



**AGENDA**  
**CITY OF LAKE WORTH BEACH**  
**HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**WEDNESDAY, OCTOBER 13, 2021 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

**CASES**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) [Lake Worth Herald Notices](#)

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

- HRPB Project Number 21-00100222:** Consideration of a Certificate of Appropriateness (COA) for the construction of a new +/- 1,790 square foot addition for the single-family residence at 320 North Lakeside Drive; PCN #38-43-44-21-15-430-0050. The subject property is located within the Single-Family Residential (SF-R) zoning district and is a contributing resource to the Old Lucerne Local Historic District.
- HRPB Project Number 21-00100157:** Consideration of a Certificate of Appropriateness (COA) for the installation of a new circular asphalt driveway off of South Lakeside Drive for the property located at 726 South Palmway; PCN #38-43-44-27-01-014-0020. The subject property is a non-contributing resource within the South Palm Park Local Historic District and is located in the Single-Family Residential (SF-R) zoning district.

**NEW BUSINESS:**

- HRPB Project Number 21-00000014:** Consideration of a request for Mural Installation for the contributing structure located at 17 South L Street; PCN#38-43-44-21-15-021-0250. The subject property is located in the Mixed-Use East (MU-E) zoning district and the Old Town Local Historic District.

- B. [HRPB Project Number 21-00100269](#): A Certificate of Appropriateness (COA) for window and door replacement for the property located at 220 South L Street; PCN #38-43-44-21-15-091-0070. The subject property is located in the [Low-Density Multi-Family Residential \(MF-20\) zoning district](#) and is a contributing resource to the [Southeast Lucerne Local Historic District](#).
- C. [PZB/HRPB Project Number 20-01100001](#): A request by MAG Real Estate & Development, Inc. on behalf of Hammon Park on the Ave, LLC, for consideration of a replat to subdivide a portion of 'Hammon Park' to the development known as 'Aviara on the Ave', which is the subject property. The property is located within the [Northeast Lucerne Local Historic District](#) and is located within the [Mixed Use - Dixie Highway \(MU-DIXIE\) zoning district](#) with a [Future Land Use of Mixed Use East \(MU-E\)](#).
- D. [PZB/HRPB 21-00400001 \(Ordinance 2021-09\)](#): Consideration of an ordinance to Chapter 23 "Land Development Regulations" regarding changes to the development appeal process.

**PLANNING ISSUES:**

**PUBLIC COMMENTS:** (3 minute limit)

**DEPARTMENT REPORTS:**

**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.

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting with an in-person quorum per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **October 6, 2021 at 6:00 pm**, or soon thereafter, to consider a request submitted by the City of Lake Worth Beach (PZB 21-030002) for a **Future Land Use Map (FLUM) amendment** and a **Zoning Map amendment** for the properties located at 706 South H Street and 710 South H Street with Property Control Numbers (PCN) of 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060. The request is to change the existing FLUM designation from the Mixed Use - East (MU-E) FLU to the Public (P) FLU and to rezone from the Mixed Use - Dixie Highway (MU-Dixie) zoning district to the Public (P) zoning district.

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

**Public comment** will be accommodated through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov). Written hard copy comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. The public may view the meeting through the City's YouTube channel at <https://www.youtube.com/c/CityofLakeWorthBeach>.

**Affected parties**, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, **who are interested in participation must notify the City of their status at least five (5) days before the hearing**. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the City Commission to consider a minimum of one (1) full business day prior to the date of the meeting **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. **For additional information, please contact City staff at 561-586-1687 or [pzoning@lakeworthbeachfl.gov](mailto: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](mailto:pzoning@lakeworthbeachfl.gov) no later than five (5) days before the hearing if this assistance is required.**



Publish: The Lake Worth Herald  
September 23, 2021

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) and Planning and Zoning Board (PZB) will conduct virtual meetings with in-person quorums per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **October 6, 2021 at 6:00 pm** or soon thereafter for the PZB to consider the following ordinance and on **October 13, 2021 at 6:00 pm** or soon thereafter for the HRPB to consider the following ordinance:

- **PZHP 21-00400001 (Ordinance 2021-09)** Consideration of an ordinance addressing modifications to the appeals process of land development applications as follows: AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, REMOVING THE CITY COMMISSION AS THE ADMINISTRATIVE APPELLATE AUTHORITY FOR LAND DEVELOPMENT REGULATION DECISIONS MADE BY THE HISTORIC RESOURCES PRESERVATION BOARD AND PLANNING AND ZONING BOARD BY AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 2, "ADMINISTRATION," DIVISION 1, "SUPPLEMENTAL REGULATIONS," DIVISION 1, "DECISIONMAKERS," SECTIONS 23.2-1, 23.2-7, 23.2-8, AND 23.2-9; DIVISION 2, "PROCEDURES," SECTIONS 23.2-15, 23.2-16, AND 23.2-17; DIVISION 3, "PERMITS," SECTIONS 23.2-27, 23.2-29, 23.2-30; ARTICLE 5, "SUPPLEMENTAL REGULATIONS," SECTION 23.5-1 AND 23.5-4; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

The **agenda and back-up materials** are available: <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

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

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Publish: The Lake Worth Herald  
September 23, 2021



**MEMORANDUM DATE:** October 6, 2021

**AGENDA DATE:** October 13, 2021

**TO:** Chair and Members of the Historic Resources Preservation Board

**RE:** **320 North Lakeside Drive | Continuance**

**FROM:** Erin Sita, Assistant Director  
Department for Community Sustainability

**TITLE: HRPB Project Number 21-00100222:** Consideration of a Certificate of Appropriateness (COA) for the construction of a new +/- 1,790 square foot addition for the single-family residence at 320 North Lakeside Drive; PCN #38-43-44-21-15-430-0050. The subject property is located within the Single-Family Residential (SF-R) zoning district and is a contributing resource to the Old Lucerne Local Historic District.

**OWNER:** Per and Rachel Lorentzen  
320 N Lakeside Drive  
Lake Worth Beach, FL 33460

**PROPERTY DEVELOPMENT HISTORY:**

Per documentation within the City's property files, the building at 320 North Lakeside Drive was constructed circa 1925 in a Mediterranean Revival architectural style. Although no original architectural drawings of the buildings are available in the City's property file, a property card from 1943, included as **Attachment A**, describes the structure as being of block construction with gable roofs, having a stucco exterior, and plaster and wood interior walls. Recent photos of the building illustrate a linear building with an irregular plan with varying roof heights over individual massing elements, partially enclosed colonnades, wood casement windows with decorative grills, and simple exterior detailing typical for its period of construction. By 1943, a garage was erected at the front of the building which has since been converted to habitable living space and serves as the front entry point facing North Lakeside Drive. Alterations over time include the installation of an asphalt shingle roof, window replacement, and various site alterations. Photos of the property are included in this report as **Attachment B**. The building maintains a moderate to high degree of the seven aspects of historic integrity; location, setting, design, workmanship, materials, feeling, and association.

**PROJECT DESCRIPTION:**

The property owners, Per and Rachel Lorentzen, are requesting approval for the construction of a +/- 1,790 square foot addition. The subject property is a 125' x 135' (16,875 square foot) parcel consisting of 2.5 platted lots of record (Block 430, Lots 5, 6, and the southern half of lot 7) located on the east side of North Lakeside Drive between 3<sup>rd</sup> Avenue North and 4<sup>th</sup> Avenue North. The property is bordered on the east by the Lake Worth Beach Municipal Golf Course. The parcel is located in the Single-Family Residential (SF-R) zoning district and retains a Future Land Use (FLU) designation of Single Family Residential (SFR). The application will require the following approval:

1. COA for the construction of a +/- 1,790 square foot addition

**BACKGROUND:**

- At the May 12, 2021 HRPB meeting, the Board reviewed conceptual plans (included as **Attachment C**) for the proposed addition at the property. The property owners presented schematic drawings of the addition and expressed their intent to utilize shipping containers for the addition’s construction. The Board requested that the property owners carefully consider the decision to utilize the manufactured containers, as Board members familiar with this type of construction did not believe it would be advantageous. In addition, the Board requested that vertically oriented windows be utilized as they are the most appropriate for the architectural style of the existing historic resource.
- At the September 8, 2021 HRPB meeting, the Board reviewed the formal request for an addition (included as **Attachment C**). The request was continued and the Board recommended that the overall height of the addition be reduced and that the orientation of the gable roof be changed to reduce the addition’s massing as visible from the street.
- At the September 15, 2021 HRPB meeting, the Board reviewed conceptual plans (included as **Attachment C**) prior to the formal presentation at the October meeting. The Board recommended reducing the height of the addition connector, increasing the size of the faux shuttered openings, and adding windows to the west elevation to avoid a blank façade.

**STAFF RECOMMENDATION:** The applicants have incorporated the Board’s recommendations provided at the May 12, September 8, and September 15, meetings. Therefore, staff recommends approval with conditions provided on page 10 of this report.

