



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 21, 2024 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [July 10, 2024 Regular Meeting Minutes](#)

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [HRPB Project Number 23-00100077: Consideration of three historic waivers to the minimum required side setback, maximum impermeable surface coverage, and minimum front yard landscaping area for property located at 424 South K Street. The subject property is located within the Single Family Residential \(SFR\) zoning district and has a future land use designation of Medium Density Residential \(MDR\). The property is a contributing resource in the Southeast Lucerne Historic District.](#)
- B. [Ordinance 2024-11: Consideration of an ordinance amending Chapter 23 "Land Development Regulations." Article 4 "Development Standards," Section 23.4-25 "Micro-units" to provide minor changes to the development standards for Micro-Units.](#)

PLANNING ISSUES:

PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

- A. [Notification of the condemnation of the principal structure and accessory structure at 523 South M Street. The subject property is a contributing resource in the Southeast Lucerne Local Historic District.](#)

BOARD MEMBER COMMENTS:

ADJOURNMENT

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. (*Sec. 2-12 Lake Worth Code of Ordinances*)

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



MINUTES
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JULY 10, 2024 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES Present were: R. D'Arinzo, Chair; Edmond LeBlanc; Laura Devlin; Edmund Deveaux; Elaine DeRiso. Absent: Nadine Heitz. Also present were: Annie Greening, Principal Planner; Yeneneh Terefe, Preservation Planner; Anne Hamilton, Sr. Preservation Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. June 12, 2024 Regular Meeting Minutes

Board: E. Deriso states the minutes sounded as if the Board was making a recommendation on the mural, a few Board members made comments but it should not say it was the Board's opinion.

Excerpt of original minutes: Applicant: ...Intent is to be complete by September however the weather will be a factor in the completion date. The Board finds all three to be visually appealing however preference is for Mural #1. Question about the condition of the building being repaired before the mural is installed. Motion: E. Deveaux moves to approve HRPB 24-00100097 and HRPB 24-000012, installation of a mural, with staff recommended Conditions of Approval as it meets the mural criteria based on the data and analysis in the staff report; L. Devlin 2nd .

Revised minutes with recorded time stamp: 6:56 - R. D'Arinzo opines preference for Mural #1 as it is in keeping with the same flavor and theme of what is existing. 7:33 - E. LeBlanc believes they are all appropriate. Applicant, PBC Cultural Council: Public feedback ... Board: E. DeRiso had a question about the mural removal agreement and the purpose. How long has the existing mural been there? Applicant response: The normal lifespan would be 4-5 years but the existing is about 7 years old. 10:16 - E. Deveaux, because it is based on unity, his preference would be Mural #1. The Iconic message should remain. 11:32 - Question about the condition of the building being repaired before the mural is installed. ... The intent is to be complete by end of September however the weather will factor into the completion date. 11:55 - Collectively the preference is for Mural #1 (round table) 12:25 - L. Devlin opines preference for Mural #1, round table and unity as that is in the spirit of what is being replaced. 13:03 - Motion: E. Deveaux moves to approve HRPB 24-00100097 and HRPB 24-000012, installation of a mural, with staff recommended Conditions of Approval as it meets the mural criteria based on the data and analysis in the staff report; L. Devlin 2nd . Vote: Ayes all, unanimous

L. Devlin asks if the minutes can be modified? E. DeRiso suggests leaving it out.

Board Attorney advises to modify, not delete the section, indicating Board members gave opinions.

E. DeRiso moves to amend the minutes to state: The Board did not have an official opinion as to what mural should be selected; E. Deveaux 2nd.

Vote: Ayes all.

CASES

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION Provided in the meeting packet

- 1) 31 South Ocean Breeze
1209 N Lakeside Drive

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: R. D'Arinzo recuses himself from New Business A. as his real estate office sold the property to the applicant.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. HRPB Project Number 23-00100276:** Consideration of a Certificate of Appropriateness (COA) to construct a 4-unit apartment building at 31 South Ocean Breeze. The subject site is located in the Medium-Density Multi-Family Residential (MF-30) zoning district and has a future land use designation of Downtown Mixed Use (DMU). The property is a non-contributing resource in the South Palm Park Historic District.

