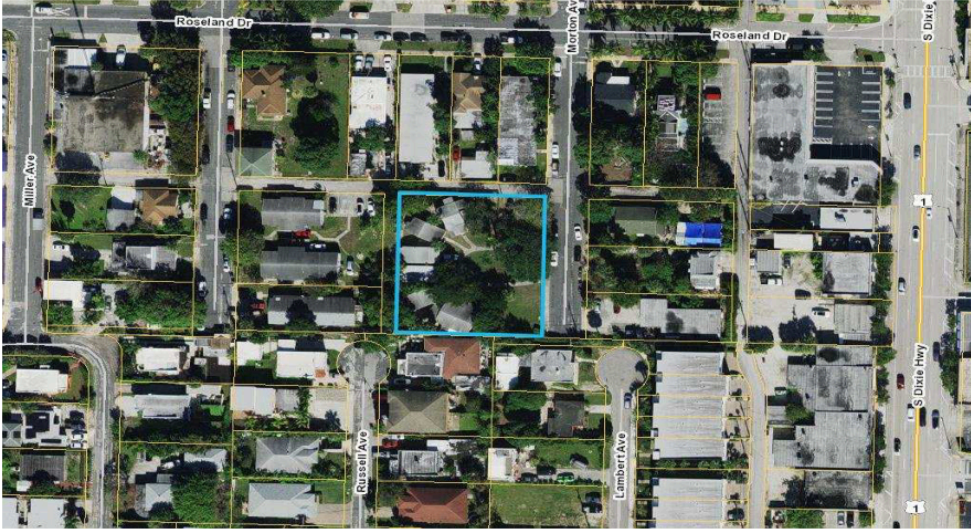


## 3723 Morton Ave., West Palm Beach – Townhouses

### Due Diligence

Friday, December 13, 2024



#### Property Description

Property Address: 3723 Morton Avenue, West Palm Beach, FL, 33405

Parcel Control Number (PCN): 74-43-43-33-29-008-0100

West Palm Beach Zoning Designation: MF20 – Multi-family Medium Density (74-West Palm Beach)

West Palm Beach FLU Designation: MF, Residential High Density

Property Use Code: 0810-MFR 5 to 9 Units

FEMA Flood Zone: C

Planning Overlays: N/A

Traffic Analysis Zone: -

Lot SF: 22,250 SF (0.465 ac)



Figure 2 West Palm Beach Zoning Map



Figure 1 west Palm Beach Future Land Use Map

#### PROJECT DESCRIPTION (10 Fee-Simple Townhouse Units)

The subject property encompasses a total area of 0.4650 acres (22,250 square feet). The proposed land use is Multifamily Medium Density (MF20), in alignment with both the Residential Future Land Use designation and the consistent Multifamily (MF20) zoning district designation for the parcel.

Concept Site Plan 1 will consist of ten (10) dwelling units, each with two (2) floors. Five (5) units will be situated on the north side of the site, while five (5) units will be located on the south side. These two groups of units will be separated by a 40-foot-wide private dedicated driveway with on-street parallel parking which will include 5-foot-wide sidewalks on each side, 8.5-foot-wide parallel parking spaces on both sides, and a 14-foot-wide one-way central drive.

Each unit will have a floor area of 1,800 square feet. In compliance with the parking code, the site will provide a total of 21 parking spaces: 10 spaces will be located within garages, 8 will be on-site, and 3 will be provided on the street. The parallel parking spaces are dimensioned at 8.5 feet by 23 feet. Additionally, the site will be serviced by residential trash pick-up which will be located on the west side of Morton Avenue in 96-gallon trash containers.

The proposed lot size for each unit is 1,100 square feet, and it does not meet the current zoning requirements which is 1,800 SF. A variance from the minimum lot size requirement will be necessary to obtain as well as two setback variances from the front setbacks to the central driveway. The design includes a 20-foot front setback, 10-foot side setbacks, and a 13.5-foot rear setback. The landscape buffers are in compliance with code, incorporating trees and additional landscape. The site is adjacent to a 2,500-square-foot alley. To meet the requirements for all 10 units, the Owner/Applicant would be required to



abandon the alleyway and purchase the western half from the neighbor across the alley. With the abandonment and successful purchase of the western half of the abandoned alleyway, the total lot size would increase to +/-0.516 acres (22,477 square feet), allowing the development to proceed as planned with up to 10 fee simple townhouse units..

