leased or sold at market rents or value; however, the end user should include uses that will help provide new job opportunities for local residents. Please note that the CRA is seeking active ground floor uses. Although all units are not expected to be open

at night, some should be available in the evening to provide goods and services to the surrounding community.

- Must list a price the developer is ready and willing to pay for all the properties. The total CRA cost, including closing costs, totals \$2.6M. Although the Agency is not expecting to be reimbursed 100%, some contribution for the lots is expected and will earn the Proposer additional consideration. No additional grant monies are available from the CRA for the development of this property.
- Shall be responsible for obtaining, at its sole cost and expense, all architectural and engineering services, permits, surveys, site plan submissions and approvals, any other approvals, appraisals and environmental studies required and in connection with this RFP.
- All plans, without limitation, including final architectural design, layout of the site, landscaping, parking and related plans must be approved by the CRA Board of Commissioners prior to submission to the City of Lake Worth for site plan approval and the issuance of building permits.
- Only development proposals that provide for ownership required to pay ad-valorem taxes will be accepted
- Initiate and complete a project within a reasonable time frame acceptable to the CRA. It is the CRA's desire that the chosen developer completes the project in the shortest time frame possible.

A survey and environmental audits are available for review at the CRA.

Relevant Experience and Past Performance

Proposers are required to identify related work performed that has been successfully completed to date, or is actively underway. Most notably, identify work that most closely resembles the type of development sought in this proposal. For each project, please list:

- Project name and address
- Photos of development (renderings if under construction)
- Contact person, title, phone number and email
- Detailed description of the type of project
- The duration of the project including start and completion (or anticipated) date
- Value of each project

Before submission of a proposal, applicants are strongly encouraged to visit lakeworthcra.org for the Redevelopment Plan and <https://www.lakeworth.org/business/planning-zoning> for City requirements and guidelines.

Developer's Financial Capacity and Capability

- Financial Statements – in order to demonstrate access to equity and debt capital and other financing resources to carry out the proposed project, the developer must provide in a separate

submittal, one set of audited financial statements for the past two years for each principal and joint venture partner. Each entity must submit separate financial statements, AND/ OR

- Sources and Availability of Capital – identify sources of debt/ equity capital, including relationship of lender/investor to the developer and contact information. Also, provide a written statement from each financing source that the equity and or debt capital is available or will be made available for funding the proposed project. Written statements must detail the amount of capital, the size of the project and any other pertinent information to assist the CRA in determining the availability of equity and debt capital to the proposed project.
- Pipeline Projects – list and describe all projects currently in the pipeline, including statuses, development budget, schedule and financial commitment.

Please provide at least three business related references for projects that are submitted as part of the proposers past performance who can be contacted for an independent evaluation of your work.

All responses must be delivered or mailed to:

Lake Worth Beach Community Redevelopment Agency
1121 Lucerne Avenue
Lake Worth Beach, FL 33460
Attn: Chris Dabros
561 493-2550
cdabros@lakeworth.org

ENVELOPE MUST BE IDENTIFIED AS RFP #02-1819 AND RECEIVED AT THE CRA OFFICE NO LATER THAN 3:00pm, September 4, 2019

The documents included or incorporated in this RFP constitute the complete set of instructions, scope of work, specification requirements and forms. It is the responsibility of the submitter to insure that all pages are included.

All must be typed or written in ink, and must be signed in ink by an officer having authority to represent the company. Signatures are required where indicated; failure to do so shall be cause for submittal rejection.

Proposal Process

A Selection Committee, led by CRA Staff, will evaluate all proposals that meet the requirements. The Panel will conduct interviews, if desired, with the top finalists and select a qualified developer based on the selection criteria included in this RFP. Following this process, Staff will recommend a development team for review and approval by the CRA Board of Commissioners.

Once a development team has been selected by the Board, the selected proposer and CRA Staff will negotiate the terms of a binding agreement for the sale and development of the property. Exact duration and financial terms of the sale are to be negotiated. The selected development team will be required to provide a non-refundable deposit of \$10,000 before execution of a purchase and sale and a development agreement.

Changes and Interpretations

Changes to this RFP will be made by written addenda. A written addendum is the only official method whereby interpretation, clarification or additional information can be given. All addenda will be posted on the CRA's website - www.lakeworthcra.org. It is the sole responsibility of each Proposer to check the CRA's website for posted addenda. The CRA will not mail or fax any addenda to a Proposer.

All questions regarding this RFP should be submitted in writing via mail or e-mail and must be received by the CRA no later than ten (10) calendar days prior to the due date for submissions:

CRA Office
Chris Dabros, Deputy Director
1121 Lucerne Ave
Lake Worth Beach, FL 33460 or cdabros@LakeWorth.org

All questions will be answered via addenda. If a question is not answered, the submitting firm should assume all relevant information is contained within this RFP. The CRA will strive to issue all addenda at least three (3) business days before the proposal due date; however, the CRA reserves the right to issue any addenda at any time.

Property of the CRA

All materials submitted in response to this RFP become the property of the CRA. The CRA has the right to use any or all ideas presented in any response to this RFP, whether amended or not, and selection or rejection of a proposal(s) does not affect this right. No variances to this provision shall be accepted.

RFP Timetable

The **anticipated** schedule for this RFP and contract approval is as follows:

- | | |
|----------------------------------|-----------------------------|
| ▪ Pre-submittal Meeting: | Aug. 1 2019 |
| ▪ Proposals Due: | Sept. 4, 2019 |
| ▪ Ranking of firms by Committee: | No later than Oct. 15, 2019 |
| ▪ Firm Approved by CRA Board: | No later than Dec. 15, 2019 |

The CRA reserves the right to amend the anticipated schedule as it deems necessary.

