

Sec. 23.2-33. - City of Lake Worth Sustainable Bonus Incentive Program.

- a) *Intent.* The City of Lake Worth Sustainable Bonus Incentive Program is intended to implement Objective 1.3.10 of the city comprehensive plan future land use element and provisions therein regarding a community benefits program. This incentive program offers the opportunity to attain an option for increased height, as provided in the comprehensive plan future land use element, or an option for increased intensity (measured by floor area ratio/FAR), or both, within certain zoning districts in exchange for the incorporation of sustainable design features, community based improvements and overall design excellence as part of a development proposal.
- b) *Purpose.* The purpose of the Sustainable Bonus Incentive Program is to encourage the incorporation of sustainable design and development principles within new development and redevelopment projects to foster a more sustainable, economically vibrant, diverse community with an emphasis on high quality design and appreciation of the city's unique cultural, architectural, historical and natural resources.
- c) *Application and review process.*
  1. *Application.* All development proposals seeking the increased height above two (2) stories, or additional FAR, as each may be allowed in a zoning district, shall submit a sustainable bonus incentive application as provided by the department for community sustainability. The application shall accompany the standard City of Lake Worth Development Application for the development proposal. The sustainable bonus incentive application shall including all of the following:
    - (a) A project fact sheet with building specifications including the bonus height or bonus intensity proposed. The number of square feet on each story of all proposed buildings that are above the first two (2) stories and the number of square feet that are sought for the bonus floor area ratio shall be specifically delineated.
    - (b) A summary of each of the proposed on-site and off-site features or improvements, and the market value of each, which are proposed to qualify for the incentive program. See subsection d) for qualifying features and improvements.
    - (c) If a project is to utilize the LEED certification or Florida Green Building feature, a security or performance bond acceptable to the city must be posted at the time of the permit which is equal to the value of the feature(s), and shall serve as a means to ensure that the certification is granted. Following official certification of the project, the city shall release the security or performance bond. If the project fails to be certified within a reasonable time after the construction of the building, the city shall utilize the security or bond to collect an in-lieu fee as provided in subsection d) below.
    - (d) Any other additional information to ensure the timely and efficient evaluation of the project by city staff to ensure that the requirements of the incentive program are being met.
  2. *Review/decision.* The development review official shall review the application along with the zoning approvals otherwise required of the development proposal under these LDRs. Development applications that require further review or approval by a decisionmaking board shall also include the development review official's recommendation regarding the award of bonus height or intensity (the "incentive award") under the program. Any decision on the incentive award shall be made by the planning and zoning board or the historic resources planning board, as applicable. A decision on an incentive award may be appealed under the procedures applicable to the

development application with which it is associated. No waiver or variance may be granted regarding the incentive award. The award of bonus height or intensity under this program shall be based on the following criteria:

- (a) Is the award calculated correctly, consistent with the square footage and height requested and the value of the features and improvements included in the development proposal;
  - (b) Do the proposed on-site features or improvements adequately provide sustainable project enhancements, beyond those otherwise required by these LDRs for the development proposal, that are attainable and reasonable in the context of the proposed project; and
  - (c) Do the proposed off-site improvements meet the priorities of the city for community sustainability; and
  - (d) Do the proposed features, improvements or fees-in lieu meet the intent of the Sustainable Bonus Incentive Program?
- d) *Qualifying sustainability features or improvements.* The following features or improvements may qualify for the incentive award of either bonus height or intensity, or both. In order to qualify for each incentive award under subsections 1.(d) through 1.(h), the total value of the qualifying features or improvements must equal at least the amount of the fee-in-lieu established by the city commission pursuant to subsection e) below.
1. *On-site features or improvements.*
    - (a) LEED certification shall entitle the applicant to one hundred (100) percent of the incentive award regardless of the number of additional stories or additional square feet above the initial two (2) stories.
    - (b) Florida Green Building certification shall entitle the applicant to fifty (50) percent of the incentive award regardless of the number of additional stories or additional square feet above the initial two (2) stories.
    - (c) Incorporation of a historic building or structure designated on the National Register of Historic Places or listed within the Lake Worth Register of Historic Places shall entitle the applicant to fifty (50) percent of the incentive award regardless of the number of additional stories or additional square feet above the initial two (2) stories.
    - (d) Higher quality or additional open space beyond the requirements of the code.
    - (e) Higher quality or additional landscaping beyond the requirements of the code.
    - (f) Public amenity such as a law enforcement substation, cultural gallery, public plaza, community meeting space, library, or garden.
    - (g) Public parking garage.
    - (h) Other project components open to the public, or offering a direct community benefit meeting the intent of the comprehensive plan, which are similar to those listed as part of the USGBC's LEED for neighborhood development program, or which include elements of sustainable design such as:
      - i. Low impact development and green infrastructure.
      - ii. Natural resource conservation/sensitive lands protection.
      - iii. Water conservation measures.
      - iv. Solid waste and recycling.
      - v. Floodplain management.
      - vi. Coastal hazards.

- vii. Character and aesthetic excellence.
- viii. Urban form and density.
- ix. Historic preservation.
- x. Transit oriented development.
- xi. Complete streets.
- xii. Bicycle mobility systems.
- xiii. Pedestrian mobility systems.
- xiv. Public transit.
- xv. Public parking.
- xvi. Affordable housing.
- xvii. Community health and safety.
- xviii. Housing diversity and accessibility.
- xix. Food production and security.
- xx. Renewable energy.
- xxi. Energy efficiency and conservation.
- xxii. Noise reduction.
- xxiii. Lighting mitigation (night sky).
- xxiv. Vista or viewshed preservation and protection.

2. *Off-site improvements.* Improvements located offsite the parcel or lot, as described in subsection 1.(d) through 1.(h), above.

- e) *Fee in lieu of features or improvements.* In lieu of providing on-site or off-site features or improvements for an award under this program, the applicant may opt to pay a fee to the city to be used as provided herein. The city commission by resolution shall establish the fee that shall be provided by all applicants under this Sustainable Bonus Incentive Program, at the applicant's option, in lieu of on-site features or improvements or off-site improvement, to obtain an award under this program. The in-lieu fee shall not be less than five dollars (\$5.00) per square foot and not more than twenty dollars (\$20.00) per square foot, and shall be reviewed annually by the city commission. All such fees collected shall be held with a sustainability bonus incentive trust account, and shall be managed separately and independently of any other city funds. The fees shall be expended only on capital projects that enhance community sustainability, which capital projects shall be established annually by resolution of the city commission. The capital projects may include, but shall not be limited to:
- 1. Acquisition and development of public open space.
  - 2. Acquisition and development of public parking facilities including public parking and garages.
  - 3. Provision of transit improvements at the city's public transit stations.
  - 4. Acquisition and development of public recreation sites and facilities.
  - 5. Design and construction of streetscape improvements along the city's commercial corridors and gateways.
  - 6. Provision of public bus shelters along the city's commercial corridors and gateways.
  - 7. Installation of street lighting and pedestrian improvements along the city's commercial corridors and gateways.
  - 8. Installation of street trees and improvements to overall city tree canopy.

9. Installation of citywide way finding and promotional signage.
10. Acquisition of preservation and conservation easements for environmentally or ecologically sensitive lands.
11. Acquisition of preservation easements for historically or architecturally significant structures or sites.
12. Purchase and installation of public art.
13. Any other projects that may be identified to provide an overall community benefit, related to enhanced quality of life, aesthetics and sustainability, for the city and its residents and businesses.