

ORDINANCE NO. 5085-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94 (ZONING AND LAND DEVELOPMENT REGULATIONS), ARTICLE VII (SPECIAL DISTRICTS), SECTION 94-215 (CURRIE MIXED USE DISTRICT), TO EXPAND THE BOUNDARIES AND TO PROVIDE FOR ADDITIONAL BUILDING HEIGHT INCENTIVES WITHIN THE CURRIE MIXED USE DISTRICT; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of West Palm Beach, Florida (the “city”) desires to expand the boundaries of the Currie Mixed Use District (CMUD or “district”) to alleviate increased development pressure within the city and provide opportunities for the revitalization of North Dixie Highway; and

WHEREAS, the City Commission of the City of West Palm Beach, Florida, approved Ordinance No. 5083-24, approving an amendment to the Future Land Use Map of the City, expanding the area of the Mixed Use (MU) Future Land Use designation to enable the expansion of the CMUD; and

WHEREAS, the City Commission of the City of West Palm Beach, Florida, also approved Ordinance No. 5084-24, approving an amendment to the Zoning Map of the City, to rezone certain parcels within the newly designated area of the MU Future Land Use (Reference: Ordinance No. 5083-24) to a CMUD zoning subdistrict, formalizing the expansion of the CMUD in the Official Zoning Map of the City; and

WHEREAS, a text amendment to Chapter 94 (Zoning and Land Development Regulations), Article VII (Special Districts), Section 94-215 (Currie Mixed Use District) of the City’s Code of Ordinances, is also required to include the CMUD expansion area into the CMUD regulations of the Zoning and Land Development Regulations (ZLDRs) and to provide for consistency with the amendments to the Future Land Use Map (Reference: Ordinance No. 5083-24) and Zoning Map (Reference: Ordinance No. 5084-24) of the City; and

WHEREAS, the text amendment to the ZLDRs also includes the addition of additional incentives to the height bonus program of the CMUD to complete critical infrastructure work/repair along the waterfront within the public realm of CMUD and/or in close proximity to the district; and

WHEREAS, the text amendment is consistent with the City’s Comprehensive Plan; and

WHEREAS, the text amendment is also consistent with the amendment standards of Section 94-32 of the City’s ZLDRs; and

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WHEREAS, the Planning Board recommended approval (6-0) of this request to the City Commission after a Public Hearing on November 21, 2023; and

WHEREAS, the Public Hearing was advertised in the Palm Beach Post, with proof of publication housed in the Development Services Department – Planning Division, along with evidence that individual notices of the public hearing were mailed to all property owners within 500 feet of the affected area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The Code of Ordinances of the City of West Palm Beach at Chapter 94, Zoning and Land Development Regulations, Article VII, Special Districts, Section 94-215, Currie Mixed Use District (CMUD) is hereby amended and shall now read as shown in **EXHIBIT A**. All other provisions of Section 94-215 shall remain unchanged.

SECTION 2: The City Commission hereby finds and determines that the amendments to the Zoning and Land Development Regulations set forth in this Ordinance are consistent with the Comprehensive Plan of the City and the amendment standards of Section 94-32 of the Zoning and Land Development Regulations.

SECTION 3: Authority is hereby granted to codify the text amendments set forth in **EXHIBIT A** of this Ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6: This Ordinance shall take effect in accordance with law.

[SIGNATURE ON FOLLOWING PAGE]

FIRST READING THIS 5TH DAY OF FEBRUARY, 2024.
SECOND READING AND PASSAGE THIS 20TH DAY OF FEBRUARY, 2024.



ATTEST:

X *Shaquita Edwards*

CITY CLERK
Signed by: Shaquita Lasheae Edwards

**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**

X *Keith A. James*

PRESIDING OFFICER
Signed by: Keith A. James

**APPROVED AS TO FORM AND
LEGALITY:**

2/16/2024

X *Kimberly L. Rothenburg*

CITY ATTORNEY
Signed by: Kimberly L Rothenburg

EXHIBIT A

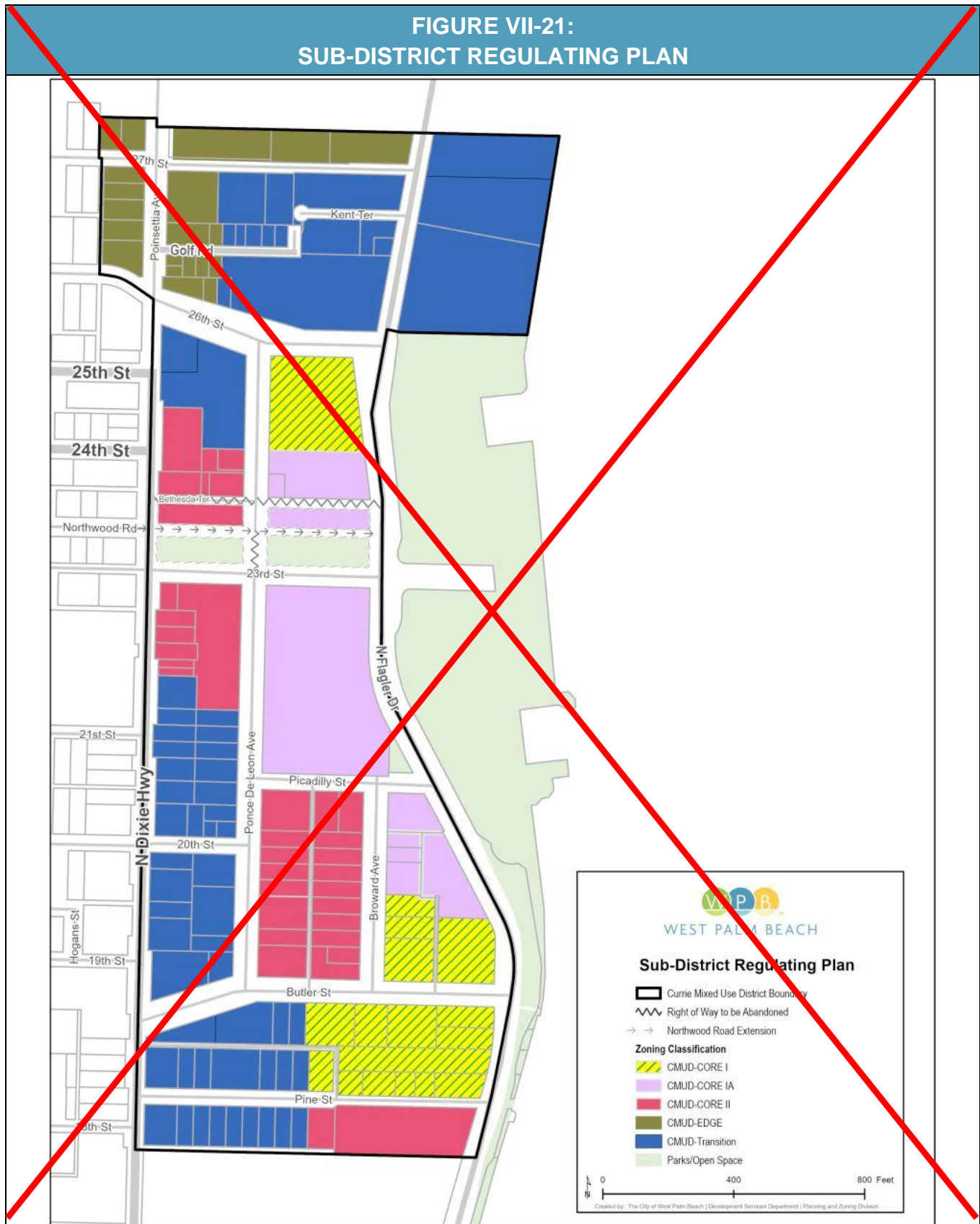
Sec. 94-215. - Currie mixed use district (CMUD).