Additional Terms and Conditions

Cone of Silence

In accordance with the Palm Beach County Lobbyist Registration Ordinance and the City of Lake Worth Beach's procurement code, the City's procurement cone of silence will be in effect as of the due date for proposers in response to this RFP. A complete copy of the City's procurement code is available on-line and at municode.com under the City's code of ordinances (Sections 2-111-2-117). All Firms are highly encouraged to review the ordinance. In summary, the code of silence prohibits communication between certain City/CRA official's employees and agents and any entity or person seeking to be awarded a contract. The cone of silence terminates at the time of award, rejection of all responses or some other action by the City/CRA to end the selection process.

Ethics Requirement

This RFP is subject to the State of Florida Code of Ethics and the Palm Beach County Code of Ethics. Accordingly, there are prohibitions and limitations on the employment of City officials and employees and contractual relationships

providing a benefit to the same. Respondents are highly encouraged to review both the Florida Code of Ethics and the Palm Beach County Code of Ethics in order to insure compliance with the same.

Disclosure and Disclaimer

The information contained herein is provided solely for the convenience of Respondents. It is the responsibility of a Respondent to assure itself that information contained herein is accurate and complete. Neither the CRA, nor its advisors provide any assurances as to the accuracy of any information in this RFP. Any reliance on the contents of this RFP, or on any communications with CRA representatives or advisors, shall be at each Proposer's own risk. Proposers should rely exclusively on their own investigations, interpretations and analyses in connection with this matter. The RFP is being provided by the CRA without any warranty or representation, express or implied, as to its content; accuracy or completeness and no Respondent or other party shall have recourse to the CRA if any information herein contained shall be inaccurate or incomplete. No warranty or representation is made by the CRA that any response conforming to these requirements will be selected for consideration, negotiation or approval.

In its sole discretion, the CRA may withdraw this RFP either before or after receiving proposals, may accept or reject qualifications, and may accept proposals which deviate from the non-material provisions of this RFP. In its sole discretion, the CRA may determine the qualifications and acceptability of any firm or firms submitting proposals in response to this RFP. Following submission of a response, the Firm agrees to promptly deliver such further details, information and assurances, including, but not limited to, financial and disclosure data, relating to the response and/or the Firm, including the Firms affiliates, officers, directors, shareholders, partners and employees, as requested by the CRA. Any action taken by the CRA in response to submittals made pursuant to this RFP or in making any award or failure or refusal to make any award pursuant to such responses, or in any cancellation of award, or in any withdrawal or cancellation of this RFP, either before or after issuance of an award, shall be without any liability or obligation on the part of the CRA, or their advisors.

Any recipient of this RFP, who responds hereto, fully acknowledges all the provisions of this Discloser and Disclaimer and agrees to be bound by the terms hereof. Any response submitted pursuant to this RFP is at the sole risk and responsibility of the party submitting such response.

Contract Agreement

The terms and conditions of the resulting contract for the services to be rendered will be negotiated with the successful respondent. If the CRA and the successful respondent cannot agree on the terms and conditions of the resulting contract, the CRA reserves the right to terminate negotiations with the successful respondent and move to the next ranked respondent to commence negotiations. Negotiations may continue in this process until the CRA is able to enter into a contract with a respondent that best meets the needs of the CRA.

Insurance Requirements

Prior to execution of the resulting contract derived from this RFP, the awarded firm shall obtain and maintain in force at all times during the term of the resulting contract insurance coverage as required herein. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida. The Certificates shall clearly indicate that the firm has obtained insurance of the type, amount, and classification as required for strict compliance with this provision and that no material change or cancellation of the insurance shall be effective without thirty (30) days prior written notice to the CRA. Compliance with the foregoing requirements shall not relieve the firm of its liability and obligations under the resulting contract.

- A. The firm shall maintain during the term of the contract, standard Professional Liability Insurance in the minimum amount of \$1,000,000.00 per occurrence.
- B. The firm shall maintain, during the life of the contract, commercial general liability, including public and contractual liability insurance in the amount of \$1,000,000.00 per occurrence (\$2,000,000.00 aggregate) to protect the firm from claims for damages for bodily and personal injury, including wrongful death, as well as from claims of property damages which may arise from any operations under the contract, whether such operations be by the firm or by anyone directly or indirectly employed by or contracting with the firm.

- C. The firm shall carry Workers' Compensation Insurance and Employer's Liability Insurance for all employees as required by Florida Statutes.

All insurance, other than Professional Liability and Workers' Compensation, to be maintained by the firm shall specifically include the Lake Worth CRA and the City of Lake Worth Beach as an "Additional Insured".

Evaluation and Award

The CRA will assemble an Evaluation Committee to evaluate the qualifications from respondents. The Evaluation Committee will convene for a public meeting to evaluate and rank the most advantageous responses and make a recommendation for contract award to the CRA Board. CRA Staff will notify all submitting Respondents and advertise the Evaluation Committee meeting in the appropriate media as directed by law. The CRA Board is not bound by the recommendation of the Evaluation Committee and the CRA Board may deviate from the recommendation in determining the best overall response which is most advantageous and in the best interest of the CRA District.

Each Response will be evaluated individually and in the context of all other responses. Submittals must be fully responsive to the requirements described in this RFP and to any subsequent requests for clarification or additional information made by the City through written addenda to this RFP. Submittals failing to comply with the submission requirements, or those unresponsive to any part of this RFP, may be disqualified. The CRA reserves the right to award the contract to the Respondent submitting the best overall responsive submittal which is most advantageous and in the best interest of the CRA District. The CRA shall be the sole judge of the submissions and the resulting contract that is in its best interest and its decision shall be final.

While the CRA allows Responders to specify any desired variances to the RFP terms, conditions, and specifications, the number and extent of variances taken will be considered in determining the Respondent who is most advantageous to the CRA. **Evaluation Scoring Criteria has been incorporated into the RFP document.**

Representations by Submittal of Firms

By submitting a response, the Firm warrants, represents and declares that:

- A. Person(s) designated as principal(s) of the Firm are named and that no other person(s) other than those therein mentioned has (have) any interest in the submittal or in the anticipated contract.