**PROPERTY DESCRIPTION:**

Owner	Per and Rachel Lorentzen
General Location	East side of North Lakeside Drive between 3 <sup>rd</sup> Avenue North and 4 <sup>th</sup> Avenue North
PCN	38-43-44-21-15-430-0050
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single Family Residential (SFR)



**SITE ANALYSIS:**

**Surrounding Properties**

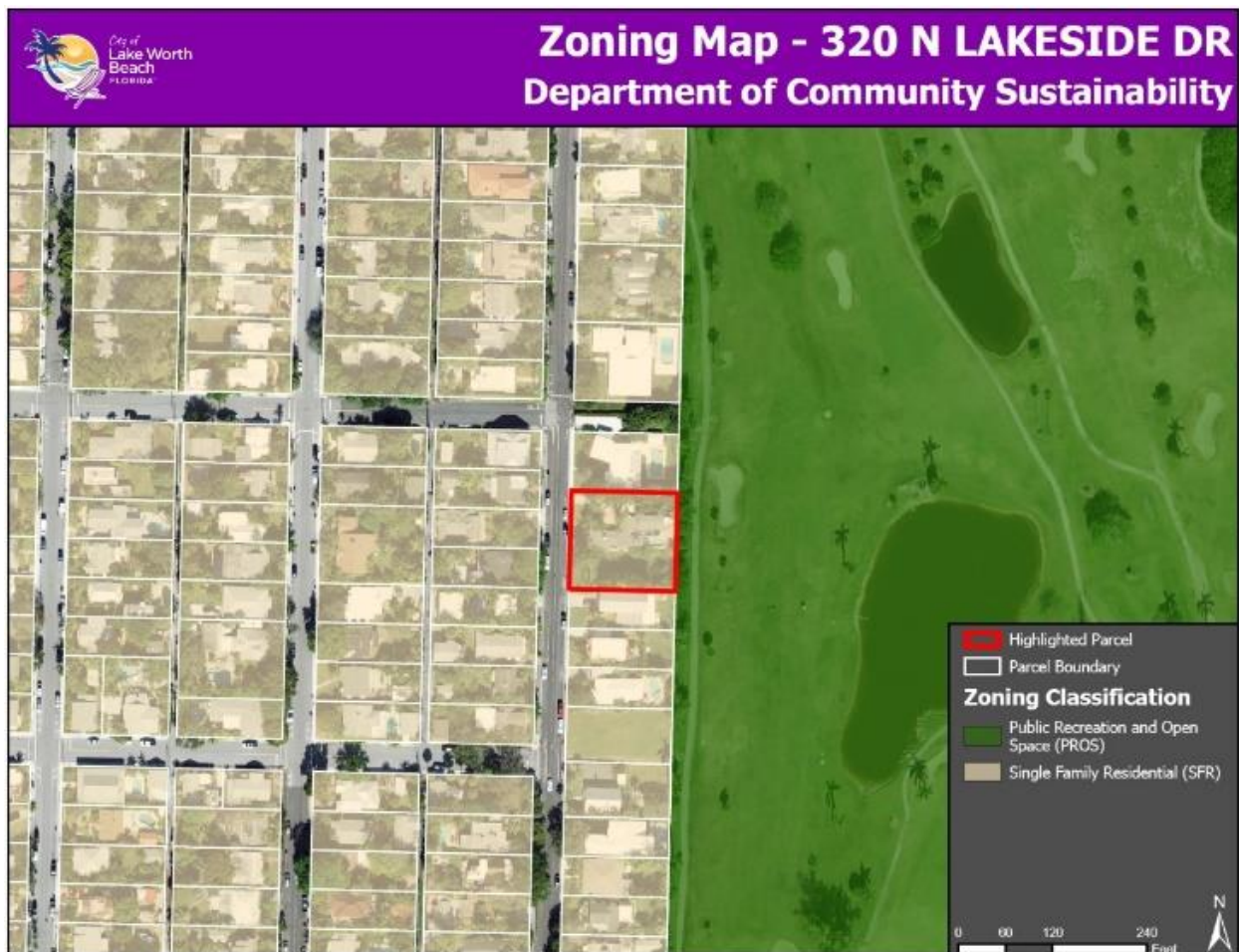
The site is surrounded by similar structures with similar Zoning and FLU designations, and thus, are found to be compatible with the existing and proposed residential use on the subject site. The following summarizes the nature of the surrounding properties adjacent to the subject site:

**NORTH:** Immediately north of the subject site is a single-family structure. This parcel contains a FLU designation of SFR and a zoning designation of SF-R.

**SOUTH:** Immediately south of the subject site is a single-family structure. This parcel contains a FLU designation of SFR and a zoning designation of SF-R.

**EAST:** East of the subject site is the Lake Worth Beach Municipal Golf Course. This parcel contains a FLU designation of PROS and a zoning designation of PROS.

**WEST:** West of the subject site across North Lakeside Drive is a single-family structure. This parcel contains a FLU designation of SFR and a zoning designation of SF-R.



**LAND DEVELOPMENT CODE REQUIREMENTS:**

Land Development Code Requirements		
Code References	23.3-7 (SF-R); 23.4-10 (Off-street parking)	
	Required	Existing/Proposed
Lot Area	5,000 sf.	16,875 sf.
Lot Width	50'-0"	125'-0"
Building Height	30'-0" (2 stories)	Existing Front portion: Approx.: 9'-6" Proposed: 20'-3"
Setback - Front	20'-0"	Existing: 21.9' Proposed: 31.8'
Setback - Side	10'-0" (10% of lot width up to a maximum of 10 feet for lots over 100 feet in width)	Existing North: 31.1' Proposed North: 31.1' Existing South: 50.4' Proposed South: 14.8'
Setback - Rear	13'-6" (10% of lot depth)	<b>Existing: 8.1' (existing non-conformity)</b> Proposed: 75.6' (addition)
Impermeable Surface Total <sup>(1)</sup>	60.0% total (10,125 sf.)	50.1% (8,455 sf.)
Front Yard Impermeable	Lesser of 900 square feet or 75% pervious and landscaped	1,255 sf. Pervious and landscaped
Maximum Building Coverage <sup>(1)</sup>	30.0% maximum (5,035 sf.)	22.3% (3,751 sf.)
Density/Number of Units	1 dwelling unit	1 dwelling unit
Floor Area Ratio <sup>(1)</sup>	0.45 (7,593.75) maximum	0.21 (3,611 sf.)
Living Area	800 sf. minimum	Existing: 2,856 sf. Proposed: Approx. 3,986 sf.
Parking	2 spaces	Existing: 4 spaces Proposed: 8 spaces
Parking Dimensions	9'x18' perpendicular or angled off street 9'x28' perpendicular or angled off alley 9'x22' parallel	9'x18' perpendicular in driveways and garage
Base Flood Elevation (NAVD)	Pending Flood Zone AE BFE: 8' NAVD + 12" Freeboard 9'-0" NAVD	4.48 NAVD

(1)- Large lot (lots over 7,500 square feet)

The proposed addition is consistent with all site data requirements in the City’s zoning code. The application, as proposed, exceeds the minimum off-street parking requirements and complies with all impermeable surface requirements, building coverage allotments, floor area ratio, and required building setbacks. A survey of the existing parcel is included as **Attachment D**. The proposed site plan and architectural drawings are included as **Attachment E**.

**Existing Non-Conformities – Buildings and Structures**




The existing historic structure has a legal non-conforming rear setback that does not comply with minimum setback requirements provided within Section 23.3-7 of the Lake Worth Beach Land Development Regulations. Pursuant to LDR Section 23.5-3(d), Non-conforming buildings and structures:

- 1. Nonconforming buildings and structures may be enlarged, expanded or extended subject to these LDRs, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure, or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.*

The proposed addition complies with current zoning requirements and do not increase the existing non-conforming setbacks of the existing structure.

**Base Flood Elevation**

The existing structure does not comply with the current base flood elevation (BFE) requirements. Pursuant to FEMA’s Home Builder’s Guide to Coastal Construction (P-499);

Coastal Construction Requirements and Recommendations				
	V Zone 	Coastal A Zone 	A Zone 	Additional Resources
<b>Repairs, Remodeling, and Additions [See Fact Sheet No. 9.1]</b>				
Lateral Additions That Do Not Constitute Substantial Improvement NFIP 60.3(e)(5) and 60.3(c)(5)	<p><b>Recommendation:</b> Make addition compliant with current NFIP requirements for V Zone construction.</p> <p><b>Requirements:</b> Post-FIRM existing building – the addition must meet NFIP requirements in effect at time the building was originally constructed. Pre-FIRM existing building – NFIP requirements concerning new construction are not triggered (see Fact Sheet Nos. 1d, 1e, 2b, 3a, 3e, 8a, 8c)</p>	<p><b>Recommendation:</b> Follow V Zone requirement for building elevation and open foundations for the addition and the existing building.</p> <p><b>Requirements:</b> Post-FIRM existing building – the addition must meet NFIP requirements in effect at the time the building was originally constructed (see Fact Sheet Nos. 1d, 1e, 2b, 3a, 3e, 8a, 8c). Pre-FIRM existing building -- NFIP requirements concerning new construction are not triggered.</p>	<p><b>Recommendation:</b> Elevate bottom of lowest horizontal structural member to or above BFE (same for existing building if it is elevated) (see Fact Sheet No. 1d)</p> <p><b>Requirements:</b> Post-FIRM existing building – the addition must meet NFIP requirements in effect at the time the building was originally constructed (see Fact Sheet Nos. 1d, 1e, 2b, 3a, 3e, 8a, 8c). Pre-FIRM existing building -- NFIP requirements concerning new construction are not triggered.</p>	<p>BC: 3403.2, 3412.2.3, 3405.3            IRC: R322.3.1            ASCE: ASCE 7 Sec. 1.6            Other: FEMA TB #1, FEMA TB #5, FEMA TB #9, FEMA 550</p>



As indicated in the table above, lateral additions that do not constitute a substantial improvement in Pre-Firm existing buildings (in the A Zone) and are not required to meet current BFE requirements. FIRM stands for Flood Insurance Rate Map, the first FIRM became effective December 31, 1974. The subject property is Pre-Firm as it was constructed circa 1925. The City's Building Official and Floodplain Administrator, Peter Ringle, utilized an independent appraisal provided by the applicants to determine the substantial improvement threshold. The independent appraisal assessed the depreciated value of the structure at \$527,542.00. The applicants estimate that their construction costs will be below the \$263,771.00 substantial improvement threshold (50% of assessed value). Therefore, the addition is allowed to be constructed at a BFE of 4.48 NAVD to match the existing structure.