Board Chair, R. D'Arinzo left the dias and room.

Staff: A. Greening presents case findings and analysis. This parcel has been vacant since the 1979 demolition of the 1922 single story frame residence. Parking is met through a combination of on-stie parking, a bike rack as well as on-street parking. As it is in a Mixed-Use district on street parking can be counted toward the required total. The project received a Minor Site Plan approval through staff review in 2024. This review is for Historic design review only.

The style proposed by the applicant is described as Modern Vernacular with inspiration from the Wood Frame Vernacular style. It is typically characterized by little ornamental detailing. Covered front stoops and tall vertical windows, rafter ends, decorative brackets under the gable ends, decorative gable vents and ornamental columns are other features that may be found on Wood Frame Vernacular homes. The proposal generally adheres to the Guidelines for new construction in a Historic District. With respect to the Historic Design Guidelines- although new construction is not limited to any one design, it is important that only one style is selected with dedication to those characteristics and no hybridization of styles. In this case the smooth stucco, found on units 1 and 4, is not characteristic of Wood Frame Vernacular. It is tempered by the vertical siding on Units 2 and 3.

Applicant, Kevin Fernandez- Contin Architecture: The clients wanted a single-story structure. The desire was to differentiate the center units (2 and 3) hence the vertical siding as well as the heightened gables (@ 17 feet) giving a feel of a two-story. Units one and four have shutters and smooth stucco. Contends both the end units and center units reference the wood frame vernacular style.

Board: Are they rentals? **Response:** Yes. **Board:** A Board member requests the traffic report. **Response:** The traffic statement is not part of the Historic review. **Board:** The traffic is too heavy for on-street parking. Quad units are being built on these lots and there isn't sufficient parking on the lot.

Staff: The mixed-use district code allows on-street parking to be counted toward the total required parking.

Board Attorney: The Minor Site Plan previously approved by staff includes the parking plan. The Board is here tonight for the review of the Certificate of Appropriateness.

Board: Why is a single-family home not being built? **Staff:** That is possible but not the proposal before the Board.

Staff: Review of the Conditions of Approval. **Board:** Why is standing seam suitable in this instance?

Staff: It is new construction. Standing seam roofing, although atypical/not historically prevalent in Lake Worth Beach, is found elsewhere in Florida on historic structures. Standing seam changes the visual profile.

Board: L. Devlin recaps the responsibilities of the Board, how staff reviews proposals, presents analysis to the Board and requests thoughts, input and decisions (according to Code) from the Board regarding the proposals.

Motion: E. DeRiso moves to approve HRPB 23-00100276 with staff recommended Conditions of Approval based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.; L. Devlin 2nd.

Vote: 3/1 motion passes, E. Deveaux dissenting.

B. HRPB Project Number 24-01500005: A request for a variance to allow 43.5 linear feet of up to 7.5-foot high fencing along the south side property line at 1209 North Lakeside Drive. The subject property is a non-contributing resource within the Northeast Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is Single Family Residential (SFR).

Staff: A. Greening presents history of renovations and permits. The subject fence was installed without the benefit of permits. Staff is not recommending approval based on variance criteria below. In addition to not meeting the criteria, the height of the installed fence varies between 7-7.5 feet rather than the 6-foot maximum height.

- a. The lot is the most common size in the city; maximum fence height of six (6) feet is consistent throughout the city on side property lines. The property line on the south is 1.5 feet from the neighbor's two (2) story home.
- b. The property has accommodated a home for over 40 years, a six-foot fence would not deprive the homeowner of reasonable use of the Single Family home.
- c. The variance is not required for the reasonable use of the land.
- d. The granting of the variance would be contrary to the intent of the fence regulations.