- B. The submittal is made without connection, coordination or cooperation with any other persons, company, firm or party submitting another qualification, and that the Firm submitted is, in all respects, fair and in good faith without collusion or fraud.

- C. The Firm understands and agrees to all elements of the submission unless otherwise indicated or negotiated, and that the response may become part of any contract entered into between the CRA and the Firm.

- D. By signing and submitting a response, Submitter certifies that Firm and any parent corporations, affiliates, subsidiaries, members, shareholders, partners, officers, directors or executives thereof are not presently debarred, proposed for debarment or declared ineligible to bid or participate in any federal, state or local government agency projects.

- E. Pursuant to 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted firm list maintained by the State of Florida may not submit a submittal to the CRA/City of Lake Worth for 36 months following the date of being placed on the convicted firm list. Proposer certifies that submittal of its proposal does not violate this statute.

- F. Proposer recognizes and agrees that the CRA will not be responsible or liable in any way for any losses that the Firm may suffer from the disclosure or submittal of response information to third parties.

Protests

Any actual Firm who is aggrieved in connection with this RFP may protest such procurement. The protest must be filed with the CRA in accordance with the City's procurement code. A complete copy of the City's procurement code is

available on-line at municode.com under the City's code of ordinances (sections 2-111 – 2-117). The protest procedures are set forth at section 2-115. There are strict deadlines for filing a protest. Failure to abide by the deadlines will result in a waiver of the protest.

Compliance

All proposals received in accordance with this RFP shall be subject to applicable Florida Statutes governing public records including without limitation Chapter 119, Florida Statutes.

END OF GENERAL INFORMATION

Specific Submittal Requirements:

Submittals must contain the following documents, each fully completed and signed as required.

Letter of Transmittal:

Each submittal must include an executive letter of transmittal containing the Firm's interest in developing the sites and the signature of the representative authorized to enter into signed contracts for the prime contractor. This letter should not exceed three pages in length.

In addition, the following items shall be provided in the order specified. Written submittals should be concise and clearly outlined and include:

- The Firm's owners and management team and the ability to produce a quality development
- A narrative description of the residential and commercial project being proposed
- Sketches /renderings of proposed project
- Green building elements and amenities to be included
- Type and number of units (affordable, workforce, market and commercial rent estimates)
- Estimated timeframe for development
- Overall benefit to the community
- A description of the proposer's ability to mobilize the necessary team to commence design and construction
- A description of the Proposer's existing financial capacity and/or ability to secure necessary financing
- Detail of how the space will be marketed to tenants or users
- List of additional properties owned or to be added to the project
- All related licenses and/or certifications
- Confirmation of a Drug-Free Workplace

Each proposer is asked to submit **one unbound original and five bound copies plus one copy of the submittal on a portable drive or CD.**

Selection Criteria:

1. Experience of Developer Team (30 points)
 - a. Developer's and Architect's experience in designing and developing projects comparable to the proposed project in response to this RFP, including projects in urban, redevelopment settings.
 - b. Project experience with government or other public agencies.
 - c. Demonstrated success in maintaining and operating high quality, efficiently operated projects.
2. Financial Capacity (10 points)
 - a. Evidence of development team's capacity to raise sufficient equity/ debt capital to carry the project to completion.
 - b. Financial strength of developer(s) and other team members
 - c. Commitment and ability to fund pre-development activities.
 - d. Ability to assemble additional neighboring parcels to increase project size.
3. Project Design (30 points)
 - a. Design quality of the proposed project, including consistency with the City's goals and objectives and guidelines.
 - b. Proposed concept for ground-floor/ commercial use
4. Proposed Financial Feasibility (15 points)
 - a. Proposed purchase price
 - b. Financial feasibility of proposed project
 - c. Development schedule for completion
5. Community and CRA Objectives (15 points)
 - a. Expand the economic base, creating new employment opportunities
 - b. Stabilize and increase the tax base
 - c. Encourage mixed-use (commercial) and multi-family development

Total – 100 points

CRA Staff will be responsible for ensuring all submittals responded to the RFP accordingly and have provided all the necessary information to be considered "responsive". This includes handing proposal packets in by the time and date specified earlier in this request. The CRA will establish an evaluation committee to review the submittals and rank them according to the point system explained above. The evaluation committee will then make a formal recommendation to the CRA Board for approval.

SUBMITTING FIRM'S INFORMATION PAGE*

Company Name: _____

Authorized
Signature: _____
Signature Print Name

Title: _____

Physical
Address: _____
Street

City State Zip Code

Telephone: _____ Fax: _____

Email Address: _____

Web Site: _____

Federal Identification Number: _____

***This is a requirement of every Firm who submits qualifications.**

CONFIRMATION OF DRUG-FREE WORKPLACE **

In accordance with Section 287.087, Florida Statutes, whenever two or more proposals are equal with respect to price, quality, and service which are received by any political subdivision for the procurement of commodities or contractual services, a proposal received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

(1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.

(2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.

(3) Give each employee engaged in providing the commodities or contractual services that are under proposal a copy of the statement specified in subsection (1).

(4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than 5 days after such conviction.

(5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.

(6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign this statement on behalf of _____, I certify that
_____ complies fully with the above requirements.