**HISTORIC PRESERVATION ANALYSIS:**

All additions to contributing resources within a designated historic district shall be visually compatible. Additions should take their design cues from the surrounding existing structures, using traditional or contemporary design standards and elements that relate to existing structures that surround them and within the historic district as a whole.

The scope of this COA application includes the construction of a new two-story addition consisting of a garage, stair corridor, and second-story master suite. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City's Historic Preservation Ordinance, detailed in the section below. The property owners have submitted a Justification Statement for the request, included as **Attachment F**.

Section 23.5-4(K)(1) *General guidelines for granting certificates of appropriateness*

1. *In general.* In approving or denying applications for certificates of appropriateness, the city shall, at a minimum, consider the following general guidelines:

- A. What is the effect of the proposed work on the landmark or the property upon which such work is to be done?

**Staff Analysis:** The proposal includes a two-story addition to the south of the existing structure. The addition will consist of a two-story stair corridor, a two-vehicle garage bay, and a second-story master suite.

- B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

**Staff Analysis:** The proposed addition will have a direct visual impact on the massing relationship of the existing structure and neighboring properties. The existing contributing resource is characterized by the insertion of individual massing forms that were added to or connected to the property overtime, giving the property a staggered and atypical appearance in terms of massing and scale. However, the revised design helps mitigate the height and massing of the addition.

- C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

**Staff Analysis:** The proposed addition will alter the historic design and arrangement of the building's visual massing. The resource was constructed in the 1920s and added to over the years, creating the appearance of a group of independent structures that have been connected over time. The proposed addition continues this theme, with a large two-story massing attached to the existing resource via a connector hallway.

- D. Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?

**Staff Analysis:** No, denial of the COA would not deprive the applicant of reasonable use of the property.

- E. Are the applicant's plans technically feasible and capable of being carried out within a reasonable time?

**Staff Analysis:** The plans are feasible and could be carried out in a reasonable timeframe.

- F. Are the plans (i) consistent with the city's design guidelines, once adopted, or (ii) in the event the design guidelines are not adopted or do not address the relevant issue, consistent as reasonably possible with the applicable portions of the United States Secretary of the Interior's Standards for Rehabilitation then in effect?

**Staff Analysis:** As discussed in the Design Guidelines Analysis, page 9 of this report, the proposed addition generally respects the historic fabric and integrity of the existing resource by connecting to an inconspicuous location set back on the south façade.

- G. What are the effects of the requested change on those elements or features of the structure which served as the basis for its designation and will the requested changes cause the least possible adverse effect on those elements or features?

**Staff Analysis:** The building is a contributing resource that was designed in a Mediterranean Revival architectural style. The proposed addition does not require substantial alterations to the existing building, but the two-story addition is substantial and will have a visual impact on the resource when viewed from North Lakeside Drive.

Section 23.5-4(K)(2) *Additional guidelines for alterations and additions.*

2. In approving or denying applications for certificates of appropriateness for alterations and additions, the city shall also consider the following additional guidelines: *Landmark and contributing structures:*

- A. Is every reasonable effort being made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use the property for its originally intended purpose?

**Staff Analysis:** Not applicable, no change is proposed for the use of property.

- B. Are the distinguishing original qualities or character of a building, structure, or site and its environment being destroyed? The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible.

**Staff Analysis:** A portion of the wall on the south façade will be removed where the addition attaches to the structure. The applicants are not proposing to remove or alter any distinguishing qualities of the historic structure. Overall, the arrangement of massing elements will be altered due to the size and placement of the addition.

- C. Is the change visually compatible with the neighboring properties as viewed from a primary or secondary public street?

**Staff Analysis:** The addition's two-story garage element is similar to the garage addition at the neighboring property to the south, 314 N Lakeside Drive, as evident on the streetscape alteration.

- D. When a certificate of appropriateness is requested to replace windows or doors the HRPB or development review officer, as appropriate, may permit the property owner's original design when the city's alternative design would result in an increase in cost of twenty-five (25) percent above the owner's original cost. The owner shall be required to demonstrate to the city that:

- (1) The work to be performed will conform to the original door and window openings of the structure; and

**Staff Analysis:** The applicants are not proposing to replace existing windows or doors.

- (2) That the replacement windows or doors with less expensive materials will achieve a savings in excess of twenty-five (25) percent over historically compatible materials otherwise required by these LDRs. This factor may be demonstrated by submission of a written cost estimate by the proposed provider of materials which must be verified by city staff; and

**Staff Analysis:** Not applicable, the applicants are not replacing windows and doors.

- (3) That the replacement windows and doors match the old in design, color, texture and, where possible, materials where the property is significant for its architectural design or construction.

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**Staff Analysis:** Not applicable, the applicant is not replacing windows and doors.

**Historic Preservation Design Guidelines Analysis (Mediterranean Revival Architectural Style)**

Per the Historic Preservation Design Guidelines, the Mediterranean Revival architectural style became popular in the United States during the early part of the twentieth century in areas that had strong ties to Spanish Colonial heritage, such as California, Texas, and Florida. The buildings were designed with influences from Moorish, Persian, Spanish, and Italian architecture found throughout the Mediterranean. The massing of the buildings is often asymmetrical and utilize thick walls covered with stucco, which can have a smooth or rough finish. One of the most recognizable features of this style is the use of clay barrel tile on gable or cross gable roofs. Rooflines are also designed as staggered or multi-level. Windows were typically casements, sash windows, or a combination of the two. The Mediterranean Revival chapter from the LWBHPDG is included as **Attachment G**.

**Staff Analysis:** The architectural design of the addition was altered significantly between each HRPB review in May and September. The new design features a broad asymmetrical gable roof and utilizes a single-story and a two-story massing element that connects the primary bulk of the addition to the existing structure. The connecting element is set back roughly 47 feet from the front property line, with the front façade of the two-story garage portion set back roughly 32 feet. Both massing elements are setback from the front façade of the existing structure, which is sited at a 22-foot setback. The front façade of the addition utilizes three vertically oriented windows in the connecting element staggered on the staircase, and three false recesses on the second floor of the primary mass. Vertical slat shutters with shutter hardware are placed in the recesses to create the appearance of window openings. The remaining north, south, and east facades utilize vertically oriented single-hung and casement windows at regular intervals to avoid long expanses of blank façade.

The addition will utilize stucco with a texture to match the existing stucco application and an asphalt shingle roof to match the existing roof type. Although barrel tiles are a more appropriate roofing material for Mediterranean Revival buildings, a property card from 1943, included as **Attachment A**, indicates that the building has utilized a slate or composite shingle for the majority of its existence.

Staff does have some remaining concerns regarding the long expanse of blank facade in the addition connector. A condition of approval has been included to ensure larger staggered windows are utilized. Based on the design of the other windows, a four-light decorative pattern is recommended. Additionally, staff has recommended several standard conditions of approval to further ensure visual compatibility.

**PUBLIC COMMENT:**

At the time of publication of the agenda, staff has received no public comment.

**CONCLUSION:**

It is the analysis of staff that the proposed addition is generally consistent with the City's Historic Preservation Ordinance and the Lake Worth Beach Historic Preservation Design Guidelines. Therefore, staff recommends approval of the project, subject to the conditions provided below:

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**Conditions of Approval**

1. All proposed exterior entry doors shall be compatible with the Mediterranean Revival architectural style, and shall be subject to staff review at permitting.
2. The windows shall be recessed a minimum of two inches (2") in the wall, and shall not be installed flush with the exterior wall.
3. The divided-light patterns on windows shall be created utilizing exterior raised applied triangular muntins. Exterior flat muntins or "grills between the glass" shall not be permitted.
4. The windows 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.
5. The doors may utilize clear glass, frosted, obscure glass, or glass with a Low-E coating (70% minimum VLT). Tinted, highly reflective, grey, colored, etched, or leaded glass shall not be used.
6. The garage door shall utilize a recessed panel design or vertical plank design (as proposed), subject to staff review at permitting.
7. The new stucco shall match the existing stucco on the residence in application, coarseness, and texture.
8. The new roof shingles shall match the shingles on the existing residence, subject to staff review at permitting.
9. The faux openings on the west façade shall utilize shutters recessed in the wall. The shutters shall be dimensioned to match the existing shutter sizes on the west façade.
10. The staggered windows on the west façade shall be increased in size while maintaining vertical proportions. A four-light decorative pattern is recommended.