- a. Intent. The Currie Mixed Use District (CMUD) is a compact, pedestrian-oriented, mixed-use district located between Currie Park (to the east), and the Northwood business district (to the west). Unlike the suburban residential and shopping areas, this type of mixed-use district requires urban types of development regulations concerning setbacks, parking requirements and location, height limitations, and permitted uses. The intent of the development standards for the CMUD is to create a predictable, urban neighborhood that adds vitality and additional local users to the adjacent Currie Park and Northwood business district.
- b. District Boundaries. The development standards of this section shall be utilized for properties located within the CMUD. The CMUD generally consists of the properties east of Dixie Highway, west of Flagler Drive, north of 27th Street, extending to the ~~south~~ north side of ~~Pine~~ 14th Street.

- e. Regulating Plans. The CMUD is governed by a series of regulating plans. The regulating plans include maps designating the locations of where the various standards apply. Unless otherwise noted, all development shall be in compliance with the regulating plans. The regulating plans for the CMUD include the following:
 - 1. The Sub-districts Regulating Plan divides the CMUD into four sub-districts: Core I/IA, Core II, Transition and Edge. The highest density and intensity within the CMUD shall be allocated to the Core I/IA and II sub-districts, a mixed-use area in the heart of the district. The densities and intensities shall then gradually decrease from the Core sub-districts to the Transition sub-district where mixed-uses are still permitted, and then further decrease to the Edge sub-district. The Edge sub-district is predominantly characterized by single-family residential use adjacent to existing low-density residential use outside of the district. The sub-districts regulating plan is shown in Figure VII-21.

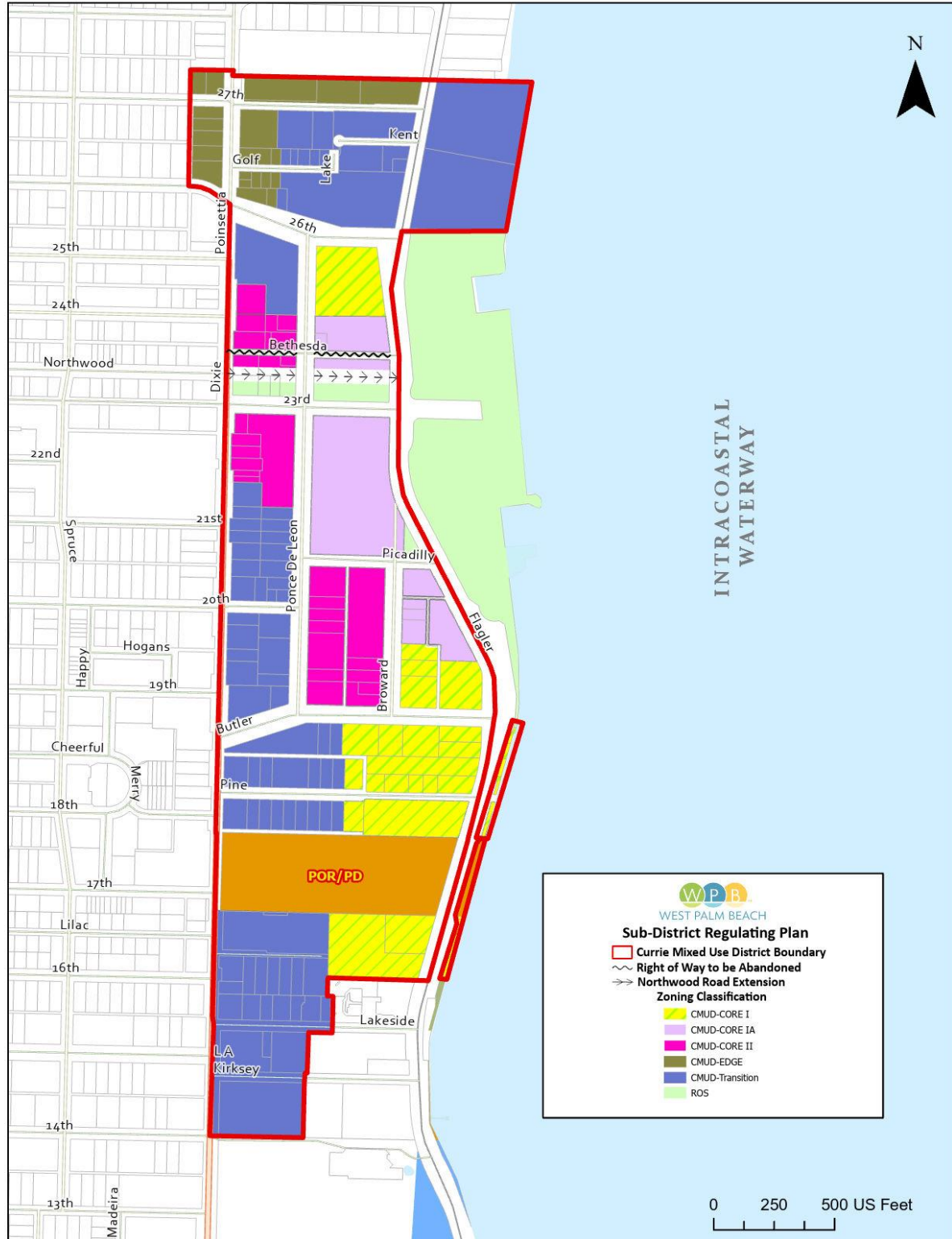
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FIGURE VII-21:
SUB-DISTRICT REGULATING PLAN



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Asterisks **** indicate language not amended which has been omitted to save space.

