



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, FEBRUARY 08, 2023 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [January 11, 2023 Regular Meeting Minutes](#)

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Ordinance 2023.02](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

- A. [HRPB Project Number 22-00100384: Additional information requested by the HRPB at the January 11, 2023 meeting on the proposed demolition of the existing contributing single-family home at 338 Cornell Drive \(West Lot\), and an updated recommendation by staff.](#)

NEW BUSINESS:

- A. [Ordinance 2023-02: Consideration of an ordinance amending Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 3 "Permits," Section 23.2-39 "Affordable/Workforce Housing Program" to provide clarification on the combination of incentives, qualifications for affordability, participation in other entity programs, and providing additional affordability buy downs provisions.](#)

PLANNING ISSUES:

- A. Quarterly presentation by HRPB member to City Commission on board activities - Discussion of content of 5 minute update to City Commission and selection of member to present update.

PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

- A. [Notice of condemnation and future demolition of five properties in the Old Town Local Historic District: 25 South K St, 30 South L St, 32 South L St, 704 1st Ave South, and 710 1st Ave South.](#)

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 REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JANUARY 11, 2023 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES Present were: Stephen Pickett, Chairman; Bernard Guthrie, Vice-Chair; Robert D'Arinzo; Tricia Hallison-Mischler; Jamie Foreman. Absent: Nadine Heitz; Mariana Gonzalez,. Also present were: Yeneneh Terefe, Historic Planner; Annie Greening, Senior Preservation Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

- A. November 30, 2022 HRPB Regular Meeting Minutes
- December 7, 2022 HRPB Regular Meeting Minutes

Motion: R. D'Arinzo moves to accept the November 30, 2022 and December 7, 2022 meeting minutes as presented. T. Hallison-Mischler 2nd.

Vote: Ayes all, unanimous.

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) 338 Cornell Drive
- 339 Cornell Drive

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS:

- A. HRPB Project Number 22-00100321:** Consideration of a Certificate of Appropriateness (COA) for the construction of a new ± 4,135 square foot single-family structure with a Sustainable Bonus Program Incentive request for additional FAR located at 324 North K

Street; PCN #38-43-44-21-15-090-0120. The subject property is located in the Multi-Family Residential (MF-20) zoning district and is a non-contributing property in the Northeast Lucerne Local Historic District. The future land use is Medium-Density Residential (MDR).

Staff: A. Greening presents case and staff findings. Applicant has chosen to pay the entire Sustainable Bonus fee (\$4,700) to the City. The height is not unusual for this block. The second story connects the garage with the lower level. Conditioned for two (2) additional windows on the street facing elevation.

Architect Representative for Owner: Giorgio Antoniazzi- Project provides a thin building allowing for a driveway and side entry garage. The proposed structure will interrupt the line of shotgun style homes on the street. Explains how it will be harmonious with the neighboring properties. Has questions about Sustainable Bonus having to be paid. Points out the voluminous atrium space is counted toward FAR.

Staff clarifies the payment will vest the project.

Board: Discussion of additional two windows.

Architect Representative: Not bound to the floor plan and receptive to adding additional window. Willing to increase fenestration. Would like the option to add a window or change to a larger window.

Staff: Short windows were recommended where bathrooms exist. Reaffirms to Board that Florida Statutes exempts Single Family architectural review except in Historic Districts. They need to meet Life Safety/Fire requirements.

Board: Fenestration on the garage will be obscured by vegetation.

Public Comment: Jennifer Donsky 322 North K Street- commences to read an email from a neighbor Richard Crossley (who is not present).

Board Attorney advised the email can be presented to the Board for them to read and become part of the record, however Ms. Donsky can only represent herself.

Ms. Donsky is saddened by the proposal, hoped for a cottage-style home. Doesn't believe it will fit the neighborhood and be harmonious. Asks Board to deny the proposal. Questions why the adjacent cottages were not shown in the streetscape.

Staff: The structures across the street were included in the PowerPoint as the streetscape only included structures on the same side of the street as the project. They are there as reference to similar taller structures in the area.

Board: Applicants are not required to build back the same style, put a cottage on the vacant lot. Many styles are found throughout the Historic Districts including modern design. Provided a cottage is not deemed unsafe by a Building Official, the style wouldn't necessarily disappear from the historic district.

Staff: The demolished structure could no longer meet fire code due to multiple renovations and the resultant structural damage. Certain fire code issues can be triggered due to the close proximity of the homes. Architectural styles are not dictated, only required to be true to style.

Motion: B. Guthrie moves to approve HRPB 22-00100321 with staff recommended Conditions of Approval and modification to Condition #1 that instead of two (2) small windows, one smaller window shall be added to the upstairs front façade and applicant shall work with staff on proportions/dimensions. This based upon competent substantial evidence in the staff report and

pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; T. Hallision-Mischler 2nd.

Vote: Ayes all, unanimous.

NEW BUSINESS:

A. HRPB Project Number 22-00100224: Consideration of a Certificate of Appropriateness for exterior alterations and two historic waivers to exceed the accessory structure size limitation and the minimum required side setback for the rear accessory structure located at 314 South K Street. The subject property is located within the Single Family Residential (SFR) zoning district and has a future land use designation of Single Family Residential (SFR). The property is a contributing resource in the Southeast Lucerne Historic District.

Staff: A. Greening presents analysis and case findings. Originally a garage the structure was later converted to an apartment unit. The later loss of non-conforming use status resulted in the applicant requesting the structure be considered an accessory dwelling unit to be used as a guest house for the primary structure. It requires significant structural replacement. As over 50% of the structural members will be replaced; the Building Official and a City Building Inspector met with the applicant to discuss zoning issues related to setback and structure size. The result was that historic waivers could be granted if the Board deems it acceptable. The maximum square footage exceeds 40 % of the primary structure and setback for 2-story structure on the northside is not to code. If waivers are not granted it will need to be demolished. Another option would be to connect with a breezeway. The waivers would allow it to remain as a separate structure. The non-conformities, setback and size, will not increase with the granting of the waivers.