I MOVE TO **APPROVE** HRPB Project Number 21-00100222, with staff recommended conditions of approval for a Certificate of Appropriateness (COA) for a +/- 1,790 square foot addition to the single-family residence located at **320 North Lakeside Drive**, 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 **DENY** HRPB Project Number 21-00100222, a Certificate of Appropriateness (COA) for a +/- 1,790 square foot addition to the single-family residence located at **320 North Lakeside Drive**, because the applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

**ATTACHMENTS:**

- A. Property File Documentation
- B. Current Photos
- C. Superseded Drawings
- D. Property Survey
- E. Proposed Architectural Plans
- F. Applicant Justification Statement
- G. LWBHPDG Mediterranean Revival



**MEMORANDUM DATE:** October 6, 2021

**AGENDA DATE:** October 13, 2021

**TO:** Chair and Members of the Historic Resources Preservation Board

**RE:** **726 South Palmway | Continuance**

**FROM:** Erin Sita, Assistant Director  
Department for Community Sustainability

**TITLE:** **HRPB Project Number 21-00100157:** Consideration of a Certificate of Appropriateness (COA) for the installation of a new circular asphalt driveway off of South Lakeside Drive for the property located at **726 South Palmway**; PCN #38-43-44-27-01-014-0020. The subject property is a non-contributing resource within the South Palm Park Local Historic District and is located in the Single-Family Residential (SF-R) zoning district.

**OWNER:** Sandra Clayton  
726 South Palmway  
Lake Worth Beach, FL 33460

**Applicant:** Trinity Asphalt Paving, Inc.  
6643 Royal Palm Beach Blvd  
West Palm Beach, FL 33412

**PROPERTY DEVELOPMENT HISTORY:**

The structure located at 726 South Palmway was designed by prominent local architect Arthur L. Weeks and constructed ca. 1952. The original architectural drawings are included as **Attachment A**. The original site plan is on Sheet 1 on the right margin of the page. Current photos of the property are included as **Attachment B**. City permit records indicate the site has had alterations over time, including the addition of patios and sidewalks and the installation of new fencing. In addition to the existing front driveway, a survey from the 1994, included in this report as **Attachment C**, illustrates that the parcel once had a circular driveway off of South Lakeside Drive, which has since has fallen into substantial disrepair over time and appears no longer functional. The curb cuts for that driveway are still intact.

**PROJECT DESCRIPTION:**

The property owner, Sandra Clayton, is requesting a COA for the installation of a new asphalt driveway off of South Lakeside Drive for the property located at 726 South Palmway. The proposed plans for the driveway are included in this report as **Attachment D**. The subject property has primary frontage on South Palmway to the west and rear frontage on South Lakeside Drive to the east, and is located between 7<sup>th</sup> Avenue South and 8<sup>th</sup> Avenue South. The parcel is located within the Single-Family Residential (SF-R) zoning district and has a Future Land Use (FLU) designation of Single-Family Residential (SFR).

If approved, the subject application would allow for a new driveway off of South Lakeside Drive. The Certificate of Appropriateness application and supporting documentation is included in this report as **Attachment E**.

The application will require the following approval:

1. **COA** for the installation of a new circular asphalt driveway off of South Lakeside Drive

**BACKGROUND:**

- On February 23, 2021, Historic Preservation staff received building permit application #21-667 for the installation of a new circular asphalt driveway off of South Lakeside Drive for the property located at 726 South Palmway.
- The application was failed by staff on March 11, 2021, as the permit application did not include a COA application, a lot coverage information sheet, and because the driveway configuration is not an approvable option per the Design Guidelines due to the width and configuration. Staff began correspondence with the project contractors, Trinity Asphalt Paving Inc., who confirmed that the driveway as proposed was the property owner’s only desired configuration. A Justification Statement explaining the driveway’s configuration is located in **Attachment E**.
- At the June 9, 2021, the request was reviewed and continued by the HRPB. The Board members recommended that the applicant work with staff to develop a parallel parking option.

**STAFF RECOMMENDATION:**

The revised driveway design is not consistent with the City’s Historic Preservation Design Guidelines as large areas of pavement have a negative visual impact on surrounding streetscapes. In addition, the driveway design does not adequately satisfy the HRPB recommendations provided at June 9, 2021 meeting.

**PROPERTY DESCRIPTION:**

Owner	Patrick and Sandra Clayton
General Location	Double frontage lot on South Palmway and South Lakeside Drive, between 7 <sup>th</sup> Avenue South and 8 <sup>th</sup> Avenue South
PCN	38-43-44-27-01-014-0020
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single Family Residential (SFR)



**Consistency with the Comprehensive Plan**

The subject property is located in the Single-Family Residential Future Land Use (FLU) designation. Although driveways are not specifically addressed in the Comprehensive Plan, the intent of Single-Family Residential land use category (Policy 1.1.1.2) is intended primarily to permit the development of single-family structures at a maximum of 7 dwelling units per acre. The proposed driveway is adding off-street parking in excess of the minimum parking required for a single-family residence.

**LAND DEVELOPMENT CODE REQUIREMENTS**

Land Development Code Requirements		
Code References	23.3-7 (S-FR)	
	Required	Existing/Proposed
Lot Area (min.)	5,000 square feet	7,500 square feet
Lot Width (min.)	50'-0"	50'-0"
Lot Depth	150'-0"	150'-0"
Setback (Improved Surfaces)	Minimum of 1'-0" from property line	Proposed: 3'-0" <sup>(2)</sup>
Impermeable Surface (max.) <sup>(1)</sup>	50% (3,750 square feet)	Existing: 40.18% (3,014 sq. ft.) Proposed: 48.96% <sup>(2)</sup> (3,672 sq. ft.)
Required Parking	2 off-street spaces	Existing: 2 off-street Proposed: 4 off-street

(1)- Large Lot (lots over 7,500 square feet)

(2)- Approximations based on site plan

As outlined in the site data table, the proposed driveway complies with all impermeable surface requirements and improved surface setback requirements. The parcel is required to maintain two (2) off-street parking spaces and is currently compliant due to the existing driveway off of South Palmway.

**HISTORIC PRESERVATION ANALYSIS:**

**Historic Preservation Design Guidelines**

The City’s Historic Preservation Design Guidelines section on Landscape and Site Features, Chapter VII: Special Considerations, places importance on the historic compatibility of driveways. Page 215 of the Design Guidelines are included in this report as **Attachment F**. Per the Design Guidelines;

*“Driveways and walkways can also enhance, or detract from, the character of a historic property and street. The subtle and elegant treatment of each can make a big difference. Historically, narrow concrete or paver walkways provided an important connection between the street, sidewalk, and front door of a house; they connected the public and private realm. Traditional one-car wide ribbon driveways (two strips of poured concrete to accommodate car tires), are the most common type of historic driveway and result in more permeable areas for water to percolate into the soil. **Driveways should be located to the side of the house, unless leading directly to a carport or garage. It is rarely appropriate for a driveway to terminate at the front façade of the house. Typically, driveways more than one car wide and/or circular driveways are inappropriate in historic districts as they pave significant areas of the front yard, they are historically inaccurate, and they give unwanted prominence to the automobile. For this reason, it***



*is most common in Lake Worth Beach to locate parking in the rear of the property, with access from the alley.”*

**Staff Analysis:** The revised driveway design is in direct conflict with the Design Guidelines provisions for appropriate driveway types. Although the conditions generally address driveway placement in the front yard, the property at 726 South Palmway has dual frontage, with the parcel’s rear yard fronting South Lakeside Drive. There are currently no properties on the west side of the 700 block of South Palmway that have compact rear circular driveways that cover the majority of the yard. However, the property located at 714 South Lakeside Drive, located on the east side of South Lakeside and built in 1980, was designed with a deep circular driveway. The majority of properties on the west side of the South Lakeside feature either open lawns, fencing with landscape screens, or extensive landscaping for privacy. Staff has remaining concerns that allowing expansive driveways in these dual frontage rear yards could alter the character of the streetscape. However, the proposed improvement would allow for the reconstruction of a previously existing driveway in a similar configuration.

#### **Certificate of Appropriateness**

For noncontributing structures in historic districts, alterations that are visible from a public street require a COA to ensure that the proposed design and materials are compatible with the district as a whole and to maintain an overall integrity of architectural style for the building. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City’s Historic Preservation Ordinance, detailed in the section below.

Section 23.5-4(K)(2) *Additional guidelines for alterations and additions. Noncontributing structures:*

A. Is this a change to the primary façade?

**Staff Analysis:** No. The primary façade of the structure fronts South Palmway, although the proposed driveway directly abuts South Lakeside Drive.

B. Is the change visually compatible and in harmony with its neighboring properties as viewed from a public street?

**Staff Analysis:** The revised proposal incorporates landscaping that helps mitigate the visual impact of the new driveway. However, the driveway design is not visually compatible or in harmony with neighboring properties with rear yards fronting South Lakeside Drive.

#### **PUBLIC COMMENT:**

At the time of publication of the agenda, staff has received not received written public comment.

#### **CONCLUSION:**

The request to install a new circular asphalt driveway is not consistent with the Historic Preservation Design Guidelines and could have an adverse effect on the surrounding streetscape. Therefore, staff recommends denial of the new driveway off of South Lakeside Drive at the subject property.

**POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number 21-00100157, with staff recommended conditions, for a COA for a new circular asphalt driveway off of South Lakeside Drive for the property located at **726 South Palmway**, 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 **DENY** HRPB Project Number 21-00100157 for a COA for a new circular asphalt driveway for the property located at **726 South Palmway**, because the applicant has not established by competent substantial evidence that the application is compliant with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

**ATTACHMENTS:**

- A. Property File Documentation
- B. Current Photos
- C. 1994 Property Survey
- D. Proposed Site Plans
- E. COA Application and Justification Statement
- F. LWBHPDG pg. 215



**MEMORANDUM DATE:** October 6, 2021

**AGENDA DATE:** October 13, 2021

**TO:** Chair and Members of the Historic Resources Preservation Board

**RE:** **17 South L Street**

**FROM:** Erin Sita, Assistant Director  
Abraham Fogel, Preservation Planner  
Department for Community Sustainability

**TITLE:** **HRPB Project Number 21-00000014:** Consideration of a request for Mural Installation for the contributing structure located at **17 South L Street**; PCN#38-43-44-21-15-021-0250. The subject property is located in the Mixed-Use East (MU-E) zoning district and the Old Town Local Historic District.

**OWNER:** Jack Turner  
Calculated Properties LLC  
17 South L Street  
Lake Worth Beach, FL 33460

**PROPERTY DEVELOPMENT HISTORY:**

The single-story single-family residence located at 17 South L Street was constructed c.1925 in a Wood Frame Vernacular architectural style. Although no architectural drawings of the building are available in the City's property files, property cards from the 1940s and 1950s (included as **Attachment A**) describe the structure as being of wood frame construction on a pier foundation, having a hip roll and composition roof, wood windows, and two porches. The property cards also indicate the property was developed with a rear apartment structure. In 1955, an addition was constructed on the rear apartment structure to include a new bedroom and bathroom. City permit records indicate the structures had alterations over time, including permits for roof replacement, window replacement, electrical and plumbing upgrades. Current photos of the property are included as **Attachment B**.

**PROJECT BACKGROUND:**

On May 12, 2021, a Code Compliance Case (#21-1160) was initiated for several violations including the installation of a mural without a building permit or historic preservation approval. On August 24, 2021, the property owner contacted Historic Preservation staff to discuss the approval process for the mural installation. An application was submitted on September 3, 2021.

**PROJECT DESCRIPTION:**

The property owner, Jack Turner, is requesting a retroactive approval for a mural installation on the north façade of the primary structure, fronting the Cultural Council of Palm Beach County Project Space. The subject property is a 25' x 135' (3,375 square foot) containing one (1) platted lot of record located on the west side of South L Street, between Lake Avenue and 1<sup>st</sup> Avenue South in Lake Worth Beach. The

property is located in the Mixed-Use East (MU-E) zoning district and retains a Future Land Use (FLU) designation of Downtown Mixed Use (DMU).

Photos of the mural, the artist credentials, and a justification statement are included as **Attachment C**. If approved, the subject application would allow the mural to remain with the exception of the commercial message, further discussed in the zoning analysis (pages 3 and 4 of this report).

The application will require the following approval:

1. **Mural** installation at 17 South L Street

**STAFF RECOMMENDATION:**

The installed mural contains the commercial message “Parakeet Suites”. Pursuant to Land Development Regulation (LDR) Section 23.5-2(e)(13)(C), if printed commercial messages are included in a mural, the entire mural shall be considered part of the overall allowable signage permitted by code.

Staff recommends retroactive approval of the mural installation subject to the condition that the commercial message is removed.

**PROPERTY DESCRIPTION:**

Owner	Jack Turner, Calculated Properties LLC
General Location	West side of South L Street, between Lake Avenue and 1 <sup>st</sup> Avenue South
PCN	38-43-44-21-15-021-0250
Zoning	Mixed-Use East (MU-E)
Existing Land Use	Multi-Family Residential
Future Land Use Designation	Downtown Mixed Use (DMU)

Location Map



**Consistency with the Strategic Plan**

The project is consistent with Pillar Three of the City’s Strategic Plan, as an additional mural in close proximity to the City’s downtown encourages tourism and inspires the arts and culture.

**ZONING ANALYSIS:**

Staff has reviewed the documentation and materials provided and has outlined the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) concerning mural installation.

Per LDR Section 23.1-12, a mural is defined as, *“Any picture or graphic design painted on or otherwise applied to the exterior of a building or structure, or to a window.”*

LDR Section 23.5-1(e)13 provides standards and requirements for mural installation within the City. With regard to placement and location of murals, generally:

- *Murals shall be permitted in commercial and industrial districts.*

- *Murals shall not be permitted on the fronts of buildings or structures facing Lake Worth Road, Lake Avenue, Lucerne Avenue, Dixie Highway and Federal Highway, except as may be approved by the appropriate Board.*
- *Murals may co-exist with all types of on premises signs. If printed commercial messages are included in a mural, the entire mural shall be considered part of the overall allowable signage permitted by code.*

**Staff Analysis:** The mural does not front the City’s major thoroughfares and is located on a side façade which is appropriate for a historic structure. However, the mural does contain a commercial message “Parakeet Suites” that would result in the entire mural being considered a sign. The property owner has agreed to remove the commercial message and staff has included a condition of approval to ensure the issue is remedied.

The LDRs also require that the design of the mural must meet the requirements of Section 23.2-31(I), which defines community appearance standards and review criteria. The criteria are listed below, and include staff’s response to each criterion.

**Lake Worth Beach Code of Ordinances, Land Development Regulations Section 23.2-31(I); Community Appearance criteria:**

- 1) The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

**Staff Analysis:** The mural generally appears to be of good taste and good design. It illustrates four parakeets surrounded by flowers. The mural also meets the intent of the City’s Comprehensive Strategic Plan to enhance the character of Lake Worth Beach and to inspire arts and culture throughout the City.

- 2) The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

**Staff Analysis:** The mural was painted by Steven Goodman, an artist who also installed the bookshelf mural on the City of Lake Worth Beach Library. The completed mural at the subject property appears to be high quality, not causing harm to the local environment.

- 3) The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

**Staff Analysis:** The surrounding area of the subject property includes a mix of residential and commercial buildings, and generally appears to be in harmony with murals that exist elsewhere in the City.

- 4) The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

**Staff Analysis:** The subject property, 17 South L Street, is not applying for a Conditional Use Permit. Therefore, this criterion is not applicable to this application.

**HISTORIC PRESERVATION ANALYSIS:**

Historic commercial structures often utilized murals on the side and rear façades in downtown commercial core areas in order to advertise products or to add artistic beauty and interest within the downtown. Murals on the front of structures in historic commercial downtowns are atypical. The primary facades of these structures were typically reserved for signage and were not ornamented with murals so that the architectural details on the storefront facades could be readily visible. The mural will be installed on the north (side) façade, fronting the Cultural Council of Palm Beach County Project Space. It is staff's analysis that the mural location is appropriate for the Old Town Local Historic District.

**PUBLIC COMMENT:**

At the time of publication of the agenda, staff has received not received written public comment.

**CONCLUSION:**

Apart from the commercial message, the mural at the subject property complies with the City's LDRs, displays high quality, and is located on a side façade which is appropriate for a historic structure. Therefore, staff recommends approval subject to the conditions listed below:

**Conditions of Approval**

- 1) The commercial message "Parakeet Suites" shall be removed from the mural. The applicant shall apply for a City of Lake Worth Beach permit with a rendering showing the commercial message removed.
- 2) A Mural Removal Agreement shall be entered between the property owner and the City of Lake Worth Beach for the mural. This removal agreement shall be recorded with The Clerk and Comptroller of Palm Beach County.

**POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number 21-00100014 Consideration of a request for mural installation for the contributing structure located at **17 South L 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 **DENY** HRPB Project Number 21-00100014 Consideration of a request for mural installation for the contributing structure located at **17 South L Street**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

**ATTACHMENTS:**

- A. Property File Documentation
- B. Current Photos
- C. Mural Application



**MEMORANDUM DATE:** October 6, 2021

**AGENDA DATE:** October 13, 2021

**TO:** Chair and Members of the Historic Resources Preservation Board

**RE:** **220 South L Street**

**FROM:** Erin Sita, Assistant Director  
Abraham Fogel, Preservation Planner  
Department for Community Sustainability

**TITLE:** **HRPB Project Number 21-00100269:** A Certificate of Appropriateness (COA) for window and door replacement for the property located at 220 South L Street; PCN #38-43-44-21-15-091-0070. The subject property is located in the Low-Density Multi-Family Residential (MF-20) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.

**OWNER(S):** Benjamin Lubin and Tiasha Palikovic  
2275 S Ocean Blvd Apt 305N  
Palm Beach, FL 33480

**ARCHITECT:** Geoffrey B. Harris  
Geoffrey B. Harris Architecture

**PROPERTY DEVELOPMENT HISTORY:**

Documentation available in the structure's property file indicates that the building was constructed circa 1924 in a Wood Frame Vernacular architectural style. Although the original architectural drawings are not available, property cards from 1944 and 1956 (included as **Attachment A**) indicate that the property was originally developed with a single-family structure and rear detached garage. Both structures utilized frame construction with wood siding, gable roofs, and wood windows. City permit records indicate the structure has had additional improvements, including the construction of a rear addition in the 1940s, partial window replacements, installation of Bahama shutters over openings in the enclosed front porch, roof replacement, and fencing. Due to the minimal alterations over time, the single-family structure has a high degree of integrity of setting, materials, design, location, workmanship, feeling, and association.