Applicant: Jeff Arnold-The chain link fence between the properties suffered damage during Irma in 2017. Believed that after the hurricane there may have been some relaxing of repair rules such as not needing a permit. It was unattractive to see the service meters on the side of the neighboring home.

Public Comment: A letter of support was received by the neighbor to the south.

Motion: E. DeRiso moves to disapprove HRPB 24-01500005 as the application does not meet the variance criteria based on the data and analysis in the staff report; L. Devlin 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES:

A. COA Approval Matrix Amendment: Consideration of an amendment to the COA Approval Matrix to provide flexibility for administrative review of roofing replacement on non-contributing resources with flat white concrete tile roofs, and to clarify review processes for replacement of flat white concrete tile roofs on contributing resources and replacement of metal shingle roofs.

Staff: Currently non-contributing resources with flat white concrete roof tiles can receive staff approval with replacement in kind. Alternative materials must be brought to the Board. As roofs age and anticipated numbers of requests to replace those existing concrete tile roofs (non-contributing) increase, it was suggested that the Board consider other replacement materials for non-contributing structures.

- Dimensional asphalt shingles: Seeking to mimic the repetitive shingle, keeping horizontality appearance. Should be as light grey as possible with preference for white.
- Stone coated steel shingles (longer lasting but not necessarily less costly than shingles).
- Metal Shingles – White, grey or pewter

Staff confirmed with the State the proposed changes for non-contributing resources would provide flexibility for homeowners without negatively impacting the City's CLG status. Implementation would include footnotes #6 and #7 to the matrix. The approval matrix clarifies the review process rather than changing the guidelines.

Motion: E. DeRiso moves to amend the Approval Matrix; E. Deveaux 2nd.

Vote: Ayes all, unanimous.

Presentation of new staff member, Anne Hamilton, Senior Preservation Planner. Advised Board that the August meeting may need to be held on the 3rd Wednesday. There is an ongoing need for a new Board member so that it is not difficult to reach quorum.

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS:

Board Attorney: Minor site plans are staff review. Major site plans are Board review.

Board member: On-street parking is an ongoing problem.

Staff: Parking requirements are reviewed per the Land Development Regulations. Alternative transportation modes include bikes, motorcycles, Uber etc. Other departments can comment at time of Site Plan review. The discussion must come from the City Commission.

Board: Proposals cannot be turned down if they meet Code just because on additional traffic on the road.

ADJOURNMENT 6:06 PM



HISTORIC RESOURCES PRESERVATION BOARD REPORT

HRPB Project Number 23-00100077: Consideration of three historic waivers to the minimum required side setback, maximum impermeable surface coverage, and minimum front yard landscaping area for property located at 424 South K Street. The subject property is located within the Single Family Residential (SFR) zoning district and has a future land use designation of Medium Density Residential (MDR). The property is a contributing resource in the Southeast Lucerne Historic District.