Authorized Representative's Signature

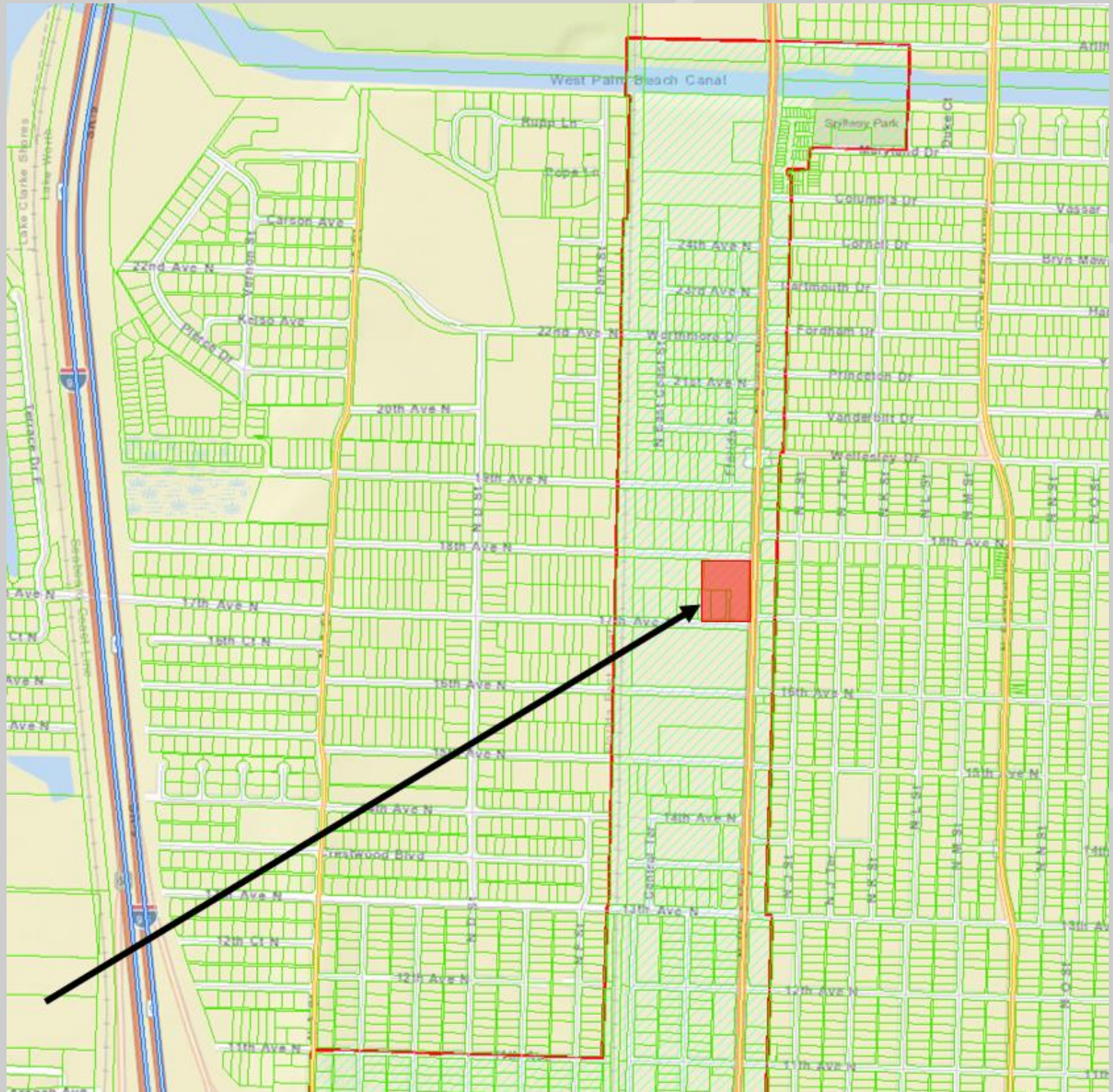
Date

Name

Position

**** If this form is not returned, the CRA will assume the responding Firm has not implemented a drug-free workplace program.**

LOCATION MAP



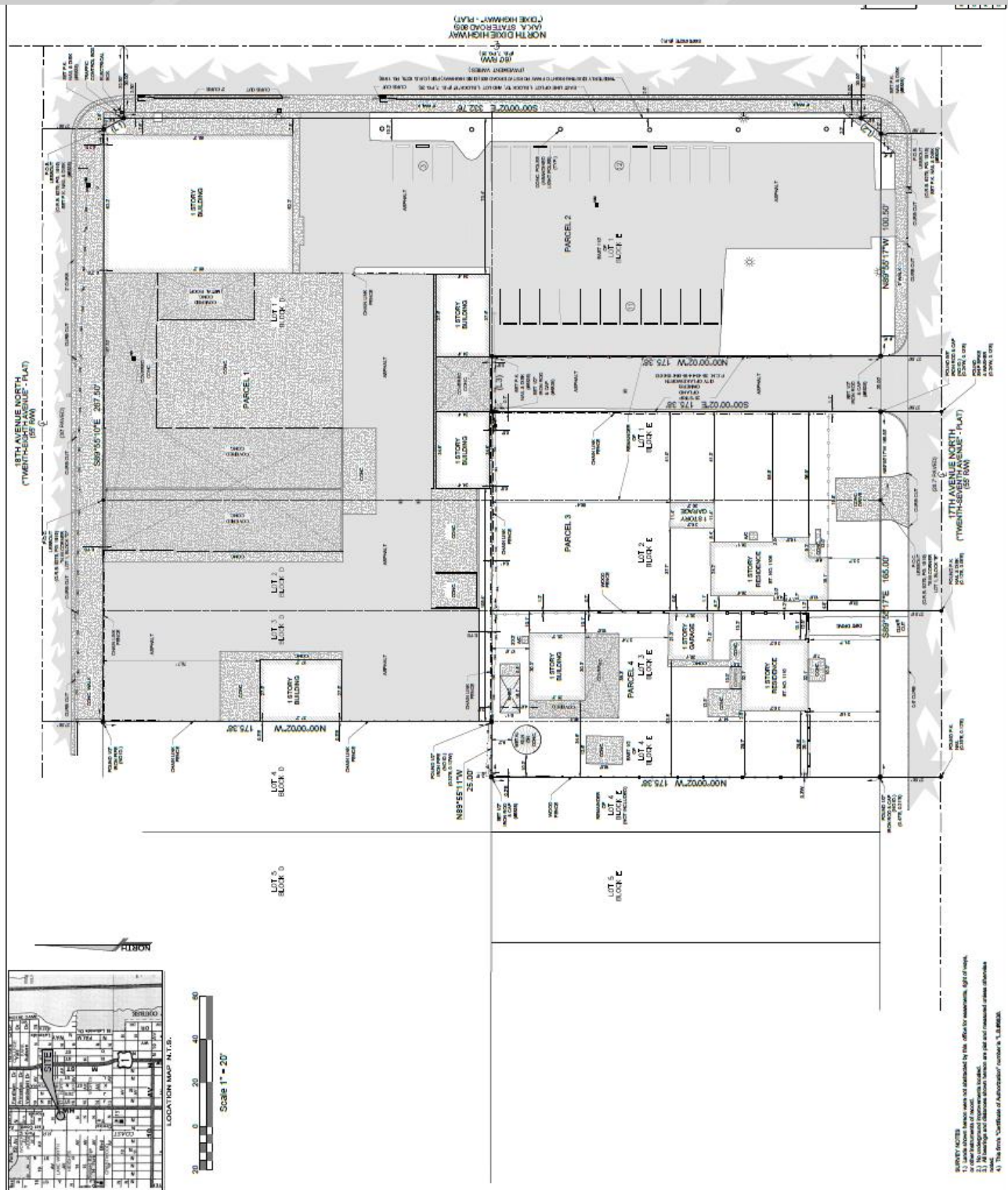
AERIAL
(2018)