**FIGURE VII-21:
SUB-DISTRICT REGULATING PLAN**

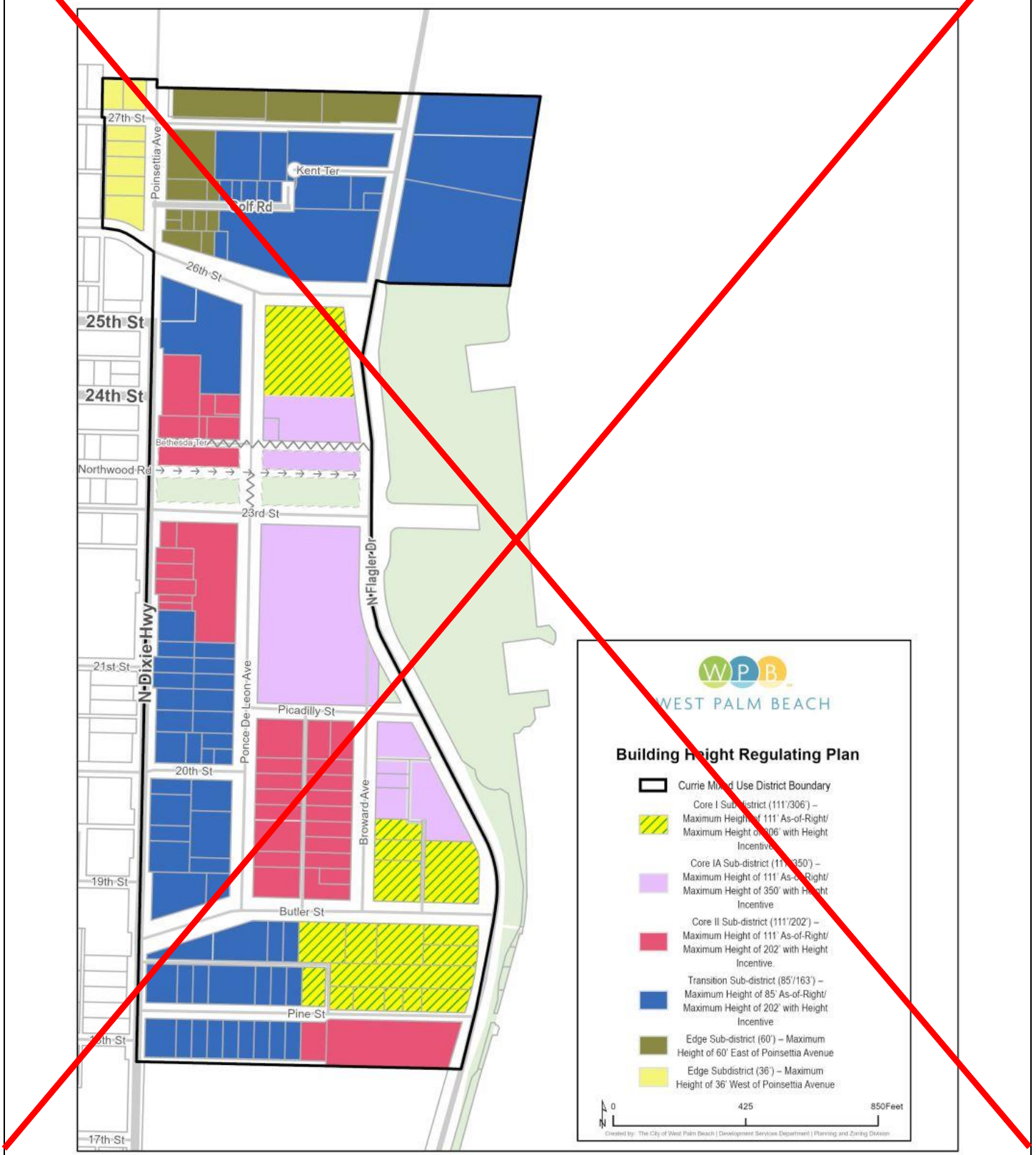


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2. The Building Heights Regulating Plan establishes the maximum building heights within the sub-districts of the CMUD as shown in Figure VII-22.