Meeting Date: August 21, 2024

Property Owner: Caled Hamed – CH76 Investment, LLC

Applicant: Josh Nichols – Schmidt Nichols

Address: 424 South K Street

PCN: 38-43-44-21-15-155-0040

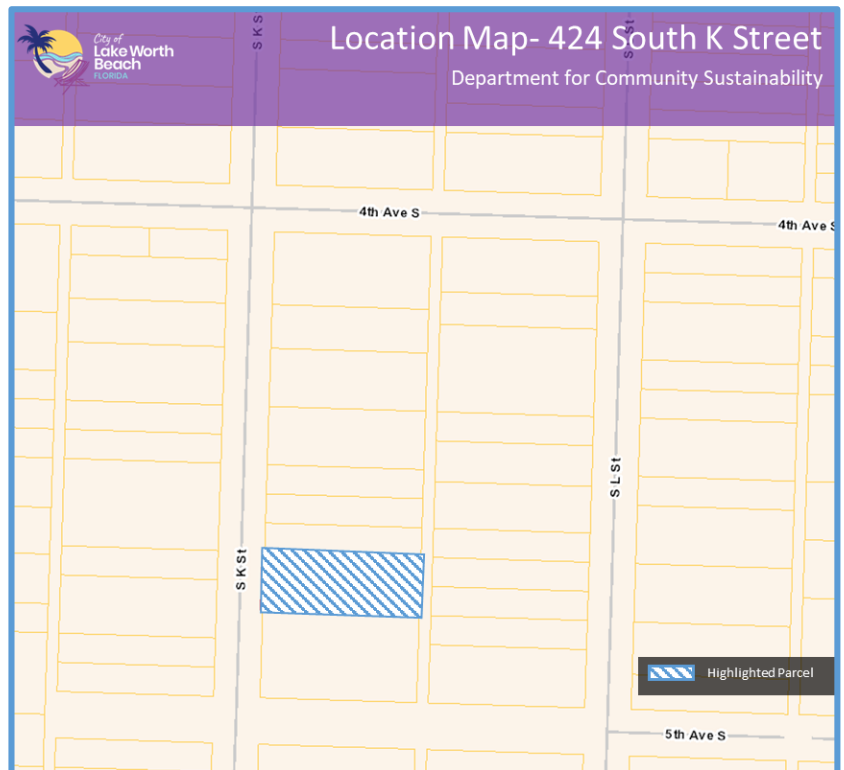
Lot Size: 0.155 acre / 6,750 sf

General Location: East side of South K Street between 4th Avenue South and 5th Avenue South

Existing Land Use: Multi-Family Residential

Current Future Land Use Designation: Medium Density Residential (MDR)

Zoning District: Single Family Residential (SFR)



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan. Staff recommends approval with conditions, listed on page 4, for the requested historic waivers.

PROJECT DESCRIPTION

The applicant, Josh Nichols of Schmidt Nichols, on behalf of the property owner, is requesting three historic waivers for the existing multi-family property at 424 South K Street. The City Building Official has determined that over 50% of the structural members have been replaced in renovations (permitted and unpermitted). Per the Building Code and Land Development Regulations (LDRs), the extent of the renovations requires that the structure be brought into compliance with the current Building Code and LDRs.

The property does not comply with the current LDRs due to the existing south-side setback, the total impermeable surface, and existing impermeable surfaces in the front yard. The waivers, if approved, would address those three non-conformities, allowing the structure to remain in its current location and retain the impermeable surfaces needed to meet the required off-street parking.

PUBLIC COMMENT

Staff has not received any letters of support or opposition for this application.

PROPERTY DEVELOPMENT HISTORY

The multi-family (four-unit) structure at 424 South K Street was constructed c. 1925 in the Mediterranean Revival architectural style. The building has undergone alterations over time, including window and door replacement, structural roofing repairs, and the addition of a two-story porch on the rear elevation in 1967. The structure was approved for window and door replacements in 2020 and was approved for stucco repairs and modifications to the rear porch in early 2022.

In his review of the renovation permit and in the course of building inspections, the City's previous Building Official, Peter Ringle, determined that renovation work had gone beyond the scope of work approved in the owner's permits, and had replaced over 50% of the building's structural members. Per the Building Code and Land Development Regulations (LDRs), the extent of the renovations triggers the requirements that the structure be brought into compliance with the current Building Code and LDRs.

Historic preservation and planning staff, met with the owner on January 26, 2023, to discuss the required Minor Site Plan and historic waivers to bring the property into zoning compliance insofar as feasible, and to resolve zoning issues with the south side setback and impermeable surfaces. Staff met again with the owner and with the applicant on February 28, 2023, to discuss the required application and review processes for the site plan and waivers. After the applicant's submittal for the Minor Site Plan was deemed complete on December 4, 2023, the project went through three rounds of Site Plan Review Team (SPRT) review before receiving approval on July 22, 2024. The waivers were then scheduled for the August 2024 HRPB meeting.