Board: Clarifies that the granting of waivers will save the structure as opposed to demolished. Question regarding the kitchenette. Staff clarifies a microwave can be included, no stove allowed.

Motion: R. D'Arinzo moves to approve HRPB 22-00100224 with staff recommended Conditions of Approval and two waivers based upon competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; J. Foreman 2nd.

Vote: 4/1 B. Guthrie dissenting. Motion carries.

B. HRPB Project Number 22-00100384: Consideration of a Certificate of Appropriateness (COA) for the demolition of existing structures and construction of a new ±2,890 square foot single-family house at 338 Cornell Drive (West Lot). The subject property is located in the Single Family Residential (SFR) zoning district and has a future land use designation of Single Family Residential (SFR). The property is a contributing resource in the College Park National and Local Historic District.

Staff: A. Greening presents case findings and analysis. Declared unsafe due to water and termite damage by Building Official. Dependent upon the outcome of the demolition and new construction request, applicant will request a lot split into two 50-foot parcels. They represent the land boom during that era (1920's). This is a national register property and the Board has purview over the granting of demolition. A condition of approval, among others, would be the garage be lengthened to give adequate space to park a vehicle. Concerns are windows are out of proportions, symmetry of windows and chimney, muntin styles and arches are squared off rather than rounded. As proposed it is not completely authentic to the Mission Revival style. The front balcony could be made functional and would make it more typical of the style. Staff

recommendation to continue to future meeting as in-progress plans were submitted on day of hearing. The consideration tonight is for the demolition concurrent with the new construction.

Applicant Agent: Wes Blackman-agrees with findings in staff report. Purchased in April 2022. A structural assessment was performed and uncovered substantial damage. Architectural comments were received last Friday and several of the comments have been addressed. They are being finalized and hoping to get demolition approval.

Tricia Hallison-Mischler departs the dais at 7:21 p.m.

Architect: Steven Morales- -Points out the architectural changes already made.

Staff has concerns with the double arch and thinness of the center. At the conceptual meeting by the Board, very specific direction was given as well as at the pre-application meeting.

Board: General consensus is to thoroughly review the demolition and then have the new construction come back before the Board.

Public comment: Leigh Shinohara- 331 Cornell Dr.- Should the house be demolished. The owner knew the condition and chose to allow it to deteriorate. There was a new A/C system but they never maintained the property leading to roof, water and termite damage. Believes it can be restored, the interior elements are contributing to the beauty of the home. Both proposed homes are for sale on Zillow pending the outcome of tonight's meeting. Believes it to be arrogant to say the virtual tour will be available tomorrow after 9 a.m. prior to any approval. Board has the power to say yeah or nay to the demolition.

Jamie Foreman volunteers he lives directly across the street.

Board: J. Foreman-can it be demonstrated that no other feasible solution to demolition can be found?

Applicant agent: The structure could fall, it is unsafe and the Building Official has designated it that way. The owner has thought long and hard about maintaining the building and to describe them as callous, per the public comment, is wrong.

Board: Have reasonable measures been taken to prevent further deterioration? **Response:** Were unaware that they were operating under a different set of requirements (National Historic registration).

Staff: During the pre-application meeting it was stated that restoration was preferred.

Board: There hasn't been a thorough, conclusive discussion about the demolition. Unsafe means it cannot be occupied as is.

Architect: Regarding the exterior frame at least 60-80% replacement will be needed; floor is off level by at least four (4) inches, portions of walls have separated from the house.

Board: The argument was not persuasive as anyone can justify anything. Would still like to continue the discussion at a future meeting.

Staff: An original recommendation was if it can't be saved, there could be a functional re-construction. It is a form of preservation. Is the Board comfortable with re-construction or replication?

Board: At this time a re-construction should not be the first choice. Most indicate they would like to ascertain if renovation can happen.

Applicant Agent: It is a significant investment, the owner is not present, and prefers continuance as opposed to denial.

Motion: B. Guthrie moves to continue HRPB 22-00100384 to either a January 25 special meeting provided a quorum can be reached or February 8 Regular meeting; R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

C. HRPB Project Number 22-00100413: Consideration of a Certificate of Appropriateness (COA) for the construction of a new ±2,834 square foot single-family house at 338 Cornell Drive (East Lot). The subject property is located in the Single Family Residential (SFR) zoning district and has a future land use designation of Single Family Residential (SFR). The property is a non-contributing resource in the College Park National and Local Historic District.

Staff: The owner has chosen a Streamline Moderne style for the eastern portion of the lot. Meets all but the FAR however it is being achieved with the LEED/Florida Green Building certification. Increase the garage length to accommodate the vehicle. Height is comparable to other buildings on the street. Other elements, smooth stucco, porthole window, railings, projecting eyebrows emphasizing horizontality.

Applicant Agent: Amenable to all Conditions of Approval.

Public Comment: Mark Berry - 330 Cornell Drive- has concern with the balcony overlooking his backyard and will lose privacy and shade from the lychee on the western side of his property.

Leigh Shinohara- Would rather see a single-story home that doesn't take up so much visual space.

Board: The newer builds will create a greater appreciation of the historic properties including making them stand out even more.

Staff: Board could Condition with trees or shrubs near/between to provide/retain privacy. There will be mitigation if there is canopy loss.

Motion: R. D'Arinzo moves to approve HRPB 22-00100413 East Lot with staff recommended Conditions of Approval including the addition of shade tree and vegetative screening between the new construction and property to the east based upon competent substantial evidence in the staff report pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; J. Foreman 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES:

A. Conceptual Review for potential new additions and new construction of a guesthouse at 302 Fordham Drive.

Staff: A. Greening- The lot is very visible as it sits on a corner. Proposed is a new guest house and garage single-story and a two-story porch addition to the house on the west side. Original garage demolished in 2009. The concerns are to balance compatibility with differentiation. Stucco texture, roof design and window design all contribute towards achieving that goal.

Board: Is there a pool? **Response:** It is not there.