The property owners requested that the City's Building Official inspect the detached garage to determine if unsafe conditions warranted condemnation. On March 3, 2021, the City's Building Official, Peter Ringle, declared the garage was unsafe due to decay, deterioration or dilapidation, and was likely to fully or partially collapse. The condemnation letter is included as **Attachment B**. Pursuant to Land Development Regulation (LDR) Section 23.5-4(m)(3), a COA is not required for the demolition of a building that has been condemned by the City. The demolition of the structure was approved with building permit #21-253. Current photos of the property are included as **Attachment C**.



At the September 15, 2021 HRPB meeting, a COA was approved for the allow construction of a new +/- 540 square foot single-story accessory dwelling unit (ADU). The building is designed to replicate a detached Wood Frame Vernacular apartment.

**PROJECT DESCRIPTION:**

The property owners, Benjamin Lubin and Tiasha Palikovic, are requesting approval for window and door replacement. The subject property is a 50'x135' (6,750 square foot) parcel containing two (2) platted lots of record located on the east side of South L Street, between 2<sup>nd</sup> Avenue South and 3<sup>rd</sup> Avenue South in Lake Worth Beach. The property is located in the Low-Density Multi-Family Residential (MF-20) zoning district and retains a Future Land Use (FLU) designation of Medium Density Residential (MDR).

If approved, the subject application would allow window and door replacement. HRPB review is required as alterations are proposed to original window openings. The application will require the following approval:

1. **COA** for window and door replacement at 220 South L Street

**STAFF RECOMMENDATION:** A recommendation of approval with conditions has been provided to the HRPB. The recommended conditions of approval are located on page 8.

**PROPERTY DESCRIPTION:**

Owner	Benjamin Lubin and Tiasha Palikovic
General Location	East side of South L Street, between 2 <sup>nd</sup> Avenue South and 3 <sup>rd</sup> Avenue South
PCN	38-43-44-21-15-091-0070
Zoning	Low Density Multi-Family Residential (MF-30)
Existing Land Use	Single-Family Residence
Future Land Use Designation	Medium Density Residential (MDR)



### **Consistency with the Comprehensive Plan**

The proposed project is consistent with Goal 1.4 of the Comprehensive Plan, which encourages preservation and rehabilitation of historic resources. Policy 3.4.2.1 insists that properties of special value for historic, architectural, cultural, or aesthetic reasons be restored and preserved through the enforcement of the City's Historic Preservation Ordinance to the extent feasible. Per the City's Historic Preservation Ordinance (LDR Sec. 23.5-4), the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation, the replacement of missing features should be substantiated by documentary, physical, or pictorial evidence. The current proposal seeks to replicate the appearance of the original windows and to utilize compatible window types where these features have been removed.

### **ZONING ANALYSIS:**

#### **Existing Non-Conformities – Buildings and Structures**

The existing primary residence has a legal non-conforming front and side setback that does not comply with minimum setback requirements provided within Section 23.3-10 of the Lake Worth Beach Land Development Regulations (LDRs). Pursuant to LDR Section 23.5-3(d), Non-conforming buildings and structures:

1. *Nonconforming buildings and structures may be enlarged, expanded or extended subject to these LDRs, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure, or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.*

As part of this application, window openings on the south elevation will be enclosed due to the non-conforming side setback and insufficient separation from the neighboring structure. The proposed window and door replacement does not increase the existing non-conforming setbacks and seeks to improve safety.

### **HISTORIC PRESERVATION ANALYSIS:**

#### **Historic Preservation Design Guidelines**

The City's Historic Preservation Design Guidelines provide a guide for compatible window replacement for historic structures within the historic districts. Windows are amongst the most important character-defining architectural features, but they are also one of the most commonly replaced features of a building. Replacement products for historic structures should match the original features in design, color, texture, and other visual qualities and, where possible, materials. The Wood Frame Vernacular architectural style section of the City's Historic Preservation Design Guidelines is included as **Attachment D**.

**Staff Analysis:** The window replacement, as proposed, utilizes single-hung windows in every opening with the exception of one bathroom opening that will utilize an awning window. The entry and back doors will be replaced with recessed panel doors with glazing. The elevation drawings and window and door schedule are included as **Attachment D**. Based on the existing original windows and the City's Historic Preservation Design Guidelines, staff contends that the proposal is *successful* in replicating the original window design. Although the new doors do not match the original, an architecturally-compatible

alternative design is being utilized. The applicant has provided a justification statement included as **Attachment F**.

Administratively, staff could approve proposed window and door replacement within the original openings. However, the following changes to window openings are proposed which require HRPB review:

- North Elevation
  - Removal of one window opening to be replaced with siding
  - Alteration of one window opening to accommodate a pair of windows



**Existing Window and Door Replacement**  
 North Elevation



**Proposed Window and Door Replacement**  
 North Elevation

- South Elevation:
  - Removal of three window openings to be replaced with faux shuttered openings

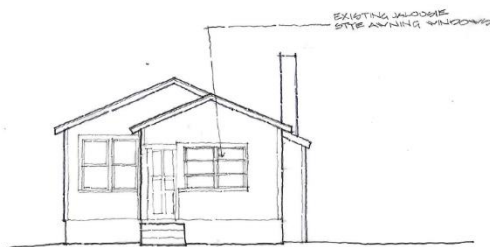


**Existing Window and Door Replacement**  
 South Elevation

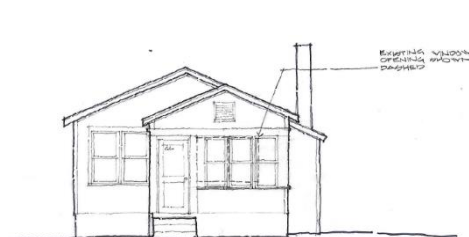


**Proposed Window and Door Replacement**  
 South Elevation

- East Elevation:
  - Alteration of a paired window opening to accommodate a triplet of windows



**Existing Window and Door Replacement**  
 East Elevation



**Proposed Window and Door Replacement**  
 East Elevation

The enclosed front porch currently utilizes replacement jalousie windows. The proposal will replace these windows with pairs of single-hung windows that are compatible with the Wood Frame Vernacular architectural style, according to the City’s Historic Preservation Design Guidelines. The enclosed rear porch also utilizes replacement windows. An existing pair of awning windows will be replaced with a tripled of single-hung windows.

**Section 23.5-4(k)(3)(A) – Review/Decision**

**Certificate of Appropriateness**

All exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City’s Historic Preservation Ordinance, detailed in the section below.

*Section 23.5-4(K)(1) General guidelines for granting certificates of appropriateness*

1. *In general.* In approving or denying applications for certificates of appropriateness, the city shall, at a minimum, consider the following general guidelines:

- A. What is the effect of the proposed work on the landmark or the property upon which such work is to be done?

**Staff Analysis:** The proposed window replacement with new single-hung windows successfully replicates historic windows in a Wood Frame Vernacular structure.

- B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

**Staff Analysis:** The proposed window replacement will have no direct physical effect on any surrounding properties within the Southeast Lucerne Local Historic District, although the products will enhance the visual appearance of the structure by removing incompatible (jalousie and awning) replacement windows in the front and rear enclosed porches with single-hung windows.

- C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

**Staff Analysis:** The structure retains the majority of its original windows. Per the regulations set forth in the City’s Historic Preservation Design Guidelines, replacement windows shall replicate their appearance. New windows are being proposed that replicate the original single-hung windows and utilize glass that complies with the glass standards.

- D. Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?

**Staff Analysis:** No, denial of the COA would not deprive the applicant of reasonable use of the property.

- E. Are the applicant's plans technically feasible and capable of being carried out within a reasonable time?

**Staff Analysis:** Yes, the applicant's plans can be completed in a reasonable timeframe.

- F. Are the plans (i) consistent with the city's design guidelines, once adopted, or (ii) in the event the design guidelines are not adopted or do not address the relevant issue, consistent as reasonably possible with the applicable portions of the United States Secretary of the Interior's Standards for Rehabilitation then in effect?

**Staff Analysis:** The proposal, is in compliance with the City's Historic Preservation Design Guidelines Design Guidelines, Secretary of the Interior's Standards for Rehabilitation, and the City's Land Development Regulations, Historic Preservation Ordinance (LDR Sec. 23.5-4). However, staff has concerns that several original opening sizes will be altered.

- G. What are the effects of the requested change on those elements or features of the structure which served as the basis for its designation and will the requested changes cause the least possible adverse effect on those elements or features?

**Staff Analysis:** The structure is designated as a contributing resource within a local historic district. The resource is a Wood Frame Vernacular building, which has a distinct set of architectural characteristics. Although incompatible windows have been installed in the front and rear enclosed porches, this proposal seeks to rectify these issues with new vertically orientally single-hung windows in accordance with the City's Historic Preservation Design Guidelines that bring the property further into compliance.

Section 23.5-4(K)(2) *Additional guidelines for alterations and additions.*

2. In approving or denying applications for certificates of appropriateness for alterations and additions, the city shall also consider the following additional guidelines: *Landmark and contributing structures:*

- A. Is every reasonable effort being made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use the property for its originally intended purpose?

**Staff Analysis:** Not applicable; no change to the use of the property is proposed.

- B. Are the distinguishing original qualities or character of a building, structure or site and its environment being destroyed? The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible.

**Staff Analysis:** The original wood windows and doors will be removed to accommodate the new products.

- C. Is the change visually compatible with the neighboring properties as viewed from a primary or secondary public street?