A survey of the property is included as **Attachment A**, exterior photos of the property are included as **Attachment B**, and the approved Minor Site Plan is included as **Attachment C**.

ANALYSIS

Consistency with the Land Development Regulations - Zoning

Section 23.5-4(r)2. Waiver or Modification of Certain Land Development Regulations

Pursuant to City of Lake Worth Beach LDR Section 23.5-4(r) *Incentives for improvements to designated landmark and contributing properties*:

2. In addition, the HRPB may waive or modify certain land development regulation requirements. Waiver or modification may occur concurrently with issuance of a certificate of appropriateness or upon initial designation of a landmark or of a historic district. **Waivers may include setbacks, lot width, area requirements, height limitations, open space requirements, vehicular parking and circulation requirements, design compatibility requirements and similar development regulations. No waiver shall be permitted for permitted land uses, density or environmental and health standards.**

Waiver Requests		
LDR Citation	Required	Proposed
Maximum Wall Height at Side Setback (Section 23.3-7(c))	18' wall height at 5' setback, up to 23' wall height at 10' setback. Each additional foot of wall height requires an additional foot of side setback.	Existing 20'6" wall height at 6.4' south side setback
Total Impermeable Surface Coverage (Section 23.3-7(c)(5))	Fifty-five (55) percent for medium size lots	67.5% impermeable surface coverage (reduction from 83% existing coverage)
Front Yard Landscaping (Section 23.3-7(c)(5))	Minimum of 75% of the front yard area shall remain pervious and landscaped	Existing 72.5% pervious and landscaped front yard area

Pursuant to City of Lake Worth Beach LDR Section 23.5-4(r)(2), the HRPB may grant historic waivers if the requests meet the criterion listed in the section below. Staff has listed each criterion and provided responses for the three historic waiver requests. Due to the building's contributing status to the Southeast Lucerne Local Historic District, the application is eligible for relief from the land development requirements of Section 23.3-7, should the Board determine that the criteria are sufficiently met. The applicant has provided a Justification Statement for the requests, which is included as **Attachment D**.

(A) The waiver or modification is in harmony with the general appearance and character of the neighborhood or district.

Analysis: The existing multi-family structure, built c. 1925, currently exceeds the allowable wall height at the south side setback. Inconsistencies with current setback requirements are common in the City's historic districts due to different development standards and practices in place over the course of the City's development. The property's excess impermeable surface coverage, both in the front yard area and across the property as a whole, enables the property to accommodate the required off-street parking spaces for the existing multi-family use. The proposed renovation and repairs to the existing structure as well as improvements to the site will not further the deficiencies in regard to the setback or front yard landscaping, and will decrease the non-conformity for the overall impermeable surface coverage. The site, including the historic structure, is in harmony with the general appearance and character of the district. **Meets Criterion.**

(B) The project is designed and arranged in a manner that minimizes aural and visual impact on adjacent properties while affording the owner reasonable use of the land.

Analysis: The project proposes to renovate and repair the existing multi-family structure for continued use as a multi-family rental property, while making alterations to the site to better accommodate parking for future residents. Once completed, the renovation and site alterations will return the structure to a safe, usable condition while maintaining its historic appearance. The design and arrangement of the building and site will not have a substantial aural or visual impact on adjacent properties; the building has existed in this size and location for nearly 100 years, and the approved site plan includes landscaping to serve as a visual and aural buffer to neighboring properties. **Meets Criterion.**

(C) The waiver or modification will not injure the area or otherwise be detrimental to the public health, safety or welfare.

Analysis: Maintaining the existing structure in its current location and allowing for additional impermeable surfaces to provide onsite parking will not be detrimental to public health, safety, or welfare. **Meets Criterion.**

(D) The waiver or modification is the minimum necessary to allow reasonable use of the property while preserving its historical attributes.