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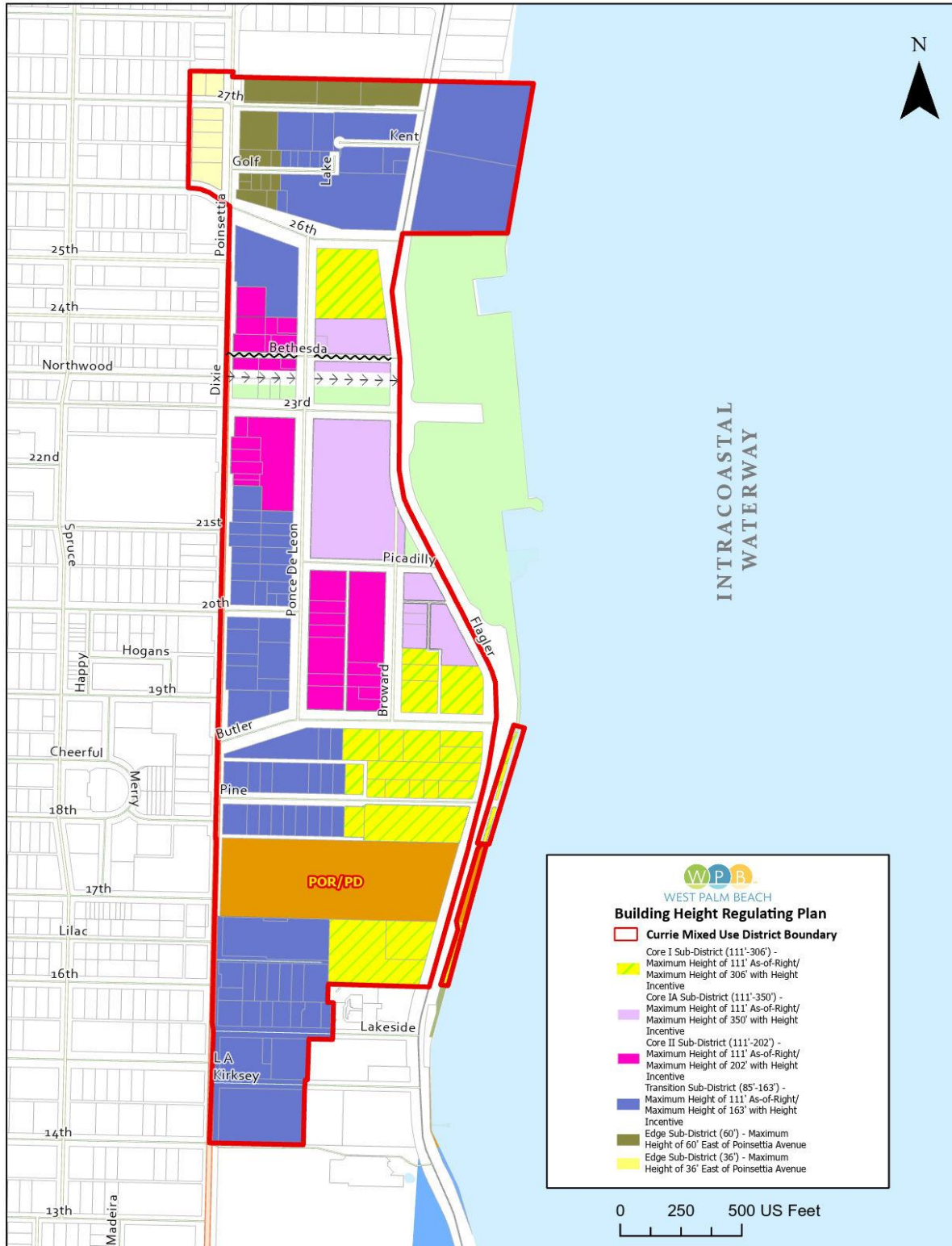
FIGURE VII-22:
BUILDING HEIGHT REGULATING PLAN



Language underlined added, and language stricken deleted.

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**FIGURE VII-22:
BUILDING HEIGHT REGULATING PLAN**



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3. The Designated Public Open Spaces and Parkway System Regulating Plan designates areas of required open space and a parkway system for public use within the CMUD as shown in Figure VII-23.

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**FIGURE VII-23:
DESIGNATED PUBLIC OPEN SPACE AND PARKWAY SYSTEM REGULATORY PLAN**



Language underlined added, and language stricken deleted.
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**FIGURE VII-23:
DESIGNATED PUBLIC OPEN SPACE AND PARKWAY SYSTEM REGULATORY PLAN**

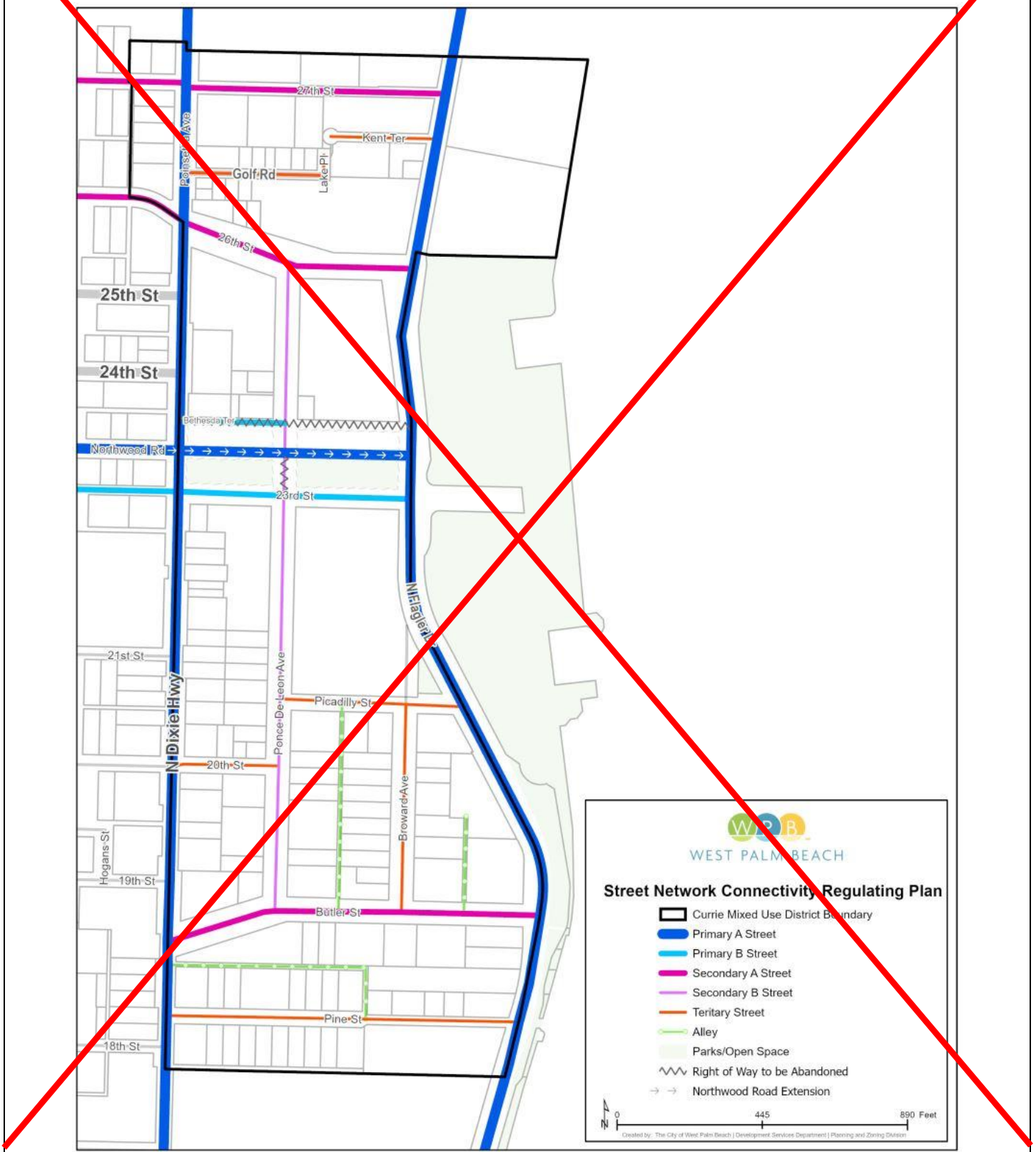


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4. The Street Network Regulating Plan shows the location of existing streets and the required new streets needed to create the prescribed network of streets within the CMUD. This plan also establishes the hierarchy of the streets as shown in Figure VII-24.