#### PROJECT DESCRIPTION (9 Fee-simple Townhouse Units)

The subject property encompasses a total area of 0.4650 acres (22,250 square feet). The proposed land use, as required, is Multifamily Medium Density (MF20), in alignment with both the Residential Future. Additionally, the site will be serviced by residential trash pick-up which will be located on the west side of Morton Avenue in 96-gallon trash containers. Additionally, the site will be serviced by residential trash pick-up which will be located on the west side of Morton Avenue in 96-gallon trash containers.

#### Zoning Code Regulations

**Sec 94-76** outlines the district property development regulations for Multifamily Medium Density (MF20) Residential District. The minimum lot area specified in section 94-76.a.1 details the minimum lot area required for the development of dwellings based on the square footage of the lot.

##### 1. *Minimum lot area.*

- a. Lot area for one or two dwelling units: 6,000 square feet;
- b. Lot area for three dwelling units: 9,000 square feet;
- c. Lot area for four dwelling units: 12,000 square feet;
- d. Lot area for five dwelling units: 15,000 square feet;
- e. Lot area for six dwelling units: 18,000 square feet;
- f. For lot area of 20,000 square feet or more: 2,150 square feet per unit, not to exceed maximum of 20.26 dwelling units per acre;

Per the Zoning and Land Development Code, the permitted uses within the MF20 zoning district are single-family dwelling where the lot size is fewer than 6000 square feet, and single-family dwelling and duplex where the lot size is greater than 6000 square feet. The total square footage of the proposed site is 22,250 SF (0.465 ac) allowing for a 9-unit development.

Article IX of the zoning and land development code outlines the permitted uses within each district. Per sec. 94-272 and section 94-273, residential townhomes are permitted by right within the designated zoning district.



**Article XIV** of the zoning and land development code outlines the general landscaping requirements for single-family dwelling units and all other developments throughout West Palm Beach.

**Sec. 94-442. - Open space landscape requirements**

c. *General standards.* All open space, as required by this chapter, shall be landscaped as provided in this section.

1. *Landscaping generally.* All open space, excluding vehicular and pedestrian circulation features and surface parking, shall be covered with [natural grass](#), ground cover, shrubbery, or other suitable [plant material](#), or may have paved active recreation areas, patios, terraces, pedestrian circulation areas, [swimming pools](#), water features, and similar site components incorporated in the open space designs. [Artificial turf](#) shall only be permitted and installed in accordance with the standards of section [94-451](#).
2. *General landscaping standards for single-family dwelling units and all other [developments](#).* General landscaping standards for single-family dwelling units and all other developments shall be as follows:
  - a. *Single-family dwelling units.* For single-family and [duplex dwelling units](#), at least one shade or [flowering tree](#) shall be planted for each 1,000 square feet of open space or portion thereof. At least one shrub shall be planted for each 500 square feet of open space or portion thereof. Front [yards](#) shall be landscaped to meet the requirements of section [94-482\(a\)](#).
  - b. *All other developments.* The general landscaping standards for all other developments shall be as follows:
    1. *Trees.* At least one [shade tree](#) shall be planted for each 1,500 square feet of required open space or portion thereof. At least one flowering tree shall be planted for each 6,000 square feet of required open space or portion thereof. Required trees may be planted at uniform intervals, at random, or in groupings. The calculation of trees for this provision may include those required for buffering, screening, or to improve aesthetics within the site.
    2. *Shrubs.* At least one shrub shall be planted for each 500 square feet of required open space or portion thereof.
    3. *Natural grass.* [Grass](#) areas shall not exceed 60 percent of the required landscape area.
3. *Amount of plant material required.* The total open space area required shall determine the number of trees and shrubs to be planted. Required open space is established by each zoning district's regulations set forth in this Code. The total amount of plant material required shall not be affected by that portion of the open space area devoted to active recreation purposes, patios, terraces, pedestrian circulation, and similar amenities.