Analysis: Staff contends that the historic waivers requested are the minimum adjustment necessary to allow the proposed reasonable use of the existing multi-family building while maintaining its historic attributes. **Meets Criterion.**

CONCLUSION AND CONDITIONS

The proposed waivers will enable the property at 424 South K Street to complete renovations to the historic structure and improvements to the site, which will facilitate the historic property's continued use as a multi-family residential property. Staff recommends approval of the historic waivers as the contributing structure meets the eligibility requirements for these requests and the renovations and site alterations would not preclude the continuation of the structure's contributing designation.

Conditions of Approval:

1. The historic waiver to allow the existing structure to maintain the legal non-conforming 20'6" wall height at a 6.4' south side setback shall be project-specific, and shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, moved, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.
2. The historic waiver to allow 67.5% impermeable surface coverage on the property shall be project-specific, and shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, relocated, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.
3. The historic waiver to allow 72.5% pervious and landscaped area in the front yard shall be project-specific, and shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, relocated, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.
4. No exterior alterations to the structure are included in the scope of this approval. Future exterior alterations shall require a Certificate of Appropriateness (COA) for historic approval.
5. All conditions from Minor Site Plan #23-01400029 still apply, unless specifically superseded in this approval. See Minor Site Plan Approval Letter #23-01400029 for full conditions of approval.

BOARD POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 23-00100077 with staff recommended conditions for three historic waivers for the property located at 424 South K Street, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DISAPPROVE** HRPB Project Number 23-00100077 for three historic waivers to for the property located at 424 South K Street, because the applicant has not established by competent substantial evidence that the application complies with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

Consequent Action: *The Historic Resources Preservation Board's decision will be the final decision for the waivers. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Property Survey
- B. Exterior Photos
- C. Approved Minor Site Plan (#23-01400029)
- D. Applicant's Justification Statement



DATE: July 31, 2024

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: August 7 & August 21, 2024

SUBJECT: **Ordinance 2024-11**: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-25 “Micro-units” to provide minor changes to the development standards for Micro-Units.

PROPOSAL / BACKGROUND/ ANALYSIS:

The proposed amendment would improve interest and use of the program per feedback from potential investors and developers.

The proposed ordinance would amend the recently adopted new section of the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 4, Section 23.4-25 – Micro-Units

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-11.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendment included in Ordinance 2024-11.

Attachments

- A. Draft Ordinance 2024-11

1
2
3
4 **ORDINANCE 2024-XX - AN ORDINANCE OF THE CITY OF LAKE WORTH**
5 **BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT**
6 **REGULATIONS,” ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION**
7 **23.4-25 “MICRO-UNITS,” AND PROVIDING FOR SEVERABILITY,**
8 **CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE**
9

10 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State of
11 Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the “City”),
12 enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal
13 government, perform municipal functions, and render municipal services, and may exercise any
14 power for municipal purposes, except as expressly prohibited by law; and
15

16 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing body of
17 each municipality in the state has the power to enact legislation concerning any subject matter
18 upon which the state legislature may act, except when expressly prohibited by law; and
19

20 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
21 Section 23.4-25 – Micro-Units to amend the supplementary development standards for this use;
22 and
23

24 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
25 municipality having such power and authority conferred upon it by the Florida Constitution and
26 Chapter 166, Florida Statutes; and
27

28 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,
29 considered the proposed amendments at a duly advertised public hearing; and
30

31 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
32 planning agency, considered the proposed amendments at a duly advertised public hearing; and
33

34 **WHEREAS**, the City Commission finds and declares that the adoption of this ordinance is
35 appropriate, and in the best interest of the health, safety and welfare of the City, its residents and
36 visitors.
37

38 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
39 **LAKE WORTH BEACH, FLORIDA, that:**
40

41 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being
42 true and correct and are made a specific part of this ordinance as if set forth herein.
43

44 **Section 2:** Chapter 23 “Land Development Regulations,” Article 4 “Development
45 Standards,” Section 23.4-25 “Micro-units” is hereby amended to read as follows:
46