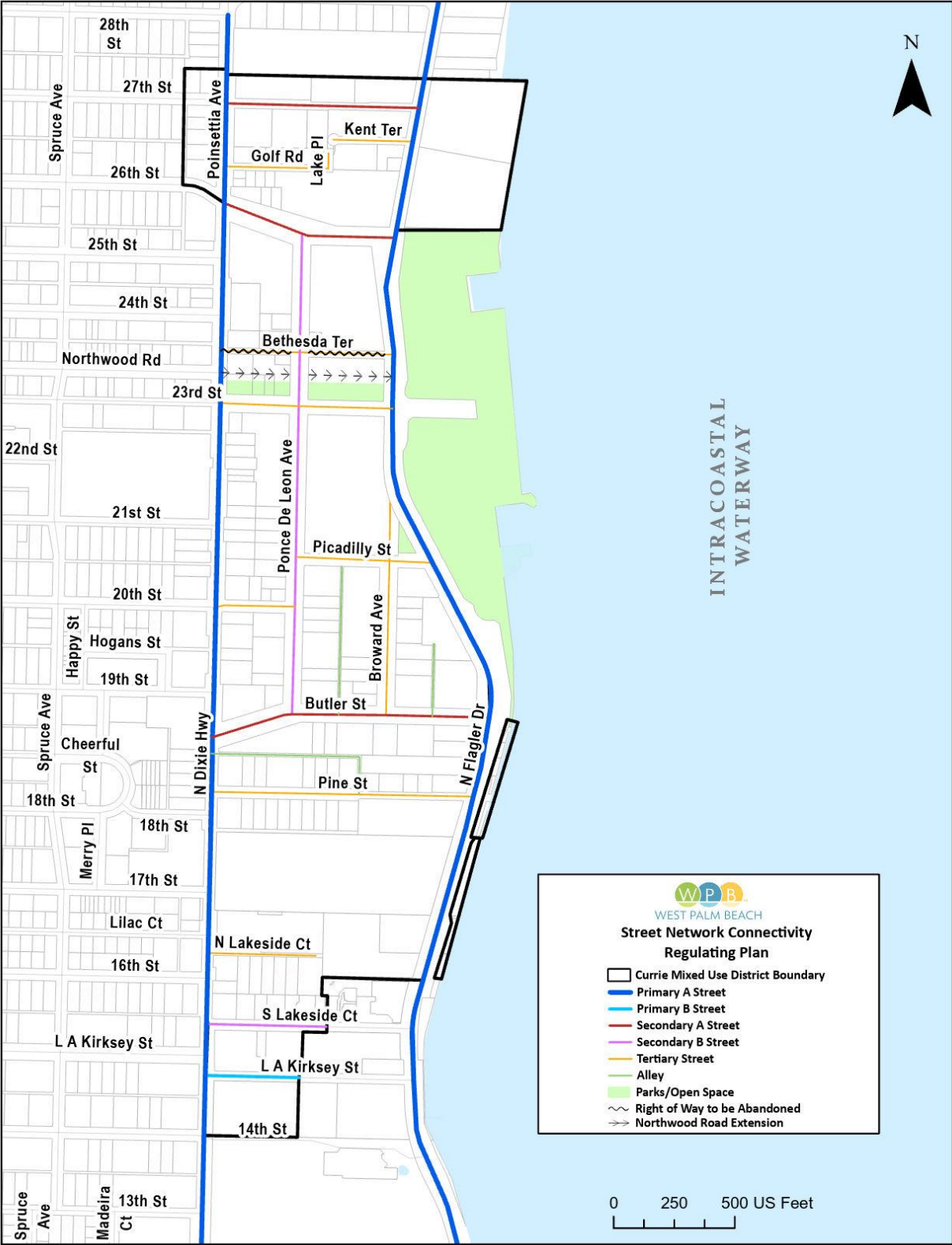
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**FIGURE VII-24:
STREET NETWORK CONNECTIVITY REGULATING PLAN**



Language underlined added, and language stricken deleted.
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FIGURE VII-24:
STREET NETWORK CONNECTIVITY REGULATING PLAN



Language underlined added, and language stricken deleted.
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- h. Core II Sub-district Requirements. Areas of the Core II sub-district are located adjacent to Core I/IA. The building density and intensity within the Core II sub-district are similar to Core I/IA; however, the building heights are reduced from Core I/IA to provide gradual building height transition to the Transition and Edge sub-districts of the CMUD.

1. Development Characteristics.

- i. Buildings with frontage along the Northwood Road Extension shall adhere to the building and use requirements of Section 94-215(f).
- ii. Buildings with frontage along 23rd Street shall maintain a maximum height of six (6) stories/80 feet at the podium, and any additional height above the six (6) stories/80 feet shall be setback a minimum of 20 feet from the edge of the podium of the building fronting along 23rd Street.
- iii. Buildings with frontage along Ponce De Leon Avenue shall maintain a maximum building height of six (6) stories/80 feet at the podium and any additional height above the podium of the building shall be setback a minimum of 20 feet from the edge of the podium fronting along Ponce De Leon Avenue.
- iv. Ground floor and upper level active uses shall be required on all building facades fronting on 23rd Street. Ground floor active uses on 23rd Street shall be limited to commercial uses.
- v. Ground floor active uses shall be required for the first 100 feet on Ponce De Leon Avenue at Northwood Road and 23rd Street, to encourage wrap around active uses at these intersections.
- vi. Ground floor active uses shall be required along Dixie Highway and all Secondary A streets.
- vii. Permitted single-family residential (attached and detached) shall be limited to a maximum height of 30 feet.