Daniel Menard- Most comments have been addressed and the owner finds them to be reasonable and acceptable. Understands the concept of differentiation but would like the addition to mesh with the original structure. Staff responds what it means and how it is achieved through different stucco textures. Regarding the porch, it opens the possibility for removal in the future should a future owner want to return to the original structure only

J. Foreman leaves at 8:28 p.m.

PUBLIC COMMENTS: (3-minute limit)

DEPARTMENT REPORTS: City Commission is requesting a brief quarterly update from a Board representative on what the Board is reviewing. At the next Board meeting, all members will provide guidance on what will be shared.

The February meeting will bring suggestions for Historic Preservation Awards in May. The nominations should come from projects that are constructed, not just approved.

BOARD MEMBER COMMENTS: None

ADJOURNMENT 8:39 p.m.

Public Notice

Legal Notice No. 41549

ORDINANCE 2023-02

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 N Dixie Highway, Lake Worth Beach on **February 1, 2023** at 6:00 pm or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on **February 8, 2023** at 6:00 pm or soon thereafter to consider the following ordinance:

ORDINANCE 2023-02 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 SECTION 23.2-39 "AFFORDABLE /WORKFORCE HOUSING PROGRAM," PROVIDING FOR CLARIFICATION ON COMBINATION OF INCENTIVES, QUALIFICATIONS FOR AFFORDABILITY AND PARTICIPATION IN OTHER ENTITY PROGRAMS AND PROVIDING FOR ADDITIONAL AFFORDABILITY BUY DOWN PROVISIONS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at: <https://lakeworthbeachfl.gov/government/commission-agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

For additional information, please contact City Staff at 561-586-1687 or email pzoning@lakeworthbeachfl.gov. 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 (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. **Persons in need of special accommodation** to participate in this proceeding are entitled to the provision of certain assistance. **Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if assistance is required.**

Publish: The Lake Worth Herald
January 19, 2023



MEMORANDUM DATE: February 1, 2023

AGENDA DATE: February 8, 2023

TO: Chair and Members of the Historic Resources Preservation Board

RE: **HRPB #22-00100384 | 338 Cornell Drive (West Lot) |** Additional information requested by the HRPB at the January 11, 2023 meeting on the proposed demolition of the existing contributing single-family home, and an updated recommendation by staff.

FROM: Anne Greening, Senior Preservation Planner
Yeneneh Terefe, Preservation Planner
Department for Community Sustainability

PROJECT UPDATE

On January 11, 2023, the HRPB discussed Project # 22-00100384, a Certificate of Appropriateness (COA) for demolition of the existing single-family residence and detached garage and new construction of a single-family residence located at 338 Cornell Drive (West Lot). The property is a contributing resource in the College Park National and Local Historic District. The HRPB continued the item to the next HRPB meeting with a request for additional information from staff. Specifically, the HRPB requested that the City's Building Official and Community Sustainability Director visit the property and provide an update to the board on its condition. City staff visited the property on January 20, 2023, to examine the building with the following individuals in attendance:

- William Waters, Director of Community Sustainability
- Peter Ringle, Building Official
- Erin Sita, Assistant Director of Community Sustainability
- Anne Greening, Senior Preservation Planner
- Yeneneh Terefe, Preservation Planner
- Wes Blackman, Owner's Representative
- Padraic Buckley, Property Owner

Mr. Waters and Mr. Ringle examined the interior and exterior of the building, noting issues with the building's foundation and structural members. From their observations, repair and restoration of the existing structure would be extremely costly and most of the structure would need to be replaced, leaving very little of the historic fabric intact.

Given the state of the building, staff and the property owner discussed the option for demolition of the existing house and garage with total reconstruction of both structures. The reconstruction of the house would maintain the existing footprint and exterior appearance of the building, while allowing for the interior floorplan to be reconfigured to be more of an open layout. The reconstruction of the garage would include re-orienting the structure so that the garage doors face the alleyway to provide more

practical vehicle access to the structure, as well as a small increase to the garage's length and width so that the interior space meets dimensional requirements for parking spaces.

Staff, the property owner, and the City Attorney also discussed the use of a bond or letter of credit as assurance to the HRPB and to the City that the applicant is financially prepared and capable of pursuing the reconstruction project within a reasonable timeframe following demolition. Per LDR Section 23.5-4(k)4.D, a bond or letter of credit may be used as reasonable proof that the property owner is financially prepared to proceed with reconstruction of the structures after they are demolished.

In addition to demolition and reconstruction approval, the proposed reconstruction will require approval for historic waivers. Staff used the existing property survey and the applicant's floorplans of the existing house to calculate the waivers required, including the front and east side setbacks for the primary structure, the rear and west side setbacks for the garage structure, and the Floor Area Ratio. These waivers would enable the reconstruction to maintain the historic arrangement of the buildings on the site.

RECONSTRUCTION

Reconstruction is one of the four recognized approaches to historic preservation, as established by the Secretary of the Interior. As defined in the Historic Preservation Design Guidelines, reconstruction is, *"The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time."*

Because of the existing home and garage's level of damage and deterioration, rehabilitation for the existing structures would be extremely costly. Furthermore, because of the extensive damage to the foundation and structural members of the building, most of the existing historic fabric of the home and garage would have to be replaced in a rehabilitation project, leaving little of the existing historic fabric in the structure.

The Secretary of the Interior has established six standards for reconstruction of historic buildings, which guide historic reconstructions to be based on documentary and physical evidence, avoid disturbing archaeological resources, preserve historic spatial relationships, avoid conjectural historic designs, and clearly identify the structures as contemporary re-creations. Because the historic structures at 338 Cornell Drive are still standing, the applicant is able to prepare documentary and physical evidence of the structures (photographs, floorplans, elevation drawings, etc.) which will enable accurate reconstruction of the structure's exterior appearances. The requested waivers will allow the structures to maintain their spatial relationships on the site, and the contemporary interior layout will identify the structure as a re-creation. The Secretary of the Interior's Standards for Reconstruction have been included as **Attachment D**.