47 **Sec. 23.4-25. – Micro-units.**
48

- 49 a) *Project size.* All micro-unit projects must provide a minimum of 10 micro-units.
50
51 b) *Micro-Unit Use Restriction.* Micro-units must be residential and may not be converted to other
52 uses. Each micro-unit must be separately metered for electric.
53
54 c) *Personal service, retail or commercial space.* All micro-unit projects shall be designed as
55 mixed use projects providing personal service, retail and/or commercial areas, including the

56 required parking as set forth in this section and shall be allowed only within the City's mixed
57 use zoning districts. The aforementioned listed uses other than residential should account for
58 at least 10% of the gross area of the project or 2,500 sq ft, whichever is less. If a project does
59 not provide a mix of uses, the interior shared common area shall be at least 15 20%. Live
60 work space, co work space or general office space may not count toward the required area
61 for non-residential uses.

62
63 d) *Residential Building Type.* All micro-unit projects must be in a multi-family structure or
64 collection of multi-family structures. Individual micro-units may not be combined to facilitate
65 larger individual units.

66
67 e) *Interior shared common areas.* Interior shared common areas supporting micro-units must
68 equate to 10% of the gross living area of all residential units within the project. Such
69 supporting common areas shall include but not be limited to the following:

- 70 1. Reading Room,
- 71 2. Gym/Exercise Facilities,
- 72 3. Virtual Office Space,
- 73 4. Party/Community Room,
- 74 5. Game Room,
- 75 6. Library,
- 76 7. Movie Theatre,
- 77 8. Gourmet Kitchen,
- 78 9. Art Labs,
- 79 10. Other similarly situated common usage areas, and
- 80 11. Essential support areas such as lobbies, hallways, egress routes, stairs, concierge areas,
81 staff offices, maintenance areas and required restroom facilities or similar shall not count
82 toward shared interior common areas.

83
84 f) *Parking.* Parking may be a combination of the following:

- 85 1. One (1) parking space or equivalent for each micro unit;
- 86 2. 50% or more of the required spaces shall be standard parking spaces;
- 87 3. Up to 25% of the parking spaces may be compact spaces (8'-0" x 18'-0");
- 88 4. Up to 25% of the parking spaces may be met with bicycle, scooter or motorcycle storage.
89 Four (4) bicycle storage spaces shall equal one (1) parking space; two (2) scooter storage
90 spaces shall equal one (1) parking space; and two (2) motorcycle storage spaces shall
91 equal one (1) parking space; and
- 92 5. Required guest and employee parking may be met with the same parking space
93 combination ratio. Guest and employee parking shall be no less than one (1) space for
94 every 100 sq. ft. of common area, public area, support area and offices, excluding required
95 hallways, egress routes and stairs.
- 96 6. The mixed-use parking reduction of 25% shall not apply.

97
98 g) *Outdoor amenity.* All micro-unit projects shall provide for an outdoor amenity that is above
99 and beyond the required interior shared common area. Outdoor amenity space shall be no
100 less than 5% of the gross area of all residential units and may not count toward the required
101 interior shared common area.

102
103 h) *Exception.* For existing structures being converted to micro-unit residential use, the total
104 combined interior shared common area and outdoor amenity space may be any combination
105 of these areas equating to at least 20% of the gross area of the residential use area,
106 regardless of whether it will be an all residential or a mixed use building(s).
107

108 **Section 3: Severability.** If any section, subsection, sentence, clause, phrase or portion
109 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
110 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
111 such holding shall not affect the validity of the remaining portions thereof.
112

113 **Section 4: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict
114 herewith are hereby repealed to the extent of such conflict.
115

116 **Section 5: Codification.** The sections of the ordinance may be made a part of the City
117 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
118 the word "ordinance" may be changed to "section", "division", or any other appropriate word.
119

120 **Section 6: Effective Date.** This ordinance shall become effective 10 days after
121 passage.
122

123 The passage of this ordinance on first reading was moved by Vice Mayor Malega,
124 seconded by Commissioner Diaz, and upon being put to a vote, the vote was as follows:
125