BIRD'S EYE VIEW
(2019)



SITE SURVEY



CITY OF LAKE WORTH BEACH
LAND DEVELOPMENT REGULATIONS

Sec. 23.3-17. - MU-DH—Mixed use-Dixie Highway.

- a) *Intent.* The MU-DH mixed use - Dixie Highway district is designed for Dixie Highway, Lake Worth's commercial spine. The MU-DH district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed use land use category of the Lake Worth Comprehensive Plan.
- b) Use restrictions and development regulations for residential uses in the MU-DH district. Multiple-family residential uses, excluding single-family and two-family uses, may be established and expanded in the MU-DH district subject to the provisions of section 23.3-10 for uses on the east side of Dixie Highway and section 23.3-11 for uses on the west side of Dixie Highway. Provided however that residential uses shall not be permitted at the ground floor of any building fronting on Dixie Highway.
 - 1. Minimum living area shall be as follows:
 - A. Efficiency units: Four hundred (400) square feet.
 - B. One-bedroom units: Six hundred (600) square feet.
 - C. Two-bedroom units: Seven hundred fifty (750) square feet.
 - D. Three-bedroom units: Nine hundred (900) square feet.
 - E. Four-bedroom units: One thousand three hundred fifty (1,350) square feet.
- c) *Use restrictions for nonresidential uses in the MU-DH district .* Refer to the permitted use table at section 23.3-6 for a complete list of uses.
 - 1. *Principal nonresidential uses permitted by right.*
 - A. Commercial - low intensity.
 - B. Office - low intensity.
 - C. Low intensity retail uses - low intensity.
 - D. Personal services uses - low intensity.
 - E. Cultural and artisanal arts uses - low intensity.
 - F. Institutional uses - low intensity.
 - G. Automotive vehicular - low intensity.
 - H. Eating and drinking establishments without drive through facilities.
 - I. Essential services.
 - J. Mixed use developments between major intersections.
 - K. Stand alone commercial uses within one (1) block of major intersections. The major intersections in this district are 10th Avenue North, 6th Avenue south and 12th Avenue south.

2. *Principal uses permitted as either administrative or conditional uses.*

- A. Commercial - medium to high intensity.
- B. Office - medium to high intensity.
- C. Low intensity retail uses - medium to high intensity.
- D. Personal services uses - medium to high intensity.
- E. Cultural and artisanal arts uses - medium to high intensity.
- F. Institutional uses - medium to high intensity.
- G. Automotive vehicular - medium to high intensity.
- H. Open air retail operations.
- I. Parking facilities.
- J. Places of worship (see Article 4, Development Standards).
- K. Hotels and motels, subject to the following requirement: Each guest room and bath unit shall have a minimum area of two hundred fifty (250) square feet measured from the interior face of the exterior walls and the interior face of the demising walls of the unit.

3. *Accessory uses permitted by right.*

- A. Home occupations.
- B. Any use accessory to and customarily incidental to a principal use permitted by right.

4. *Accessory uses permitted as either administrative or conditional uses.*

- A. Day care centers and nursery school uses accessory to places of worship.
- B. Restaurants accessory to motels.
- C. Establishments selling alcoholic beverages, whether for consumption on or off the premises, accessory to motels having accessory restaurants.
- D. Residential apartments as secondary uses in structures with office uses as primary uses.
- E. Any use accessory to and customarily incidental to a principal use permitted as either an administrative or conditional use.

d) *Development regulations for uses permitted by right.*

TABLE 1:

Lot Area	East side of Dixie Highway - 6,500 square feet with max density 1 du per each 2,175 square feet net lot area
	West side of Dixie Highway - 13,000 square feet with max density 1 du per each 2,175 square feet net lot area
	Max density 20 dwelling units per gross acre of 43,560 square feet, minimum of 2,175 square feet per unit
Lot Width	50 ft. on East side of Dixie Highway