STAFF RECOMMENDATION

Staff recommends that the Board approve the demolition and reconstruction of the house and garage at 338 Cornell Drive. Based on Mr. Waters' and Mr. Ringle's site visit, the existing buildings are structurally

deteriorated in such a way that repair and restoration are infeasible. In staff’s assessment, reconstruction is a reasonable compromise to replicate the appearance of the historic structures while allowing for the property’s continued use as a single-family residence. The reconstruction would require several historic waivers, which are analyzed in the following section. Staff has drafted conditions of approval that specifically address the reconstruction of the single-family home on pages 5 and 6 of this report.

HISTORIC WAIVERS

Waiver Requests		
LDR Citation	Required	Proposed
Minimum Front Setback (Section 23.3-7(c)3.A)	Minimum front setback is 20 feet	Existing setback of 19.48 feet
Minimum Side Setback (Section 23.3-7(c)3.B(1))	10 percent of lot width (5 feet)	Existing east side setback of 3.3 feet (chimney) and 4.65 feet (building wall)
Accessory Structure Side Setback (Section 23.3-7(c)3.B(1))	10 percent of lot width (5 feet)	West side setback of 3 feet ¹
Accessory Structure Rear Setback (Section 23.3-7(c)3.C(2))	Minimum setback of 5 feet	Rear setback of 3 feet ²
Floor Area Ratio (FAR) (Section 23.3-7(c)7.B)	Maximum FAR of 0.50 for lots between 5,000-7,499 square feet	FAR up to 0.52 ³

1. Existing garage west side setback is 2.8 feet. To meet minimum building and fire code requirements, proposed waiver increases the setback to at least 3 feet.
2. Existing garage rear setback is 2.8 feet. To meet minimum building and fire code requirements, proposed waiver increases the setback to at least 3 feet.
3. Existing FAR is approximately 0.492. Because the applicants will need to slightly increase the garage size to meet minimum dimensions for parking spaces, the FAR may increase between 0.50-0.52.

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.

Pursuant to City of Lake Worth Beach LDR Sec. 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 historic waiver requests.

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

Analysis: Due to the historic nature of the parcel’s development over time, the existing single-family residence encroaches on the front and east side setbacks, and the garage structure encroaches on the rear and west side setbacks. While the existing structures do not exceed the allowed FAR, the required expansion of the garage to meet parking space dimensions will likely increase the FAR beyond the permitted 0.50 limit. Inconsistencies with current zoning requirements, such as those at 338 Cornell Drive, 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 proposed reconstruction will not further the setback deficiencies; in the case of the garage setbacks, the reconstruction will bring the structure into compliance with building and fire codes by increasing the setbacks to at least 3 feet. The existing residence and garage are 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 reconstruct the house and garage structures to match the structures’ historic exterior appearances. The design and arrangement of the buildings will not have a substantial aural or visual impact on adjacent properties, as the buildings have existed in this size and location for nearly 100 years. Size increases to the garage will be the minimum required to make the structure functional and meet the current parking space dimensions established in the Land Development Regulations. **Meets criterion.**

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

Analysis: Reconstructing the primary structure in its current location will not be detrimental to public health, safety, or welfare. The garage structure shall be reconstructed to meet the minimum 3-foot side and rear setback requirements for building and fire codes. **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 reasonable use of the property while maintaining the historic attributes of the structures. **Meets Criterion.**

PUBLIC COMMENT

One public comment was provided in-person at the January 11th HRPB meeting, in opposition to the demolition and proposed new construction on the property. At the time of publication of the February agenda, staff has received no additional public comment.

CONCLUSION

The proposed request for demolition and reconstruction is consistent with the Historic Preservation Design Guidelines, and with the requested historic waivers the reconstruction is consistent with the City’s

Land Development Regulations. Staff contends that reconstruction is a reasonable compromise to replicate the appearance of the historic structures while allowing for the property's continued use as a single-family residence. Therefore, staff recommends **approval with conditions**.

Conditions of Approval

1. The historic waivers to allow the reconstruction of the structures shall be project specific, and shall only apply to the scope of work approved under this application. Should the approved reconstructed 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 primary structure (house) shall be reconstructed to replicate the exterior appearance of the existing house at 338 Cornell, including but not limited to the building's size, shape, exterior stucco finish, window/door placement, and decorative detailing. Should changes to the exterior appearance of the house be proposed by the applicant, the changes shall require HRPB review and approval.
3. The garage shall be reconstructed to replicate the exterior appearance of the existing garage at 338 Cornell. The new garage may be reoriented so that garage doors face the adjacent alley, and may be increased in size to allow the parking spaces to meet the minimum size requirements established in the City's Land Development Regulations. The garage structure shall be administratively reviewed by staff for compliance with all applicable requirements.
4. As mitigation for the demolition of a contributing historic structure, the applicant shall submit documentation of the existing historic structure prior to demolition for the City's records. The Applicant shall be required to submit an updated site file form with the State of Florida Division of Historic Resources Florida Master Site File.
5. The front door and bathroom windows may utilize clear glass, frosted glass, or glass with a Low-E coating (60% minimum VLT). Tinted, highly reflective, grey, colored, etched, or leaded glass shall not be used. The doors and windows shall replicate the historic doors and windows for this structure, if documentation is located.
6. The windows and doors (excluding the bathroom windows and front door) shall utilize glazing that is clear, non-reflective, and without tint. Low-E (low emissivity) is allowed but the glass shall have a minimum 60% visible light transmittance (VLT) measured from the center of glazing. Glass tints or any other glass treatments shall not be combined with the Low-E coating to further diminish the VLT of the glass.
7. All divided light patterns shall be created utilizing exterior raised applied muntins. Exterior flat muntins or "grids between the glass" shall not be used.
8. The windows shall be recessed a minimum of two inches (2") in the wall, and shall not be installed flush with the exterior wall.
9. The exact design of the windows, entry doors, and garage doors shall be reviewed by staff at permitting.
10. All improved surfaces shall be setback a minimum of 1'-0" from property lines to allow for adequate water runoff within the property boundary.
11. All mechanical equipment shall be located behind the front façade of the structure and outside of required setbacks.