**Staff Analysis:** Yes, the proposed windows and doors comply with the City’s Historic Preservation Design Guidelines by successfully replicating the structure’s original features. Therefore, the project is visually compatible with neighboring properties.

- D. When a certificate of appropriateness is requested to replace windows or doors the HRPB or development review officer, as appropriate, may permit the property owner's original design when the city's alternative design would result in an increase in cost of twenty-five (25) percent above the owner's original cost. The owner shall be required to demonstrate to the city that:

- (1) The work to be performed will conform to the original door and window openings of the structure; and

**Staff Analysis:** No, as indicated in the historic preservation analysis provided on pages 3 to 5 of this report, several window openings will be altered.

- (2) That the replacement windows or doors with less expensive materials will achieve a savings in excess of twenty-five (25) percent over historically compatible materials otherwise required by these LDRs. This factor may be demonstrated by submission of a written cost estimate by the proposed provider of materials which must be verified by city staff; and

**Staff Analysis:** The applicant has not requested replacement with windows and doors that are less expensive than what is being proposed.

- (3) That the replacement windows and doors match the old in design, color, texture and, where possible, materials where the property is significant for its architectural design or construction.

**Staff Analysis:** The proposed windows seek to match the old and design in a manner that is compatible with the Wood Frame Vernacular architectural style of the building. Although the new doors do not match the original, an architecturally-compatible alternative design is being utilized.

- (4) If the applicant avails himself of this paragraph the materials used must appear to be as historically accurate as possible and in keeping with the architectural style of the structure.

**Staff Analysis:** Not applicable, the applicant has not requested to be availed of this paragraph.

**PUBLIC COMMENT:**

At the time of publication of the agenda, staff has not received written public comment.

**CONCLUSION:**

The proposed application is consistent with the Wood Frame Vernacular architectural style and the Historic Preservation Design Guidelines requirements. If the request the Board determines that the alteration to original window openings complies with the City’s Historic Preservation requirements, staff has provided conditions below:

**Conditions of Approval**

- 1) The existing window trim, sills, and mullions shall remain. If any of these elements are too deteriorated for continued use, they shall be replaced in-kind, subject to staff review at permitting.
- 2) All proposed exterior entry doors shall be compatible with the Wood Frame Vernacular architectural style, subject to staff review at permitting.
- 3) All new paired and triplet windows shall utilize a 4”-6” wide mullion between windows. Wood or cementitious trim shall be utilized to replicate the appearance of historic window details. The new trim and sills for altered opening sizes shall match the original, subject to staff review at permitting.
- 4) The windows shall be recessed within the wall, and shall not be installed flush with the exterior wall.
- 5) All divided-light patterns shall be created utilizing exterior raised applied muntins. Exterior flat muntins or “grills between the glass” shall not be permitted.
- 6) The windows 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) The doors may utilize clear glass, frosted, obscure glass, or glass with a Low-E coating (60% minimum VLT). Tinted, highly reflective, grey, colored, etched, or leaded glass shall not be used.
- 8) The faux shuttered openings shall conform to the original opening sizes, shall be recessed, and shall utilize the structure’s original wood shutters. If the wood shutters are too deteriorated for continued use, they shall be replaced in-kind, subject to staff review at permitting.
- 9) The replacement siding shall match the existing siding in profile, shape, and material. The applicant shall be responsible for submitting a 6” sample of the existing and replacement siding, subject to staff review at permitting.

**POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number 21-00100269 with staff recommended conditions for a Certificate of Appropriateness (COA) for window and door replacement for the property located at **220 South L 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 **DENY** HRPB Project Number 21-00100269 for a Certificate of Appropriateness (COA) for window and door replacement for the property located at **220 South L 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.

**ATTACHMENTS:**

- |                                |                                      |
|--------------------------------|--------------------------------------|
| A. Property File Documentation | D. LWBHPDG – Wood Frame Vernacular   |
| B. Condemnation Letter         | E. Applicant Justification Statement |
| C. Current Photos              | F. Proposed Architectural Plans      |



**MEMORANDUM DATE:** September 30, 2021 PZB | October 6, 2021 HRPB

**AGENDA DATE:** October 6, 2021 PZB | October 13, 2021 HRPB

**TO:** Planning and Zoning Board  
Historic Resources Preservation Board

**RE:** **307 North J Street – Aviara on the Ave**

**FROM:** Erin F. Sita, AICP, Assistant Director  
Debora Slaski, Principal Planner  
Abraham Fogel, Preservation Planner  
Department for Community Sustainability

**PZB/HRPB Project Number 20-01100001:** A request by MAG Real Estate & Development, Inc. on behalf of Hammon Park on the Ave, LLC, for consideration of a replat to subdivide a portion of ‘Hammon Park’ to the development known as ‘Aviara on the Ave’, which is the subject property. The property is located within the Northeast Lucerne Local Historic District and is located within the Mixed Use - Dixie Highway (MU-DIXIE) zoning district with a Future Land Use of Mixed Use East (MU-E).

**Owner:** Hammon Park on the Ave, LLC  
933 South Congress Avenue  
Delray Beach, FL 33445

**Applicant:** MAG Real Estate & Development, Inc.  
933 South Congress Avenue  
Delray Beach, FL 33445

**PCNs:** 38434422410000790; 38434422410000800; 38434422410000810; 38434422410000820;  
38434422410000830; 38434422410000840; 38434422410000850; 38434422410000860;  
38434422410000870; 38434422410000880; 38434422410000890; 38434422410000900;  
38434422410000910; 38434422410000920; 38434422410000930; 38434422410000940;  
38434422410000950; 38434422410000960; 38434422410000970; 38434422410000980;  
38434422410000990; 38434422410001000; 38434422410001010; 38434422410001020;  
38434422410001030; and 38434422410020000.

**PROJECT HISTORY:**

- The subject property received the original approval for the project known as Hammon Park in 2004 via Ordinance No. 2004-50, which amended the Future Land Use designation of the property from General Commercial to High Density Residential. A concurrent rezoning petition was approved by Ordinance No 2004-51 that rezoned the property from High Intensity Commercial to Medium Density Multiple Family Residential, 30 units to the acre. Subsequently, infrastructure was added to the site, construction commenced on the northern parcel, and two (2) residential buildings were completed.



- In 2008, the City Commission adopted Ordinance No. 2008-01 approving the rezoning of the parcel to a Residential Planned Development (RPD) District. The RPD included a mixed-use development, allowing both residential and commercial uses. The RPD contained a total of 130 residential units and 4,544 square feet of commercial space.
- In 2009, Ordinance 2009-28 was approved to allow a major amendment to the Hammon Park RPD, facilitating the development of Publix Supermarket on the southern parcel.
- In 2010, modifications were made to the Master Development Plan, which included the elimination of the external catwalks and a provision for enclosed garages. The modifications were approved by the City Commission via Ordinance No. 2010-18.
- In 2015, the applicant received approval for a Major RPD Amendment and to rename the project from Hammon Park to Bella Terra via Ordinance 2015-05. The modifications affected the northern portion of the RPD. The applicant proposed to replace the approved building floor plans and upgrade the building architecture. The revised floor plans retained the previously approved building footprint. Overall, the proposed changes were minor in nature and preserved the intent of the previously approved site plan.
  - In Ordinance 2015-05, Condition of Approval #3 indicates “Prior to the issuance of a Certificate of Occupancy, the property shall be replatted to reflect the conversion from townhouse to multi-family condominium structures.”
- In 2019, buildings permits were submitted to construct four, three-story buildings with nine units in accordance with the Major RPD Amendment.

#### Current Request

- In 2020, the applicant submitted a replat request to satisfy Condition of Approval #3 in Ordinance 2015-05.
  - The application was determined insufficient on August 6, 2020.
  - On December 8, 2020, additional documentation was provided and review of the request initiated.
  - After several rounds of review by the City’s Site Plan Review Team (SPRT), City Attorney, and Mock Roos & Associates, Inc., engineering consultant, the final plat was submitted on August 13, 2021.
  - On August 24, 2021, Mock Roos & Associates, Inc. issued a Letter of Conformity indicating the plat had addressed all review comments and was in compliance with Florida Statute 177.81.
  - Subsequently, the replatting request was scheduled for the next available advisory board City Commission meetings.
- In 2021, construction of the four buildings was completed and a temporary Certificate of Occupancy was granted by the City. The Certificate of Occupancy will only be granted once the replatting of the subject property is completed.

The files associated with the project history are included as **Attachment A**.

#### **PROJECT DESCRIPTION:**

The applicant, MAG Real Estate & Development, Inc., is requesting approval of the following:

1. Approval of a Final Replat;
2. Authorization for the Planning and Zoning Board and Historic Resources Preservation Board Chairman to execute the Replat; and
3. A recommendation to the City Commission to approve the Final Replat.