**Sec. 94-443. - Non-residential and multifamily screening and buffering requirements.**

d. *Additional landscaping requirements for multifamily residential uses.* The owner of property used for multifamily residential uses shall install and maintain the following landscaping:

1. A landscape buffer shall be required for multifamily residential uses adjacent to a public thoroughfare. Such a landscape buffer shall be equal to the setback for properties that contain four or less multifamily [dwellings](#), and at least ten feet in width for properties that contain five or more multifamily dwellings. A landscape buffer of at least five feet in width is also required for properties that contain five or more multifamily dwellings along the multifamily residential use and the adjacent properties. The buffer strip shall be designed and landscaped as required by the following:
  - a. The buffer strip shall not be interrupted at more than 20 percent of its required length to provide vehicular ingress and egress; however, this provision may be waived to accommodate normal vehicular ingress and egress for properties possessing minimal frontage along a thoroughfare;
  - b. All portions of the buffer strip shall be covered with natural grass, ground cover, shrubbery, mulch, or other suitable plant material;
  - c. At least one tree shall be planted in a required buffer strip for each 30 linear feet or portion thereof. Required [street](#) trees may be clustered or planted irregularly as deemed appropriate. Clustering of all required trees shall be subject to city approval.
2. Shade trees to be planted and landscaped on the exterior of all structures as required by the following:
  - a. At least two shade or flowering trees for each [dwelling unit](#) for multifamily [residential structures](#) with two to five units per structure, and at least one shade or flowering tree for each dwelling unit for multifamily residential structures with six or more units per structure.
  - b. At least 40 percent of the linear feet around the exterior of all structures shall be planted with trees, shrubs or hedges.
  - c. All remaining, nonpaved areas shall be covered with natural grass, ground cover, mulch or contain beds of preserved native shrubs. [Artificial turf](#) shall only be permitted subject to the requirements of section [94-451](#).

**Section 94-447** outlines the requirements for dealing with existing plant materials and **section 94-448** outlines the requirements for the protection of trees and other vegetation.

**Sec. 94-447. - Existing native non-invasive plant materials.**



- a. *Consideration of existing native non-invasive [plant material](#).* Healthy native non-invasive plant material existing on a [site](#) prior to [development](#) or [redevelopment](#) may be utilized in meeting the requirements of this section.
- b. *Preservation of existing native non-invasive plant material.* Existing native non-invasive plant material shall be preserved in accordance with the provisions of this section and subsection [94-448\(e\)\(1\)](#).

**Sec. 94-448. - Protection of trees and other vegetation.**

- a. *Intent.* The intent of this section is to protect [trees](#) and vegetative cover within the limits of the [city](#).
- b. *Removal of trees from median, parkway, park or city owned property.* No [person](#) other than the city shall remove any tree from the median, parkway, park or city owned property without first obtaining a permit from the city.
- c. *Application.* The terms and provisions of this section shall apply to real property as follows:
  1. All real property upon which any designated specimen or [historic tree](#) is located. A tree may be designated a specimen or historic tree by the following criteria:
    - a. *Historic tree.* A tree may be determined to be of notable historic interest to the city due to its age, type, size, or historic association with the community; and designated as such by the [city commission](#). A registry of historic trees shall be maintained by the planning division.
    - b. *Specimen tree.* A tree may be determined, in the judgment of a professional forester, landscape [architect](#), arborist, horticulturist, or similar expert, to be of high value of the community, because of its type, size, age, or other professional criteria; and designated as such by the city commission. Specimen trees may be protected by conditions of approval of [development orders](#).
  2. All vacant and undeveloped property, and property containing no permanent [buildings](#).
  3. All property containing permanent [structures](#), upon which no designated specimen or historic tree is located.
  4. All redeveloped property.
- d. *Permits required.*
  1. *Tree alteration permit.* Historic trees, specimen trees, and any other trees or vegetation located on property subject to the provisions of this section shall not be removed, relocated, or replaced unless a tree alteration permit is obtained. Tree alteration permit applications shall be provided by the planning and zoning administrator. The application shall include a written statement that specifies the location of the property, expected [use](#) of the property, and reasons for removal, [relocation](#), or replacement. The

planning and zoning administrator may require submission of a landscape plan or aerial photograph when a permit is requested.

2. *Removal of trees and shrubs.* A permit to remove trees and vegetation shall not be issued unless one or more of the following conditions exists:

- a. The tree is not a designated historic or specimen tree per section 94-448(c)(1)b.
- b. The tree cannot be relocated on or off the [site](#) because of its age, type, or size.
- c. The trees or shrubs constitute an unreasonable impediment to [development](#) of a permitted use of the property by virtue of their location in a [buildable area](#) or [yard](#) area where structures or [improvements](#) are to be placed.
- d. The trees or shrubs are diseased, injured, in danger of falling, too close to existing or proposed structures, interfere with existing or proposed utility services, create unsafe visual conditions affecting vehicular traffic, conflict with requirements of other ordinances of this chapter, or are a threat to the [public](#) health, safety, and welfare.
- e. The trees that are prohibited trees as specified in subsection [94-445\(4\)i](#).
- f. The planning and zoning administrator's decision for removal will be in the public interest.