12. All fencing and gate locations, heights, and materials shall comply with the height and placement requirements of LDR Sec. 23.4-4 and shall be reviewed by staff at building permit.
13. In addition to a Landscape Plan, a tree survey and disposition plan shall be required at building permit. Trees that are removed must be replaced on site and/or mitigated, and a tree removal permit shall be required. Landscaping shall be reviewed for compliance with the City's landscape requirements at building permit.
14. Documentation of a bond or letter of credit, stating that the property owner shall reconstruct the structures within an 18-month period after the structures' demolition, shall be submitted with demolition permit. Review and approval of the bond/letter of credit by the Department of Community Sustainability and City Attorney's office shall be required prior to issuances of the demolition permit.
15. Should additional historic waivers be required and/or significant changes to the structures' exterior appearance or site configuration be requested, staff shall bring the project back to the HRPB for their review and approval.

POTENTIAL MOTIONS

I MOVE TO **APPROVE** HRPB Project Number 22-00100384, with staff recommended conditions, for a COA for the demolition and reconstruction of the existing single-family residence and detached garage located at **338 Cornell Drive (West Lot)** and associated waivers, based upon the competent substantial evidence in the staff report, supplementary memorandum, and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 22-00100384, with staff recommended conditions, for a COA for the demolition and reconstruction of the existing single-family residence and detached garage located at **338 Cornell Drive (West Lot)**, as the applicant has not established by competent substantial evidence that the application is compliant with the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

ATTACHMENTS

- A. Survey, Elevations, and Floorplans
- B. Engineer's Report
- C. Declaration of Unsafe Conditions and Inspector Photos
- D. Secretary of the Interior's Standards for Reconstruction and LWB Historic Preservation Design Guidelines: Reconstruction



DATE: January 23, 2023

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

FROM: William Waters, Director Community Sustainability

MEETING: February 1 & 8, 2023

SUBJECT: **Ordinance 2023-02:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 3 “Permits,” Section 23.2-39 “Affordable/Workforce Housing Program” to provide clarification on the combination of incentives, qualifications for affordability, participation in other entity programs, and providing additional affordability buy downs provisions.

PROPOSAL / BACKGROUND/ ANALYSIS:

The recently adopted (10/6/2022) Ordinance 2022-12 created the City’s Affordable/Workforce Housing Program to encourage the development of affordable and/or workforce housing units within the City. The program allows several incentives, including a 15% density bonus and additionally flexibility in unit size, parking requirements and financial incentives provided that no less than 15% of the total dwelling units are deed restricted as affordable. The City Commission has subsequently directed staff to develop additional affordability buy down options. Further, in the recent implementation of the ordinance, staff has identified some minor housekeeping changes that would provide additional clarity on the program’s implementation.

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

- Article 2, Section 23.2-39 – Affordable/Workforce Housing Program

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2023-02.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2023-02.

Attachments

- A. Draft Ordinance 2023-02

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ORDINANCE 2023-02 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 SECTION 23.2-39 “AFFORDABLE/WORKFORCE HOUSING PROGRAM,” PROVIDING FOR CLARIFICATION ON COMBINATION OF INCENTIVES, QUALIFICATIONS FOR AFFORDABILITY AND PARTICIPATION IN OTHER ENTITY PROGRAMS AND PROVIDING FOR ADDITIONAL AFFORDABILITY BUY DOWN PROVISIONS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

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

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

WHEREAS, the City wishes to amend Chapter 23, Article 2 “Administration,” to amend, Section 23.2-39 – Affordable/Workforce Housing Program to provide for additional buy down options for the affordable/workforce housing program within the City of Lake Worth Beach; and

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

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

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

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

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

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

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Section 2: Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Section 23.2-39 “Affordable/Workforce Housing Program” is hereby amended to read as follows:

Sec. 23.2-39. – Affordable/Workforce Housing Program.

- a) *Intent.* The Affordable/Workforce Housing Program is intended to implement Objective 3.1.2 of the city comprehensive plan future land use element and provisions therein regarding affordable and workforce housing. The Affordable/Workforce Housing Program provides for a density bonus and a reduction in overall housing unit areas for developments that incorporate residential units with restrictive covenants that meet the requirements of the program.

- b) *Purpose.* The purpose of the Affordable/Workforce Housing Program is to encourage the inclusion of affordable and workforce housing units within both residential and mixed-use projects as well as planned developments of all types to provide for broader and more accessible housing options within the City. The Affordable/Workforce Housing Program offers the following as “Program Incentives”;
 - 1. Tier One: may apply to all development projects consistent with the provisions of this section
 - (a) Up to a fifteen percent (15%) increase in overall project density;
 - (b) Up to a fifteen percent (15%) reduction in the gross area requirements based on unit type;
 - (c) Up to a twenty five percent (25%) reduction in required parking, provided that each residential dwelling unit is provided at least one (1) parking space. This reduction may not be combined with other parking reduction provisions of these LDRs;
 - (d) Any additional density and/or other benefits provided under this tier shall require that those units benefiting from the provisions be restricted as affordable/workforce housing meeting the requirements of this section through a restrictive covenant.
 - (e) Additional financial incentives may be considered on a case by case basis by the applicable decision-making entity if the project provides more affordable/workforce units that the minimum required.
 - 2. Tier Two: applies to all projects utilizing other city incentive and/or bonus program(s)
 - (a) For all projects utilizing any other city incentive or bonus program(s), fifteen percent (15%) of the total number of dwelling units within the project must be restricted as affordable/workforce dwelling units meeting the requirements of this section through a restrictive covenant.
 - ~~(b) Any combination of Tier One incentives with other city incentive and/or bonus program(s) related to density, intensity and/or height shall require that all units benefiting from these increases and/or incentives~~

98 ~~be restricted as affordable/workforce dwelling units meeting the~~
99 ~~requirements of this section through a restrictive covenant.~~

100 3. Tier One and Tier Two Combination: applies to all projects that combine the Tier
101 One Incentives with other available city incentives

102 (a) For all projects combining a Tier One density incentive with other City incentive
103 and/or bonus program(s) related to density, all units benefitting from the
104 additional density incentive under Tier One shall be restricted as
105 affordable/workforce dwelling units meeting the requirements of this section
106 through a restrictive covenant in addition to the units required to be restricted
107 under (Tier Two) other city incentive and/or bonus program(s).