	100 ft. on West side of Dixie Highway	
Height	Primary	East side of Dixie Highway - 30 ft. (not to exceed 2 stories) *Additional 5 ft. of height under Sustainable Bonus Incentive Program (not to exceed 3 stories).
		West side of Dixie Highway - 30 ft. (not to exceed 2 stories) *Additional 5 ft. of height under Sustainable Bonus Incentive Program (not to exceed 3 stories) for blocks adjacent to a single-family residential (SF-R) district. *Additional 15 ft. of height under Sustainable Bonus Incentive Program (not to exceed 4 stories) for blocks fronting both Dixie Highway and G Street or blocks adjacent to the artisanal industrial (AI) district.
	Accessory	24 ft. (not to exceed 2 stories)
Setback	Front	10 ft. minimum not to exceed 22 ft.
	Rear	15 ft. or 10% of lot depth when next to residential zoning district. 10 ft. in general. 5 ft. for accessory structure
	Side	10 ft. on street and 0 ft. on interior lot.
		Roof overhangs shall not exceed more than 2 feet.
	Bonus Height and Stories	For all stories above the second story, both the front façade and rear façade must be set back an additional distance beyond the minimum.
		A. Front façade for third story and above must have front setback of eight (8) to twelve (12) feet in addition to minimum.
		B. Rear façade for third floor and above must have rear setback of eight (8) to twelve (12) feet in addition to minimum.
		C. Façades facing major thoroughfares must have setbacks of eight (8) to twelve (12) feet in addition to minimum for third story and above.
Living Area	Single- Family	800 square feet first dwelling
		400 square feet second dwelling

	Multiple-Family	400 square feet Eff.
		600 square feet 1 BR
		750 square feet 2 BR
		900 square feet 3 BR
		1,350 square feet 4 BR
Accessory Structure Limitations	The total area for accessory structures is limited to 40% of the principal structure area or 1,000 square feet, whichever is less.	
Impermeable Surface Total	A. Small lot - 65%	
	B. Medium lot - 65%	
	C. Large lot - 65%	
Maximum Lot Coverage for all Buildings	A. Lots up to 4,999 square feet (small lot) - 55%	
	B. Lots 5,000 square feet to 7,499 square feet (medium lot) - 50%	
	C. Lots over 7,500 square feet (large lot) - 45%	
Maximum Wall Heights at Side Setback	30'-0" wall height at setback.	
	35'-0" wall height with sustainable incentive (east side of Dixie)	
	45'-0" for additional stories with sustainable incentive (west side of Dixie).	
Floor Area Ratio (FAR) Limitation	Maximum FAR is 1.5.	
	The FAR shall be 1.00 for lots up to 4,999 square feet; 0.95 for lots between 5,000 square feet and 7,499 square feet; and 0.90 for lots 7,500 square feet and greater.	
	An additional 0.50 of FAR shall be granted for Sustainable Bonus Incentive Program.	

- A. Minimum lot area:
 - (1) East side of Dixie Highway: Six thousand five hundred (6,500) square feet.
 - (2) West side of Dixie Highway: Thirteen thousand (13,000) square feet.
- B. Minimum lot width:
 - (1) East side of Dixie Highway: Fifty (50) feet.
 - (2) West side of Dixie Highway: One hundred (100) feet.
- 2. *Maximum height of buildings.*
 - A. Principal building: Thirty (30) feet in height and not to exceed two (2) stories.
 - B. Additional five (5) feet in height shall be granted under the Sustainable Bonus Incentive Program (not to exceed three (3) stories) for lots on east side of Dixie and blocks on west side of Dixie abutting residential zoning districts.
 - C. Additional fifteen (15) feet in height shall be granted under the Sustainable Bonus Incentive Program (not to exceed four (4) stories) for blocks on west side of Dixie and abutting the artisanal industrial (AI) zoning district or fronting both Dixie Highway and the Florida East Coast Railroad (FEC) tracks (G Street).
 - D. Garages and other accessory buildings: Twenty-four (24) feet.
- 3. *Build-to lines.*
 - A. Front build-to line:
 - (1) From Dixie Highway (SR 805) right-of-way lines: Ten (10) feet.
 - (2) From all other thoroughfare right-of-way lines: Ten (10) feet.
 - (3) Front setback can be increased by eight (8), ten (10) or twelve (12) feet if the building provides an open arcade or public plaza.
 - B. Minimum side setback:
 - (1) From street side lot line: Ten (10) feet.
 - (2) From interior side lot line: None.
 - (3) Street side setback can be increased by eight (8), ten (10) or twelve (12) feet if the building is provided an open arcade or public plaza.
 - (4) Roof overhangs shall not exceed more than two (2) feet into setback.
 - C. Minimum rear setback:
 - (1) Ten (10) feet in general.
 - (2) For lots next to residential zoning districts: Fifteen (15) feet or ten (10) percent of lot depth, whichever is greater.
 - (3) For accessory structures: Five (5) feet.
 - D. Additional height and stories setback for sustainable incentive: buildings in excess of thirty (30) feet in height shall provide an additional front and rear setback of between eight (8) and twelve (12) feet to the minimum required front and rear setbacks.
 - E. Additional height and stories setback along major thoroughfares: Buildings in excess of thirty (30) feet in height shall provide an additional setback of between eight (8) and twelve (12) feet for façades facing a major thoroughfare.
 - F. Awnings shall be exempt from the front and side street setback regulations. Awnings may project over public property to a point of not more than one (1) foot back from the face of the curb. Second story awning(s) installations shall project no more than five (5) feet from the building. If awnings

overhang Dixie Highway rights-of-way, the owner will need to acquire a State of Florida Department of Transportation permit.