- 126 Mayor Betty Resch
- 127 Vice Mayor Sarah Malega
- 128 Commissioner Christopher McVoy
- 129 Commissioner Mimi May
- 130 Commissioner Reinaldo Diaz

131
132 The Mayor thereupon declared this ordinance duly passed on first reading on the ___ day
133 of ___, 2024.
134

135
136 The passage of this ordinance on second reading was moved by _____,
137 seconded by _____, and upon being put to a vote, the vote was as follows:
138

- 139 Mayor Betty Resch
- 140 Vice Mayor Sarah Malega
- 141 Commissioner Christopher McVoy
- 142 Commissioner Mimi May
- 143 Commissioner Reinaldo Diaz

144
145 The Mayor thereupon declared this ordinance duly passed on the _____ day of
146 _____, 2024.
147

148 LAKE WORTH BEACH CITY COMMISSION

149
150
151 By: _____
152 Betty Resch, Mayor

153
154 ATTEST:

155
156
157 _____
158 Melissa Ann Coyne, MMC, City Clerk
159



DATE: August 14, 2024

TO: Members of the Historic Resources Preservation Board

FROM: William Waters, Community Sustainability Director
Annie Greening, Principal Planner
Department of Community Sustainability

MEETING: August 21, 2024

SUBJECT: Notification of the condemnation of the principal structure and accessory structure at 523 South M Street. The subject property is a contributing resource in the Southeast Lucerne Local Historic District.

PROPOSAL / BACKGROUND:

The subject property is a contributing resource in the Southeast Lucerne Local Historic District; the main structure (single-family house) was built c. 1925 in the Mission/Mediterranean Revival style. The accessory structure was also built c. 1925 in the Mission/Mediterranean Revival style, and originally functioned as a garage with two apartments. In 1940, the accessory structure was converted to 3 apartments; the conversion was designed by local architect G. Sherman Childs.

After the City's Building Official visited the site on July 9, 2024, he declared the main structure and accessory structure unsafe. He noted that the main structure's roof has collapsed in several areas, rendering the structure unsafe to enter for further inspection. The second floor and exterior stairs of the accessory structure are also collapsing, rendering the structure unsafe and inaccessible for further inspection. The unsafe declaration letter is included as an attachment.

Pursuant to Land Development Regulation (LDR) Section 23.5-4(m), Exceptions to certificates of appropriateness:

3. *City condemnation.* **A certificate of appropriateness shall not be required when a designated city landmark or a contributing building within a designated local historic district has been condemned by the city.** A demolition permit, however, shall not be issued until the HRPB has been notified and given an opportunity to comment, as provided in subsection I). A certificate of appropriateness shall be required prior to demolition by the city of a landmark listed on the National Register or of any contributing structure within a historic district listed on the National Register.

BOARD COMMENT:

[Board members may provide comment on the condemnation and proposed demolition.]

Attachments

- A. Declaration of Unsafe Conditions
- B. Photographs



BUILDING DIVISION
1900 2ND AVENUE NORTH
LAKE WORTH BEACH, FL 33460

Declaration of unsafe conditions.

August 13, 2024

The Building Official inspected the structure located at 523 South M Street on July 9, 2024. The main structure, and the accessory structure are being declared as unsafe according to the City's unsafe ordinance Section 9-2.2 Abatement of unsafe buildings. The building is being declared as unsafe for the following reasons:

The building as a result of decay, deterioration or dilapidation, is likely to fully or partially collapse. (Sec. 9-2.2(c)(7))

The roof of the main structure has collapsed in several areas and was too unsafe to enter for any additional inspection.

The second floor in the accessory structure is collapsing, and the exterior stairs are unpassable to allow inspection of the second floor.

There is photographic evidence in the Building Division records. If you have any questions, please let me know.

Thank you,

A handwritten signature in blue ink, appearing to read "Barry P. Schultz".

Barry P. Schultz, CBO
Building Official