108
109 c) *Application and Review Process.*

110
111 1. *Application.* All development proposals seeking increased density of up to
112 fifteen percent (15%) and/or reductions in overall unit sizes of up to fifteen
113 percent (15%) shall submit an affordable/workforce housing program
114 application as provided by the department of community sustainability. The
115 application shall accompany the standard City of Lake Worth Beach Universal
116 Development Application for the development proposal. The
117 affordable/workforce housing program application shall include all of the
118 following:

119
120 (a) A project fact sheet with building specifications including the number of
121 additional units, unit types and unit sizes proposed.

122
123 (b) The affordability criteria for each unit proposed to be included in the project.

124
125 (c) Draft restrictive covenant should the City's version not be submitted.

126
127 (d) Any other additional information (d) ensure the timely and efficient evaluation
128 of the project by city staff to ensure that the requirements of the
129 Affordable/Workforce Housing Program are being met.

130
131 (e) Intent to meet the requirements of the Affordable/Workforce Housing
132 Program through participation in another entity's program, including
133 relevant program criteria and restrictive covenant.

134
135 2. *Review/decision.* The development review official shall review the application
136 along with the zoning approvals otherwise required of the development
137 proposal under these LDRs. Development applications that require further
138 review or approval by a decision-making board shall also include the
139 development review official's recommendation regarding the award of
140 additional density and/or unit size reduction under the Affordable/Workforce
141 Housing Program. Any decision on the award shall be made by the planning
142 and zoning board, the historic resources planning board, or the city commission
143 as applicable. A decision on an award may be appealed under the procedures
144 applicable to the development application with which it is associated. No waiver
145 or variance may be granted regarding the award. The award of bonus density,

146 height or intensity under the Affordable/Workforce Housing Program shall be
147 based on the following criteria:

- 148
- 149 (a) Is the award calculated correctly, consistent with the density and unit size
150 reduction(s) that are allowed under the Affordable/Workforce Housing
151 Program, including that the affordable/workforce housing unit type mix be
152 reflective of the overall unit type mix for the entire project;
- 153
- 154 (b) Do the proposed income restrictions meet the intent of the
155 Affordable/Workforce Housing Program;
- 156
- 157 (c) Do the proposed annual rents and/or mortgage costs meet the intent of the
158 Affordable/Workforce Housing Program; and
- 159
- 160 (d) Do the proposed restrictive covenants to maintain affordability meet the
161 intent of the Affordable/Workforce Housing Program?
- 162

163 d) *Qualifying income restrictions.* The following provisions outline the required
164 income limits and overall percentage of household income to qualify units as being
165 affordable/workforce under the Affordable/Workforce Housing Program. All
166 income values shall be based on the then current area (County) median household
167 income published annually by the US Department of Housing & Urban
168 Development. Whether with a rental unit or for a fee simple, for sale unit, the
169 overall housing expense (rent, mortgage, property taxes, and insurances) for the
170 unit shall not exceed thirty percent (30%) of the income limit provided for each unit
171 type, based upon the number of bedrooms.

- 172
- 173 1. For a studio unit, the annual gross household income shall not exceed forty five
174 percent (45%) of area median income and minimum household size is one (1)
175 person, not to exceed two (2) people.
- 176
- 177 2. For a one-bedroom unit, the annual gross household income shall not exceed
178 sixty five percent (65%) of the area median income and minimum household
179 size of one (1) person, not to exceed two (2) people.
- 180
- 181 3. For a two-bedroom unit, the annual gross household income shall not exceed
182 eighty five percent (85%) of the area median income and minimum household
183 size of two (2) people, not to exceed two (2) people per bedroom.
- 184
- 185 4. For a three-bedroom unit, the annual gross household income shall not exceed
186 one hundred and five percent (105%) of the area median income and minimum
187 household size of three (3) people, not to exceed two (2) people per bedroom.
- 188
- 189 5. For a four or more-bedroom unit, the annual gross household income shall not
190 exceed one hundred and twenty five percent (125%) of the area median income
191 and minimum household size of four (4) people, not to exceed two (2) people
192 per bedroom.
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6. For fee simple ownership, the limits provided above may be increased by fifteen (15%) based on unit type and shall include the overall housing expense.

7. Alternatively, if participating in another entity's program, the income restrictions may adhere to the following guidelines singularly or in combination, predicated that the restrictions meet the requisite criteria of the alternative program selected.
 - a. "Affordable Housing Eligible Households" means a household with an annual gross household income at or less than eighty percent (80%) of the Area Median Income, calculated as percentages of the Median Family Income for Palm Beach County, as published annually by the US Department of Housing and Urban Development.

 - b. "Workforce Housing Eligible Households" means a household with an annual gross household income within the following income categories: Moderate (80%-100%) and Middle (101%-140%) of the Area Median Income, calculated as percentages of the Median Family Income for Palm Beach County, as published annually by the US Department of Housing and Urban Development.

- e) *Additional restrictions*. The following requirements outline the restrictive covenant that shall be recorded and maintained on each unit awarded under the Affordable/Workforce Housing Program.
 1. The restrictive covenant shall be in a legal form acceptable to the department of community sustainability and the city attorney's office or as otherwise provided by the city and shall require each unit awarded be maintained at the awarded level of affordability, in accordance with the Affordable/Workforce Housing Program, for a minimum of twenty-five (2025) years.

 2. The restrictive covenant shall include the more restrictive program requirements, which shall govern the project if other affordable/workforce housing incentives are combined with use of the Affordable/Workforce Housing Program.