4. *Build-to line.* All buildings fronting on Dixie Highway shall be situated ten (10) feet from the property line to afford a consistent building line along the street. If public arcade or public open space is provided the build-to-line may be adjusted in increments of eight (8), ten (10) and twelve (12) feet.
 5. *Maximum impermeable surface.* The maximum impermeable surface shall be:
 - A. Sixty-five (65) percent of the lots up to four thousand nine hundred ninety-nine (4,999) square feet;
 - B. Sixty-five (65) percent for lots between five thousand (5,000) square feet and seven thousand four hundred ninety-nine (7,499) square feet; and
 - C. Sixty-five (65) percent for lots seven thousand five hundred (7,500) square feet and greater.
 6. *Maximum impermeable surface for all structures.* The maximum impermeable surface shall be:
 - A. Fifty-five (55) percent for lots up to four thousand nine hundred ninety-nine (4,999) square feet;
 - B. Fifty (50) percent for lots between five thousand (5,000) square feet and seven thousand four hundred ninety-nine (7,499) square feet; and
 - C. Forty-five (45) percent for lots seven thousand five hundred (7,500) square feet and greater.
 7. *Floor area ratio (FAR) limitations.* Maximum FAR is 1.50. The FAR shall be:
 - A. 1.00 for lots up to four thousand nine hundred ninety-nine (4,999) square feet;
 - B. 0.95 for lots between five thousand (5,000) square feet and seven thousand four hundred ninety-nine (7,499) square feet; and
 - C. 0.90 for lots seven thousand five hundred (7,500) square feet and greater.
 - D. An additional 0.50 of FAR shall be granted under the Sustainable Bonus Incentive Program.
 8. *Accessory structures.* All accessory structures shall not exceed forty (40) percent of the gross floor area of the principal structure, excluding approved prefabricated metal storage buildings totaling no more than one hundred forty-four (144) square feet.
 9. *Location of accessory buildings, pools, etc.* Accessory buildings, pools and similar structures shall be allowed within the rear or side yards of a double front or corner lot between the main structure and a public street, provided that minimum setbacks are maintained.
 10. *Required street trees.* Street trees shall be installed at a minimum of every twenty-five (25) feet of frontage. Approved native species shall be used.
 11. *Ground floor regulations.* Ground floor uses with frontage on Dixie Highway must be habitable and active, such as office or retail, and shall not include parking or mechanical uses.
 12. *Parking.* In addition to the requirements in Article 4, Development Standards, off-street parking may be addressed by shared parking arrangements for mixed-use developments.
 13. *Major thoroughfare design guidelines.* Additional developmental regulations are applicable to certain locations in this district pursuant to the major thoroughfare guidelines adopted by Ord. No. 2001-27. The design guidelines for major thoroughfares are contained in pages 33 through 58 inclusive of the booklet "Design Guidelines for Old Town Historic District and Major Thoroughfares" prepared by Abell Garcia Architects, dated May, 2001, as amended. See also section 23.2-31.
- e) *Locational and development regulations for uses permitted as either administrative or conditional uses.* Uses permitted as conditional uses shall be regulated pursuant to the requirements of sections 23.2-28 and 23.2-29 Article 4, Development Standards.

(Ord. No. 2016-13, § 6(Exh. E), 5-17-16; Ord. No. 2018-10, § 8(Exh. G), 7-17-18)

CITY OF LAKE WORTH BEACH

COMPREHENSIVE PLAN AMENDMENTS – Incentive Excerpts

<https://www.lakeworthbeachfl.gov/community-sustainability/economic-development>

- **Sustainable Bonus Incentive Program**
- **Transfer Development Rights Program**

Objective 1.2.3: The City shall establish incentives to help support the creation of a compact, sustainable, community oriented development by implementing a **Sustainable Bonus Incentive Program**.

Policy 1.2.3.1: The City shall continue to implement the Sustainable Bonus Incentive Program described in Policy 1.2.3.4 below, to provide for increased density, intensity and height allowances in return for specific project or public components that would create or increase quality of life measures for a larger segment of the population. The Sustainable Bonus Incentive Program will be more fully developed and implemented through the City's Land Development Regulations.

Policy 1.2.3.2: The Sustainable Bonus Incentive Program shall include a trust account to be used solely for the accumulation of funds received as part of the development incentive program. Such funds shall only be expended on projects identified within the Community Benefits program.

Policy 1.2.3.3: The Sustainable Bonus Incentive Program shall be reviewed and ratified by the City Commission on an annual basis, including project priorities for the annual expenditure of trust funds.

Policy 1.2.3.4: The Sustainable Bonus Incentive Program shall consist of the following criteria:

1. Incorporation of Sustainable features is required for developments over two stories, which allows for increases in density, height and intensity over base line maximums. Annually, the City Commission shall establish base line sustainable bonus values required to participate in the program.
2. For each project requesting an additional bonus above the maximum base threshold as shown in Table 1, twice the base line sustainable bonus value shall apply to each square foot of the additional bonus.
3. For a planned development, mixed use planned development, residential planned development or urban planned development, a project may obtain a 25% bonus on density, intensity and height over the base line as outlined in Table 1.
4. For mixed use urban planned developments located west of Dixie Highway, which include at least three (3) use categories, one being residential, an additional 50% bonus in density, intensity and height over the base line as outlined in Table 1 may be obtained.

5. For mixed use planned developments located west of Interstate 95, which include at least three (3) use categories, one being residential, an additional 50% bonus in density, intensity and height over the base line as outlined in Table 1 may be obtained.
6. For a mixed use planned development with a Tri-Rail Station component located within the Transit Oriented Development West future land use designation, which includes at least three (3) use categories, one being residential, an additional 100% bonus in density and intensity and 50% increase in height over the base line as outlined in Table 1 may be obtained.

Policy 1.2.3.5: Promote the arts community by maintaining and preserving the Cultural Arts Overlay District and by working to expand the Arts as both a viable commercial opportunity as well as appropriate housing by allowing for artisan live/work units within this overlay district.

Objective 1.2.4: The City shall establish incentives to encourage the redevelopment of the City's stressed and blighted areas west of Dixie Highway through a formal **Transfer Development Rights (TDR) Program**.