2. The building requirements for the Core II sub-district are provided in Table VII-12 below.

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**TABLE VII-12:
CORE II SUB-DISTRICT BUILDING REQUIREMENTS**

MAXIMUM HEIGHT		
Base Height	111'	
Maximum Height (1)	202'	
BUILDING SETBACKS		
STREET DESIGNATION	MINIMUM	MAXIMUM
Primary A (Flagler Dr., Northwood Rd. and Dixie Hwy.)	5' and 15' (2)	15' and 25' (2)
Primary B (23rd St.)	5'	10'
Secondary A (Butler St.)	5'	20'
Secondary B (Ponce de Leon Ave.)	5'	30'
Tertiary	10'	—
Interior Side	5'	—
Alley	5' or 0' (3)	—
Rear	5'	—
MINIMUM OPEN SPACE		
Public	3%	
Private	10%	
MINIMUM ACTIVE USES		
STREET DESIGNATION	MINIMUM BUILDING FRONTAGE	
Northwood Rd.	80%	
Dixie Highway	60%	
Secondary A (Butler St.)	40%	
Primary B (23rd St.)	80%	
MINIMUM ACTIVE USE LINER DEPTH		
Commercial	20'	
Residential	15'	
MINIMUM TRANSPARENCY FOR ACTIVE USES ON THE GROUND FLOOR		
STREET DESIGNATION	MINIMUM TRANSPARENCY ALONG BUILDING FRONTAGE	
Northwood Rd.	70%	
Dixie Highway	70%	
Secondary A (Butler St.)	70%	
Primary B (23rd St.)	70%	
NOTES:		
1. With building height incentive(s). 2. Building setback along Flagler Drive only and North Dixie Highway. 3. Units sharing a common wall.		

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- i. Transition Sub-district Requirements. The Transition sub-district is characterized by smaller parcels within the district. The Transition sub-district is intended to provide a transition between the higher building heights and intensity of the Core sub-districts from the lower intensity of the Edge sub-district and of the areas west of Dixie Highway.

- 1. Development Characteristics.

- i. Buildings with frontage along Ponce De Leon Avenue shall maintain a maximum building height of six (6) stories/80 feet at the podium and any additional height above the podium of the building shall be setback a minimum of 20 feet from the edge of the podium fronting along Ponce De Leon Avenue.
 - ii. Ground floor active uses shall be required on all building facades fronting on Dixie Highway, 26th Street and Butler Street.
 - iii. Permitted single-family residential (attached and detached) shall be limited to a maximum height of 30 feet.

- 2. The building requirements for the Transition sub-district are provided in Table VII-13 below.

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**TABLE VII-13:
TRANSITION SUB-DISTRICT BUILDING REQUIREMENTS**

MAXIMUM HEIGHT		
Base Height	85'	
Maximum Height (1)	163'	
BUILDING SETBACKS		
STREET DESIGNATION	MINIMUM	MAXIMUM
Primary A (Flagler Dr. and Dixie Hwy. <u>(2)</u>)	5' <u>and 15' (2)</u>	15' <u>and 25' (2)</u>
<u>Primary B (LA Kirksey St.)</u>	<u>5'</u>	<u>10'</u>
Secondary A (26th St., 27th St. and Butler St.)	5'	20'
Secondary B (Ponce de Leon Ave. <u>and S. Lakeside Ct.</u>)	5'	30'
Tertiary	15'	30'
Interior Side	5' or 0' (2)	—
Alley	10'	—
Rear	10'	—
MINIMUM OPEN SPACE		
Public	3%	
Private	10%	
MINIMUM ACTIVE USES		
STREET DESIGNATION	MINIMUM BUILDING FRONTAGE	
Dixie Highway	60%	
26th Street	40%	
Butler Street	40%	
<u>LA Kirksey</u>	<u>60%</u>	
MINIMUM ACTIVE USE LINER DEPTH		
Commercial	20'	
Residential	15'	
MINIMUM TRANSPARENCY FOR ACTIVE USES ON THE GROUND FLOOR		
STREET DESIGNATION	MINIMUM TRANSPARENCY ALONG BUILDING FRONTAGE	
Dixie Highway	70%	
26th Street	70%	
Butler Street	70%	
<u>LA Kirksey</u>	<u>70%</u>	
NOTES:		
1. With building height incentive(s). 2. <u>Units sharing a common wall. For properties along North Dixie Highway.</u> 3. <u>Units sharing a common wall.</u>		

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- k. *Building Heights Regulating Plan and Additional Height Standards.* All new and existing development shall comply with the standards found within the Building Heights Regulating Plan as shown in Figure VII-22. Table VII-15 provides a summary of the heights per sub-district, however, since maximum building heights vary within the sub-districts and are dependent on location and/or bonus provisions, the building height regulating plan shall be referred to.

TABLE VII-15: MAXIMUM PERMITTED HEIGHT (1)		
AREA	BASE HEIGHT	MAXIMUM PERMITTED HEIGHT
Core IA Sub-district	111'	350'
Core I Sub-district	111'	306'
Core II Sub-district	111'	202'
Transition Sub-district	85'	163'
Edge Sub-district	36'	60'

1.Height Bonus Option.

- i.Properties within the Core Sub-district shall be permitted a maximum allowable base height of 111 feet as-of-right. In the Transition Sub-district, properties shall be permitted a maximum base height of 85 feet as-of-right. Height bonuses shall be granted in accordance with Figure VII-22 and Table VII-16, except for allowable height encroachments, the maximum permitted height shall not exceed the height specified in Table VII-15.

TABLE VII-16: HEIGHT BONUS INCENTIVES										
HEIGHT BONUS INCENTIVE		EDGE	TRANSITION		CORE II		CORE I		CORE IA	
Base Height:		36'	85' (6 stories)		111' (8 stories)		111' (8 stories)		111' (8 stories)	
Maximum Height:		60'	163'		202'		306'		350'	
INCENTIVE	NOTES (See Below)		MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
Extension of Northwood Road	a	—	—	—	—	—	—	—	239'	239'
Workforce Housing	b	—	40'	150'	40'	150'	40'	150'	40'	150'
Improvements to Currie Park	c	—	4'	100'	8'	125'	12'	150'	12'	150'
Food Store or Supermarket (min. 15,000 SF)	d	—	65'	65'	65'	65'	100'	100'	100'	100'
Food Store or Supermarket (min. 30,000 SF)	d	—	78'	78'	91'	91'	150'	150'	150'	150'
Public Parking for Currie Park	e	—	26'	50'	39'	75'	52'	100'	52'	100'

Language underlined added, and language stricken deleted.