 3. The restrictive covenant shall require an annual report of the project's compliance with the restrictive covenants and the requirements of the Affordable/Workforce Housing Program be provided to the City or its designee for evaluation, review and approval. Should the annual report not be submitted or should it demonstrate the project is not meeting the requirements of the Affordable/Workforce Housing Program, the project owner shall pay the city, as a penalty, an amount no less than fifteen dollars (\$15) per square foot for each unit that did not comply with the program's requirements for the previous year, or portion thereof. If the report is not submitted, the penalty payment will be calculated as though no units met the requirements of the Affordable/Workforce Housing Program for the reporting period. The per square foot penalty value may increase based on the annual U.S. Consumer Price Index (CPI) and shall

242 be reflected in the City's adopted annual Schedule of Fees and Charges. Any
243 required penalty payment shall be made within ten (10) days of notification from
244 the city of the calculated payment based on the report or failure to submit the
245 report and the annual penalty value as adopted by the city.
246

- 247 4. The restrictive covenant shall provide for extension of the affordability period,
248 as set forth in this section. If the property is qualified through its participation in
249 another entity's affordability program, a separate restrictive covenant may be
250 utilized to provide for the extension of the affordability period in accordance
251 with the terms of this section.
252

253 f) *Financial incentives.* The following are parameters for financial incentive values
254 based on unit type, which may be utilized to ensure more than the required fifteen
255 percent (15%) of the dwelling units available after the density increase incentive
256 remain affordable for a guaranteed twenty-five (25) year period as governed
257 through a covenant and/or deed restriction. Values may be paid through utilization
258 of Sustainable Bonus Incentive Values, Transfer Development Right Values or
259 cash payments from the City from the Affordable/Workforce Housing Program
260 Trust Fund, Sustainable Bonus Incentive Trust Account or the Transfer
261 Development Rights Trust Account or other legally approved funding source(s).
262

- 263 1. For a studio dwelling unit, a one-time payment of \$40,000 or 50% percent of
264 the area median income, whichever is greater;
265
266 2. For a one-bedroom dwelling unit, a one-time payment of \$60,000 or 75%
267 percent of the area median income, whichever is greater;
268
269 3. For a two-bedroom dwelling unit, a one-time payment of \$80,000 or 100%
270 percent of the area median income, whichever is greater;
271
272 4. For a three-bedroom dwelling unit, a one-time payment of \$100,000 or 125%
273 percent of the area median income, whichever is greater;
274
275 5. For a four or more-bedroom dwelling unit, a one-time payment of \$120,000 or
276 150% percent of the area median income, whichever is greater;
277
278 6. For a fee simple ownership dwelling unit, an additional one-time payment of
279 \$25,000 may be provided; and
280
281 7. Payments shall be made at time of dwelling units receiving a final certificate of
282 occupancy or certificate of completion.
283

284 g) *Affordability extension(s).* The City shall have the express right, in its sole
285 discretion, to extend the affordability deed restrictions and covenants for another
286 period of no less than twenty-five (25) years) through the provision of a then current
287 economic incentive payment based on unit size. The affordability extension shall
288 be available to the City pursuant to this subsection regardless of whether the

289 original affordability period was under the Affordable/Workforce Housing Program
290 or another entity's program.

- 291
- 292 1. The City shall provide formal notice of intent to extend affordability of units a
293 minimum of six (6) months prior to the expiration of the affordability deed
294 restrictions and covenants.
 - 295
 - 296 2. The City's notice shall include the number and type of units having affordability
297 extended and the economic incentive to be provided for those units.
 - 298
 - 299 3. The affordability extension may not exceed the original number and type of
300 units governed by the Affordable/Workforce Housing Program.
 - 301
 - 302 4. There shall be no limit on the number of affordability extensions the city may
303 fund for a project.
 - 304
 - 305 5. The extension incentive payment shall follow the parameters as set forth in f)
306 of this section based on the values established for the year that the extension
307 is authorized.
 - 308
 - 309 6. Financial incentives and buy-down options, if part of the original approval, may
310 each also be extended by mutual agreement of the City and the property
311 owner(s) and payment by the City under the provisions of those sections at the
312 time of the extension.
 - 313
 - 314 7. If the original affordability period was under another entity's program, upon the
315 City's notice of intent to extend affordability the covenant and/or deed restriction
316 may be extended as-is or may be amended to comply with the provisions of the
317 Affordable/Workforce Housing Program instead of the other entity's program,
318 consistent with the provisions in the original recorded covenant and/or deed
319 restriction providing for the affordability extension.

320

321 h) Additional Buy Down Provisions for Affordability. The following are parameters for
322 additional buy down values based on unit type, which may be utilized to reduce
323 the individual unit type household income limits by an additional fifteen percent
324 (15%) in order to provide expanded affordability for a guaranteed twenty-five (25)
325 year period as governed through a covenant and/or deed restriction. Values will
326 be paid as cash payments from the City from the Affordable/Workforce Housing
327 Program Trust Fund or other legally approved funding source(s).

- 328
- 329 1. For a studio dwelling unit, a one-time payment of \$40,000 or 50% percent
330 of the area median income, whichever is greater;
 - 331
 - 332 2. For a one-bedroom dwelling unit, a one-time payment of \$60,000 or 75%
333 percent of the area median income, whichever is greater;
 - 334
 - 335 3. For a two-bedroom dwelling unit, a one-time payment of \$80,000 or 100%
336 percent of the area median income, whichever is greater;

- 337
- 338 4. For a three-bedroom dwelling unit, a one-time payment of \$100,000 or
- 339 125% percent of the area median income, whichever is greater;
- 340
- 341 5. For a four or more-bedroom dwelling unit, a one-time payment of \$120,000
- 342 or 150% percent of the area median income, whichever is greater;
- 343
- 344 6. For a fee simple ownership dwelling unit, an additional one-time payment
- 345 of \$25,000 may be provided; and
- 346
- 347 7. Payments shall be made at time of dwelling units receiving a final certificate
- 348 of occupancy or certificate of completion.
- 349

350 i) *Policies and Procedures.* The city's director for community sustainability is hereby
351 authorized to establish policies and procedures including covenants, accountability
352 and reporting to ensure effective implementation of the Affordable/Workforce
353 Housing Program and clarify the requirements and procedures as set forth herein.
354

355 j) *Trust Fund.* There is hereby established an Affordable/Workforce Housing
356 Program Trust Fund. The trust fund will be a separate line item in the City's budget.
357