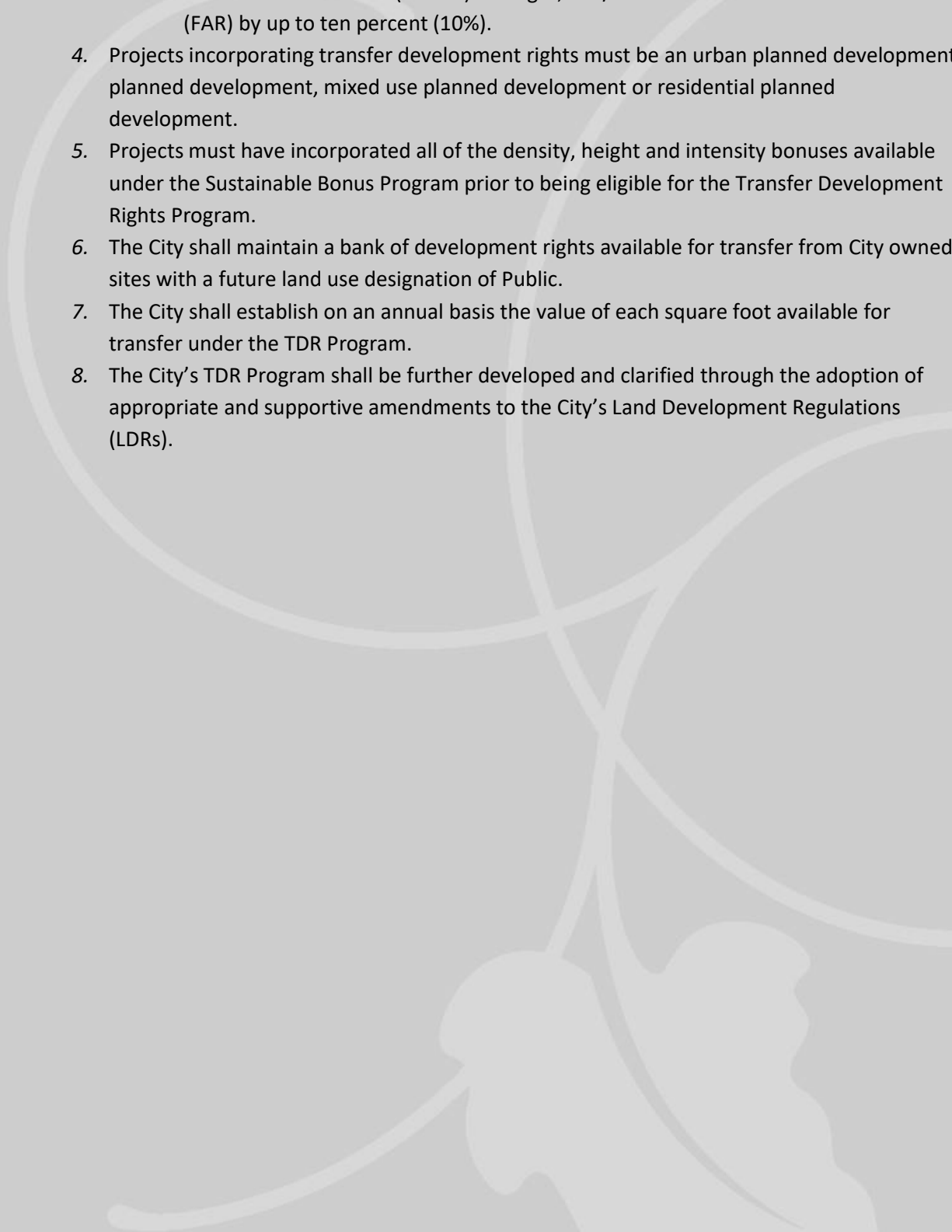
Policy 1.2.4.1: The City shall implement a Transfer Development (TDR) Rights program as described in Policy 1.2.4.4 to provide for increased density, intensity and height allowances through the purchase of development potential from the City's properties with a Public Future Land Use Designation.

Policy 1.2.4.2: The City's Transfer Development Rights (TDR) Program shall include a trust account to be used solely for the accumulation of funds received as part of the transfer of development rights program. Such funds shall only be expended on city projects related to parks, public facilities and infrastructure.

Policy 1.2.4.3: The City's Transfer Development Rights (TDR) Program shall be reviewed and ratified by the City Commission on an annual basis, including project priorities for the annual expenditure of trust funds and the value of the transfer development rights available under the program.

Policy 1.2.4.4: The Transfer Development Rights (TDR) Program shall consist of the following criteria:

1. Incorporation of transferred developed rights from City-owned properties with a future land use designation of Public (P) shall be required in order to obtain the following:
 - a. One (1) additional story of no more than fifteen feet (15' -0") in overall height.
 - b. An increase in overall density of ten (10) units per acre.
 - c. An increase in overall floor area ratio (FAR) of ten percent (10%).
2. The additional story, height, density and/or floor area ratio available under the TDR Program will be in addition to any maximums allowed under the City's Sustainable Bonus Incentive Program.
3. Projects incorporating transfer development rights may be located anywhere in the City predicated on the following:
 - a. For projects east of Dixie Highway transfer development rights may increase density by up to ten (10) units per acre.

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- b. For projects west of Dixie Highway transfer development rights may increase density by up to ten (10) units per acre, provide for one (1) additional story of not more than fifteen feet (15' - 0") in height, and/or increase overall floor area ratio (FAR) by up to ten percent (10%).
 4. Projects incorporating transfer development rights must be an urban planned development, planned development, mixed use planned development or residential planned development.
 5. Projects must have incorporated all of the density, height and intensity bonuses available under the Sustainable Bonus Program prior to being eligible for the Transfer Development Rights Program.
 6. The City shall maintain a bank of development rights available for transfer from City owned sites with a future land use designation of Public.
 7. The City shall establish on an annual basis the value of each square foot available for transfer under the TDR Program.
 8. The City's TDR Program shall be further developed and clarified through the adoption of appropriate and supportive amendments to the City's Land Development Regulations (LDRs).