3. *Tree relocation and replacement.* The applicant for a [tree removal](#) permit shall be required to relocate or replace trees to be removed or provide payment in lieu thereof into the landscape trust account for trees that cannot be relocated, replaced or installed due to preexisting site development constraints as determined by the planning and zoning administrator. Native trees and [palms](#) in good condition must be preserved on site or relocated. Relocated trees shall be installed in a sound and skilled manner according to accepted planting practices and shall be in accordance with the following:

- a. If the tree is transplanted, it shall be moved by the property owner in accordance with the National Arborist Association Standards or other professional arborist association, currently the ANSI A-300 standards, to another location within the city and maintained by the new property owner.
- b. If a tree on [public property](#) is willfully destroyed by anyone except the city forester/arborist, the tree must be substituted with an equivalent replacement that is approved by the forester/arborist or designer on the site from which the destroyed tree was removed.
- c. No permit shall be required for the removal of trees that are dead, severely diseased, are invasive exotic species, or are destroyed by natural causes. This includes trees that are planted in a certified nursery or botanical garden.

e. *Tree replacement.*

1. *Characteristics.* Replacement trees shall have shade and screening potential equal to or superior to that of the trees they replace at the time of the initial installation, except as provided as follows:

- a. Trees that are 20 feet or more in [canopy](#) size shall be mitigated based upon the size of the existing tree canopy, not the number of trees (i.e., if 100 square feet of existing canopy is removed, 100 square feet of canopy shall be planted). Suggested tree species listed by canopy coverage category can be referenced as provided in the landscape design manual, as amended from time to time, and available for inspection in the planning and zoning division.

- b. Palm trees shall be mitigated on a one for one basis. When palm trees are substituted for [shade trees](#), the equivalent canopy shall be replaced according to the category of the replacement species.

2. *Payment in lieu.* If it is determined by the planning and zoning administrator that the application for tree removal meets the permit requirements of subsections (d)(1) and (d)(3) above, but replacement, relocation or installation of trees and shrubs is not feasible due to site constraints, the following shall apply:

- a. The applicant/owner shall make payment to the city's landscape trust account in lieu of actual tree or shrub replacement or installation. Funds collected pursuant to this section shall be expended for the purchase of trees for placement on public properties within the city.

- b. The payment due shall be calculated based upon the costs for the number and type of tree(s) and/or shrubs required to be replaced or installed based upon the current edition of the plant finder catalog, plus installation cost equal to one times the cost.

3. *Minimum standards.* All replacement trees shall be equal to or better than Florida [Department](#) of Agriculture Number 1 Nursery Grade Standard. All trees replaced or relocated pursuant to this section must be in a healthy, living condition one year from the date of planting. Replacements that are not established, have failed to a degree that survival is not probable, or have died must be replaced with healthy specimens. Such replacements must continue until a tree is established at the approved location.
4. *Waivers of replacement standards.* Minimum standards may be waived if the applicant can demonstrate that current market conditions result in a shortage of appropriate replacement trees.

f. *Tree protection.*



1. *Land clearing and construction.* During land altering and construction, [protective barriers](#) specified by the planning and zoning administrator shall be erected and maintained around all trees or groups of trees to be protected. The movement of equipment or the storage of equipment, materials, and placement of debris or fill within protective barriers is prohibited.
2. *Toxic substances.* During land alteration and construction, the cleaning of equipment or materials and the disposal of waste material such as paint, oil, solvents, asphalt, concrete, or mortar within the [dripline](#) of any tree or groups of trees is prohibited. Contaminated earth must be replaced.
3. *Attachments and wires.* Attachments or wires, except those of a protective nature, shall not be attached to any tree.
4. *Alternate means of protection.* Trees located within portions of a development site where land clearing and construction activities will not occur or where [heavy machinery](#) will not operate shall not require protective barriers. Such areas shall be staked and roped, ribboned, or otherwise designated.
5. *Removal of dangerous trees.* A tree alteration permit for the removal of a tree determined by competent authority to be in a hazardous or dangerous condition so as to endanger the public health, welfare, or safety, and require immediate removal without delay, may be issued after such tree has been removed.
6. *Suspension.* Following an emergency such as a hurricane, tropical storm, tornado, or [flood](#), and other natural causes such as drought conditions and freeze damage, the requirements of this section may be suspended by the planning and zoning administrator for a period of 30 days. Such a suspension shall apply only to trees which have been damaged beyond saving or are a hazard, provided that the planning and zoning administrator is notified of the intended removal at least 24 hours prior to removal.
7. *Exemptions.* All licensed plant or tree nurseries and tree [farms](#) shall be exempt from the provisions of this section. However, this exemption shall apply only to those trees planted and growing on the [premises](#) of the licensee and intended for sale to the general public in the ordinary course of business.
8. *Exempt trees.* The trees and species listed in section [94-445\(h\)i](#). shall be exempt from the provisions of this section.
9. *Removal and disposal of diseased trees.* Trees which are determined by the planning and zoning administrator to be diseased and to be a potential source for contaminating other trees, or for spreading tree infection or disease, shall be removed and disposed of without undue delay on an emergency basis, as the circumstances may require. The lethal yellowing disease of coconut trees shall be considered an emergency tree infection or disease.