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**TABLE VII-16:
HEIGHT BONUS INCENTIVES**

HEIGHT BONUS INCENTIVE		EDGE	TRANSITION		CORE II		CORE I		CORE IA	
Public Parking Land Dedication/Construction	e	—	42'	78'	42'	84'	42'	84'	42'	84'
Payment for Mobility Options	f	—	13'	39'	13'	52'	13'	52'	13'	52'
LEED Certification (Platinum)	g	—	40'	40'	40'	40'	40'	40'	40'	40'
LEED Certification (Gold)	g	—	30'	30'	30'	30'	30'	30'	30'	30'
LEED Certification (Silver)	g	—	20'	20'	20'	20'	20'	20'	20'	20'
Public Open Spaces (min. 4,800 SF)	h	—	30'	60'	30'	60'	30'	60'	30'	60'
Flagler Drive Parkway System	i	—	—	—	—	—	30'	30'	30'	30'
<u>Flagler Drive Seawall Improvements</u>	<u>j</u>	<u>—</u>	<u>31'</u>	<u>77'</u>	<u>31'</u>	<u>77'</u>	<u>31'</u>	<u>77'</u>	<u>31'</u>	<u>77'</u>
<u>Flagler Drive Roadway Improvements</u>	<u>k</u>	<u>—</u>	<u>20'</u>	<u>80'</u>	<u>20'</u>	<u>80'</u>	<u>20'</u>	<u>80'</u>	<u>20'</u>	<u>80'</u>

NOTES:

- a. The incentive to achieve a height of 350' is granted for properties designated as Core 1A on either side of Northwood Road extended if the right-of-way/land swap to extend Northwood Road east of North Dixie Highway to the entrance to Currie Park is executed within three years of approval of this text amendment and the roadway construction is completed within five years of approval of this text amendment in accordance with Sec. 94-215(k)(2)(i).
- b. Additional height is granted based upon the provision of workforce housing per Section 94-215(k)(2)(ii) as follows:
 20% of total units provided = 150 feet of height
 15% of total units provided = 100 feet of height
 10% of total units provided = 75 feet of height
 5% of total units provided = 40 feet of height
- c. Properties that provide improvements to Currie Park in accordance with Sec. 94-215(k)(2)(iii) at a value of 1 foot in height per \$25,000 of value.
- d. Properties that develop a food store or supermarket a minimum of 15,000 square feet in accordance with Sec. 94-215(k)(2)(iv). Properties that develop a food store or supermarket a minimum of 30,000 square feet in accordance with Sec. 94-215(k)(2)(iv)(e).
- e. Properties that provide public parking or land for public parking for Currie Park in accordance with Sec. 94-215(k)(2)(v). This incentive is only applicable to properties north of Pine Street.
- f. Properties that utilize Transportation Demand Management (TDM) measures as specified in Sec. 94-215(k)(2)(vi).
- g. Properties that obtain PLATINUM, GOLD or SILVER LEED certification or equivalent in accordance with Sec. 94-215(k)(2)(vii).
- h. Properties that develop and maintain in perpetuity, designated open spaces of a minimum of 4,800 square feet in accordance with Sec. 94-215(k)(2)(viii).
- i. Properties that provide the 30' landscape buffer along Flagler Drive in accordance with Sec. 94-215(k)(2)(ix).
- j. Developers that contribute to the Flagler Drive Seawall Improvement Fund in accordance with Sec. 94-215(k)(2)(x).
- k. Developers that contribute to the Flagler Drive Roadway Improvement Fund in accordance with Sec. 94-215(k)(2)(xi).

2. *Height Bonus Requirements.* Developments requesting a height bonus within the Core IA, Core I, Core II and Transition sub-districts shall comply with the requirements for each of the height bonus options listed below:

- i. *Northwood Road Extension to Currie Park.* This incentive only applies to the Core IA parcels on either side of the extended Northwood Road from North Dixie Highway to the entrance of Currie Park. The developer seeking to utilize this incentive will be permitted a maximum height of 350 feet ~~if the roadway construction of Northwood Road is completed within five years of approval of this text amendment by the City Commission. Within three years, the required right-of-way for the Northwood Road extension must be in place and dedicated by the property owners impacted by this extension in exchange for payment to the City of no more than \$6 million to cover the costs of the Northwood Road extension along with the dedication of property necessary for the roadway~~

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extension. The utilization of this incentive will be evidenced by a written agreement approved by the city commission which addresses parcel details, timing of the transaction, and other terms.

- v. *Public Parking for Currie Park.* This incentive is only applicable to properties located north of Pine Street. Properties that provide public parking for Currie Park north of Pine Street shall be eligible for the allowable height incentive reflected in Table VII-16 provided the following requirements are met:
- a. In all sub-districts, the minimum of spaces required for off-street parking are provided.
 - b. In the Core IA, Core I and Core II sub-districts, a minimum of 10 percent of the parking spaces (or a minimum of 20 spaces, whichever is greater) shall be encumbered for public parking subject to the terms established at the City's discretion. The 10 percent of parking spaces shall be calculated including the spaces required for the height bonus and shall be in addition to the parking provided to serve the development.
 - c. In the Transition sub-district, a minimum of seven percent of the parking spaces (or a minimum of 20 spaces, whichever is greater) shall be encumbered for public parking subject to the terms established at the City's discretion. The seven percent of parking spaces shall be calculated including the spaces required for the height bonus and shall be in addition to the parking provided to serve the development.
 - d. In all sub-districts, the public parking shall be unrestricted to public access and located on the ground floor, where feasible, otherwise it shall be located at the lowest level of the garage.
 - e. In all sub-districts, along each street frontage where there is an entrance and/or exit to the parking area, one parking sign shall be provided indicating the presence of public parking.
 - f. Payment-in-lieu of public parking. A payment shall be permitted in lieu of providing the minimum required public parking. Payment-in-lieu does not provide a parking space for the development in any city facility.
 1. The assessment to be paid (the "in-lieu payment") shall be a one-time payment per space for each parking space required. The amount of the in-lieu assessment shall be established by resolution of the City Commission and may be adjusted from time-to-time. The fee per parking space shall be based on the current construction cost of structured parking, as determined by the City's Parking Administrator, and paid at the time of building permit application.
 2. A separate Currie Parking Fund shall be established by the City. All in-lieu payments collected by the City, and all interest earned thereon, shall be deposited in this fund and the funds shall be kept separate from other city funds. The Currie Parking Fund shall be used solely for the acquisition of land for development and maintenance of public parking facilities in and/or directly serving the CMUD. Use of such funds shall be determined by the

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City Commission. Any monies not expended in the fund in any fiscal year shall be carried over in the fund into the following year. The assessment to be paid (the "in-lieu payment") shall be a one-time payment per space for each parking space required. The amount of the in-lieu assessment shall be established by resolution of the City Commission and may be adjusted from time-to-time. The fee per parking space shall be based on the current construction cost of the structured parking, as determined by the City's Parking Administrator, and paid at the time of building permit application.