- 358 1. Payments required by the Affordable/Workforce Housing Program due to non-
- 359 compliance with restrictive covenants shall be paid into the trust fund.
- 360
- 361 2. Funds in the trust fund will be used to fund the financial incentives and the
- 362 affordability extensions under the Affordable/Workforce Housing Program.
- 363
- 364 3. At least once each fiscal period, the city manager shall present to the city
- 365 commission a report on funds held in the trust fund, including any accrued
- 366 interest, and any proposed use thereof. Monies, including any accrued interest,
- 367 not assigned in any fiscal period shall be retained in the trust fund until the next
- 368 fiscal period.
- 369

370 k) *In Lieu Payment Provision.* In some instances, projects including Density, Intensity
371 and/or Height Bonuses may not be appropriate for participation in the Program. In
372 these cases, the project may pay an in lieu of payment based on the following
373 provisions;

- 374 1. The fee shall be calculated on fifteen percent (15%) of the gross area of the
- 375 bonuses requested for the project.
- 376 2. The fee shall be a one-time payment of \$50 or 0.0625% of the area median
- 377 income, whichever is greater, per gross square foot.
- 378 3. Projects eligible for an in lieu of payment may include the following:
- 379 i. Single or multiple use projects that do not include a residential use;
- 380 ii. Mixed use projects that include residential and fewer than 25
- 381 residential units;
- 382 iii. Residential only projects that include fewer than 15 residential units;
- 383 iv. Any project that includes a residential use(s) and all of the dwelling
- 384 units are for sale, home ownership such as condominiums,

385 townhouses and/or single-family residences of which none are deed
386 restricted as affordable/workforce housing.

387 4. Fee payment shall be due prior to issuance of any building permits related
388 to the project.

389
390 I) *Exemptions.* Projects in specific locations are exempt from the requirements of
391 this section due to their maximum allowed density and/or to their allowed uses.

392 1. Individual residential dwelling units in the Single Family Residential (SF-R)
393 and Single Family/Two Family Residential (SF/TF) Zoning Districts unless
394 units are part of a project requesting additional densities under the
395 provisions of one of the city’s incentive programs.

396 2. Projects within the Public (P), Public Recreation and Open Space (PROS),
397 Beach and Casino (BAC), Conservation (C) and Industrial Park of
398 Commerce (I-POC) Zoning Districts.

399
400 **Section 4:** Severability. If any section, subsection, sentence, clause, phrase or
401 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
402 competent jurisdiction, such portion shall be deemed a separate, distinct, and
403 independent provision, and such holding shall not affect the validity of the remaining
404 portions thereof.

405
406 **Section 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
407 conflict herewith are hereby repealed to the extent of such conflict.

408
409 **Section 6:** Codification. The sections of the ordinance may be made a part of
410 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
411 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
412 any other appropriate word.

413
414 **Section 7:** Effective Date. This ordinance shall become effective 10 days after
415 passage.

416
417 The passage of this ordinance on first reading was moved by _____, seconded by
418 _____, and upon being put to a vote, the vote was as follows:

- 419
420 Mayor Betty Resch
421 Vice Mayor Christopher McVoy
422 Commissioner Sarah Malega
423 Commissioner Kimberly Stokes
424 Commissioner Reinaldo Diaz

425
426 The Mayor thereupon declared this ordinance duly passed on first reading on the
427 ____ day of _____, 2023.

428
429
430 The passage of this ordinance on second reading was moved by
431 _____, seconded by _____, and upon being put to a vote,
432 the vote was as follows:

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Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega
Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk



City Of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North · Lake Worth · Florida 33461 · Phone: 561-586-1687

DATE: February 1, 2023

TO: Members of the Historic Resources Preservation Board

FROM: Anne Greening, Senior Preservation Planner
Yeneneh Terefe, Preservation Planner
Department of Community Sustainability

MEETING: February 8, 2023

SUBJECT: Notification of the condemnation and future demolition of five properties in the Old Town Local Historic District: 25 South K Street, 30 South L Street, 32 South L Street, 704 1st Avenue South, and 710 1st Avenue South. Four of the subject properties are contributing resources in the Old Town Local Historic District; 704 1st Avenue South is a non-contributing resource.

PROPOSAL / BACKGROUND:

Four of the subject properties (25 South K Street, 30 South L Street, 32 South L Street, and 710 1st Avenue South) are contributing resources in the Old Town Local Historic District; 704 1st Avenue South is a non-contributing resource in the district. All five properties were built c. 1925-1935.

The subject properties are some of the seven properties purchased by the Community Redevelopment Agency (CRA) in 2018 in an effort to encourage redevelopment in the downtown. Since 2018, the structures have stood vacant, empty and deteriorating. At the direction of the City Commission, staff obtained estimates of probable cost to restore each of the structures so that they might be leased and inhabited for residential purposes.

On May 11, 2022, staff provided a status update to the Commission regarding the CRA owned structures in the Old Town Historic District. Due to the cost of renovation and existing conditions, five structures (25 South K Street, 30 South L Street, 32 South L Street, 704 1st Avenue South, and 710 1st Avenue South) were deemed financially unfeasible to restore. Two (2) were deemed appropriate for renovation. The Commission accepted the reports and recommendations.

Following the May 11th meeting, the City's Building Official provided official condemnation reports for the five structures that were deemed beyond repair. After visiting the sites on DATE, the City's Building Official declared them as unsafe due to extensive termite damage, foundation damage, rot, and water damage, and recommended that they be demolished. The reports are included as attachments.

On October 6, 2022, staff provided another status update to the Commission regarding the CRA owned structures in the Old Town Historic District, noting the condemnations of five of the seven properties as well as the recommendation to tent the two other properties for termites (24 South L Street and 26 South L Street). The Commission accepted the reports and recommendations.

At the City Commission meeting for the Downtown Master Plan on January 24, 2023, the Commission gave direction to move forward with the demolition process for the subject properties.

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. Declarations of Unsafe Conditions
- B. Photographs
- C. Backup – City Commission Staff Reports, Renovation Estimates