10. *Trees on city property.* Trees on city property shall not be removed by any firm, corporation, or individual unless prior approval is granted by the city manager or that official's designee.
  11. *Removal and disposal of prohibited trees.* Trees which are included as prohibited trees pursuant to subsection [94-445\(4\)](#)i shall be removed and disposed of from the entire site before a [certificate of occupancy](#) can be obtained.
- g. *Penalty for violation of protected trees.* In [addition](#) to penalties provided in section [94-9](#), the city shall have the option of pursuing civil actions in a court of competent jurisdiction for violation of any provision of this section or any special condition which may be imposed in a permit or other development order. The court or special magistrate may order a combination of tree replacement and fines for violations of this section. Funds collected as fines for violation of this section shall be expended for the purchase of trees for replacement on public property within the city. Replacement of illegally removed trees may be required as restitution in lieu of fines.

### **Permitted Uses**

Sec. 94-309.g Permits the construction of townhouses the MF20 Zoning District and outlines permitted density and number of units.

g. Townhouses.

1. *Construction permitted.* Townhouses may be constructed in the following residential zoning districts: MF14, MF20 and MF32.
2. *Density permitted.* The number of townhouses permitted shall not exceed the number of dwelling units per acre allowed by right or as a planned development in the underlying zoning district.
3. *Common ownership.* Common ownership of certain property within a townhouse development shall be allowed; however, at least 100 percent of the ground floor building area of each unit shall be conveyed to the owner in fee simple title. In the event less than 100 percent of the lot area is, conveyed to the owners of the units, a property owners association shall be established to provide for the maintenance of all common areas. In the event 100 percent of the lot area is conveyed to the owners of the units, then a property owners maintenance association shall be established to ensure compliance with regulations that are adopted for exterior area maintenance.
4. *Minimum number of units.* At least eight townhouse units must be constructed if a property owners' association for common area maintenance is to be established.
5. *Maximum number of contiguous units.* Unless a waiver in a planned development district is obtained, no more than eight townhouse units may be connected by common walls.
6. *Development standards.*
  - a. Minimum lot area: 1,800 square feet.



- b. Minimum lot width: 16 feet.
- c. Maximum building height: 35 feet.
- d. Required setbacks.
  - 1. Front: 20 feet.
  - 2. Side: ten feet, or zero feet for units sharing a common wall.
  - 3. Rear: 15 feet or ten percent of lot depth, whichever is less.
- e. Minimum building separation: 20 feet between townhouse complex structures or accessory structures.
- f. Minimum floor area: 900 square feet of net floor area, excluding attic, garage and utility areas.

#### **Summary of Proposed Development Concepts and Descriptions**

Due the to total acreage of the existing lot, the proposed development of 10-Townhomes is currently not permitted by the Zoning and Land Development Code of the City of West Palm Beach. A variance would be required to allow for the development of townhouses on the subject site due to lot constrictions. The maximum number of allowed units on the current site is 9. In order to achieve 10 Dus on the property, the alleyway would be required to be abandoned and the western side of the abandoned alleyway purchased from the adjacent property owner. Multiple variances and an abandonment applications will be required to be filed concurrently with this development program.

The 9-Townhome concept plan would not require additional lands to add to the overall site area but would require the same variances as in the other concept. The added justifications and amenities associated with this concept plan would make it a more practical and potentially achievable plan as part of infilling an existing under-developed property.