- g. Credit can also be provided to an applicant if the land provided for public boat/vehicular parking on property located within the Edge, Transition or Core II sub-districts. The credit for the value of land will be provided at a ratio of \$25,000 for every one foot of height as determined by an appraisal approved by the City. The credit can be transferred to the Transition, Core II, Core I or Core IA sub-districts.
 - h. Additional credit can also be provided to an applicant if the public boat/vehicular parking is constructed by the applicant. The credit for the construction of the parking will be provided at a ratio of \$25,000 for every one foot of height as determined by a cost estimate provided and approved by the Engineering Services Department of the City.
- vi. *Payment for Mobility Options.* The developer seeking to utilize this incentive will receive additional height for addressing Transportation Demand Management (TDM) measures as approved by the City as part of an approval of a project within the CMUD. Should the City desire to fund a ~~trolley system~~ transit service program from the downtown to the CMUD, a developer will receive an additional 13 feet in height with a one-time contribution of \$325,000 to the City's ~~trolley~~ transit service program/mobility fund. Other height incentives can be attained by contributing \$25,000 for each one foot of height up to the maximum contribution as specified in Table VII-16. Any developer will be encouraged to pursue transportation demand management (TDM) strategies as outlined below:
- a. Unbundling parking spaces from lease agreements and sale agreement.
 - b. Reserve parking spaces for carpool and vanpool.
 - c. Provide 50% discounted car share membership.
 - d. Provide 25% ride share discounts.
 - e. Provide 50% discounted annual bike share memberships.
 - f. Provide 50% discounted Palm Tran, Tri-Rail or Brightline passes.
 - g. Provide carshare space on site through an agreement with carshare provider (minimum ten spaces).
 - h. Provide bike sharing stations on site (minimum six docks).
 - i. Provide electric vehicle charging stations (minimum four stations).

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- x. Flagler Drive Sewall Improvements. This incentive requires the developer to contribute funds to the City's seawall improvement fund. The developer seeking to utilize this incentive will receive additional height based on the lineal footage of seawall improvement as noted in the table below and provided that the following requirements are met:

<u>Linear Feet of Seawall Improvement</u>	<u>Additional Height</u>
<u>200 feet</u>	<u>31 feet</u>
<u>250 feet</u>	<u>39 feet</u>
<u>300 feet</u>	<u>46 feet</u>
<u>350 feet</u>	<u>54 feet</u>
<u>400 feet</u>	<u>62 feet</u>
<u>450 feet</u>	<u>69 feet</u>
<u>500 feet</u>	<u>77 feet</u>

- a. To qualify for the incentive height, a minimum of 200 lineal feet shall be addressed. The amount of seawall to be addressed increases incrementally by 50 feet, up to a maximum of 500 feet for the incentive height.
- b. The contribution to the Flagler Drive Improvement Fund shall be provided to the City prior to the issuance of the first Certificate of Occupancy (C.O.) for the development project.
- xi. Flagler Drive Roadway Improvement. This incentive requires the developer to contribute funds to the City's Flagler Drive Roadway Improvement Fund. The developer seeking to utilize this incentive will receive additional height based on the lineal footage of roadway improvement along North Flagler Drive, as noted in the table below and provided that the following requirements are met:

<u>Linear Feet of Roadway Repair</u>	<u>Additional Height</u>
<u>5,867 linear feet</u>	<u>20 feet</u>
<u>8,800 linear feet</u>	<u>30 feet</u>
<u>11,733 linear feet</u>	<u>40 feet</u>
<u>14,667 linear feet</u>	<u>50 feet</u>
<u>17,600 linear feet</u>	<u>60 feet</u>
<u>20,533 linear feet</u>	<u>70 feet</u>
<u>23,467 linear feet</u>	<u>80 feet</u>

- a. The eligible area for this incentive shall be limited on North Flagler Drive, between 26th Street to the north and Palm Beach Lakes to the South.
- b. The contribution to the Flagler Drive Roadway Improvement Fund shall be provided to the City prior to the issuance of the first Certificate of Occupancy (C.O.) for the development project.

ORDINANCE NO. 5085-24

1. *Use Standards.* The Permitted Use Table provided in Table VII-17 provides a list of uses permitted by right, permitted with additional requirements and/or restrictions and prohibited uses within the sub-districts of the CMUD. Uses with additional requirements and/or restrictions shall be subject to the use-specific standards provided in [ARTICLE IX](#) of this Chapter unless modified herein.

(Ord. No. 3772-04, § 2, 7-19-2003; Ord. No. 3915-05, § 2, 12-5-2005; Ord. No. 3919-05, § 2, 12-19-2005; Ord. No. 4082-07, § 2, 10-22-2007; Ord. No. 4528-14, § 3(Exh. C), 11-10-2014; Ord. No. 4780-18, § 5, 6-18-2018; Ord. No. [4963-21](#), § 2 (Exh. B), 11-15-2021; Ord. No. [5008-22](#), § 8, 07-25-2022; Ord. No. [5014-22](#), § 6, 08-22-2022)

Sec. 94-216. - Reserved.

Editor's note— Ord. No. 4528-14, § 4(Exh. D), adopted Nov. 10, 2014, repealed § 94-216, which pertained to CMUD building type I, and derived from Ord. No. 3772-04, § 2, adopted July 19, 2004; and Ord. No. 3984-06, § 2, adopted Nov. 6, 2006.

Sec. 94-217. - Reserved.

Editor's note— Ord. No. 4528-14, § 5(Exh. E), adopted Nov. 10, 2014, repealed § 94-217, which pertained to CMUD building type II and derived from Ord. No. 3772-04, § 2, adopted July 19, 2004.

Sec. 94-218. - Reserved.

Editor's note— Ord. No. 4528-14, § 6(Exh. F), adopted Nov. 10, 2014, repealed § 94-218, which pertained to CMUD building type III and derived from Ord. No. 3772-04, § 2, adopted July 19, 2004.