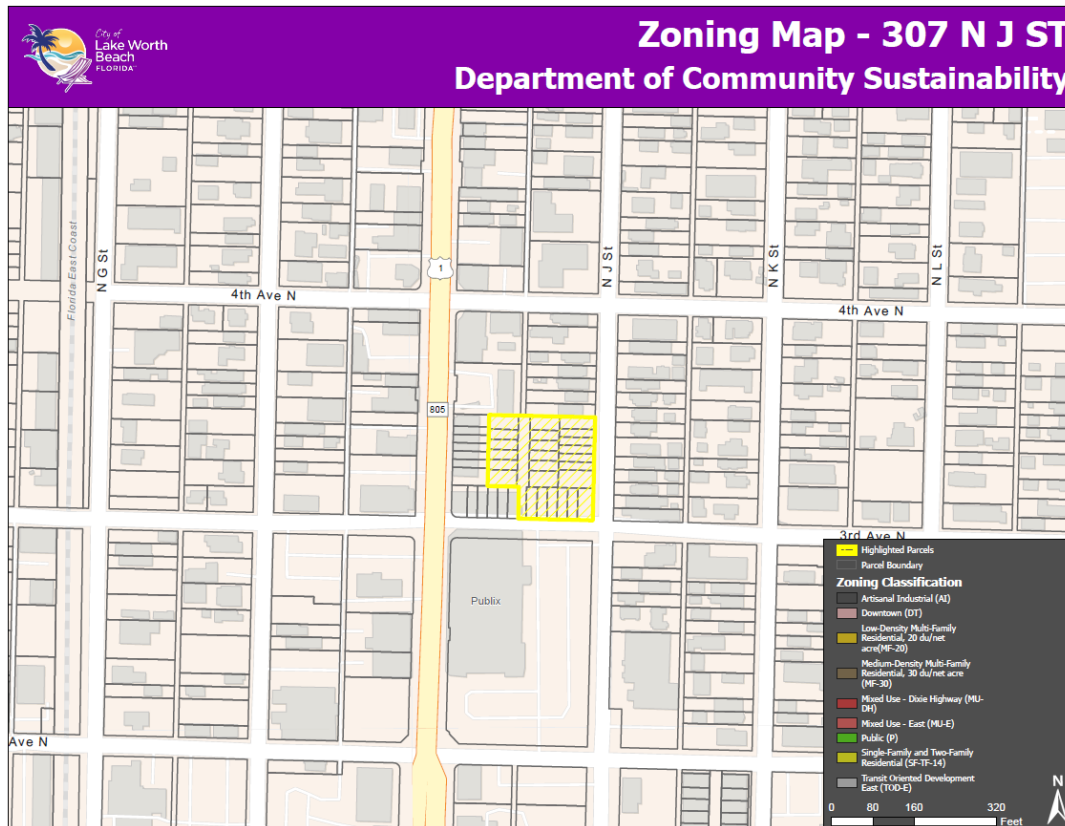
The subject site is located north of 3<sup>rd</sup> Avenue North abutting Dixie on the West and North J Street on the East. The current subdivision name is “Hammon Park”, but the proposed replat impacts Lots 79 through 103 and Tract B, proposing the new name “Aviara on the Ave”.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board (PZB) and the Historic Resources Preservation Board (HRPB) forward a recommendation of approval to the City Commission concerning for the proposed Replat.

**PROPERTY DESCRIPTION:**

Owner	Hammon Park on the Ave, LLC
Applicant	MAG Real Estate & Development, Inc.
General Location	North of 3 <sup>rd</sup> Avenue North abutting Dixie on the West and North J Street on the East
Zoning	Mixed Use - Dixie Highway (MU-DIXIE)
Existing Land Use	Multi-Family Residential
Future Land Use Designation	Mixed Use East (MU-E)



**ZONING ANALYSIS:**

As outlined in the project history, in 2015, the property received approval for a Major RPD Amendment via Ordinance 2015-05. The modifications affected the northern portion of the RPD, where the building floor plans were modified and the building architecture was upgraded. In Ordinance 2015-05, Condition of Approval #3 indicates “Prior to the issuance of a Certificate of Occupancy, the property shall be replatted to reflect the conversion from townhouse to multi-family condominium structures.” The subject replatting request will satisfy Condition of Approval #3 once it is approved by the City Commission. The final plat is included as **Attachment B**.

The comprehensive site plan review that addressed subdivision provisions related to drainage, water, sewage, design standards, easements, and required improvements took place in the approval of Ordinance 2015-05. Therefore, the existing configuration of the site is vested and the subject replatting application is required due to the change from townhouse to multi-family condominium or apartment structures and to satisfy to condition of approval listed in the ordinance.

**ADVISORY BOARD AUTHORITY:**

Pursuant to LDR Section 23.5-2(g)(6):

*Review board recommendation. The review board shall determine whether a tentative plat is in conformity with the provisions and requirements of these regulations and other applicable requirements of the ordinances of the city. It shall make such investigations and recommendations as may be deemed necessary to insure such conformity and to cause the tentative plat to be consistent with the city's comprehensive plan. The board shall recommend approval, approval with conditions, or disapproval of the tentative plat. The board's recommendation shall be forwarded to the city commission, signed by the chairman of the board, and filed with the city clerk. Upon recommending approval, approval with conditions, or disapproval, such action shall be endorsed on the face of each copy of the tentative plat by the secretary of the board. The city commission shall either approve, approve with modifications or conditions, or disapprove the tentative subdivision plat, or may refer the plat to any board or officer of the city for further consideration, after considering the recommendation of review board and all aspects of the plat necessary to meet the intent and requirements of this section and the comprehensive plan.*

**Staff Analysis:** The eastern portion of the site falls within the Northeast Lucerne Local Historic District. Therefore, review by both the Planning and Zoning Board (PZB) and the Historic Resources Preservation Board (HRPB) is required.

The procedures for platting are outlined in Land Development Regulation Section 23.5-2. The City's Site Plan Review Team (SPRT), City Attorney, and Mock Roos & Associates, Inc., engineering consultant, have reviewed the final plat for compliance with the City's LDRs and Florida Statutes.

The Letter of Conformity by Mock Roos & Associates, Inc., is included as **Attachment C**.

In addition, the de-annexation agreement with the townhomes and easement agreement are included as **Attachment D**.

**PUBLIC COMMENT:**

At the time of publication of the agenda, staff has received no public comment.

**CONCLUSION:**

The proposed plat will satisfy Condition of Approval #3 in Ordinance 2015-05. Furthermore, the plat complies with the City's Land Development Regulations and Florida Statutes. Staff recommends that the Planning and Zoning Board (PZB) and the Historic Resources Preservation Board (HRPB) forward a recommendation of approval to the City Commission for the proposal.

**POTENTIAL MOTION:**

I MOVE TO **RECOMMEND APPROVAL** OF PZB/HRPB PROJECT NUMBER 20-01100001 for a replat of a portion of Hammon Park to Aviara on the Ave. The proposal meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO **RECOMMEND DENIAL** OF PZB/HRPB PROJECT NUMBER 20-01100001 for a replat of a portion of Hammon Park to Aviara on the Ave. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

**ATTACHMENTS**

- A. Project History Documentation
- B. Plat
- C. Letter of Conformity
- D. Homeowner's Association Documentation



DATE: September 30, 2021

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

FROM: William Waters, Director Community Sustainability

MEETING: October 5, 2021 & October 13, 2021

SUBJECT: **PZB/HRPB 21-00400001 (Ordinance 2021-09)**: Consideration of an ordinance to Chapter 23 "Land Development Regulations" regarding changes to the development appeal process.

---

**BACKGROUND/ PROPOSAL:**

The proposed amendments would modify the appeal process by providing for the appeal of Planning & Zoning Board (PZB) and Historic Resources Preservation Board (HRPB) decisions to the circuit court. Appeals have required legal review standards and process. As such, local governments have been moving towards development appeals being heard by circuit court, as provided by Florida Statutes. The proposed ordinance would modify the development approval appeal process, but would retain the local appeal authority relating to appeals of administrative decisions of the development review official (DRO).

The proposed amendments would modify the following sections of the LDRs in Chapter 23 of the City's Code of Ordinances:

- Article 2, Section 23.2-1 - City Commission
- Article 2, Section 23.2-7 - Historic Resources Preservation Board
- Article 2, Section 23.2-8 – Planning and Zoning Board
- Article 2, Section 23.2-9 – Summary illustration of authority
- Article 2, Section 23.2-15 – Notice Requirements for Public Hearings
- Article 2, Section 23.2-16 - Quasi-judicial Procedures
- Article 2, Section 23.2-17 – Appeals
- Article 2, Section 23.2-27 - Waiver
- Article 2, Section 23.2-29 - Condition Use Permits
- Article 2, Section 23.2-30 -Site Plan Review
- Article 5, Section 23.5-1 - Signs
- Article 5, Section 23.5-4 - Historic Preservation

**ANALYSIS:**

The proposed amendments will remove the requirement for affected parties and applicants to first appeal to the City Commission prior to circuit court. Circuit courts are the final appellant authority in land development decisions in Florida as provided by Florida Statute. Removal of the requirement to first appeal to the City Commission would allow for applicants and affected parties to go directly to the final appellant authority. Appeals also have specific required legal review standards and procedures, including due process considerations. Florida's circuit courts are

specifically tasked in the Florida Statutes with this type of review. However, the proposed ordinance retains local appeal authority by the appropriate review board for appeals of the decision of the DRO, including appeals of the DRO's interpretation of the land development regulations.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt PZB/HRPB 21-00400001 (Ordinance 2021-09).

**POTENTIAL MOTION:**

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in 21-00400001 (Ordinance 2021-09).

**Attachments**

- A. Draft Ordinance 2021-09

1  
2  
3 **ORDINANCE 2021-09 - AN ORDINANCE OF THE CITY OF LAKE WORTH**  
4 **BEACH, FLORIDA, REMOVING THE CITY COMMISSION AS THE**  
5 **ADMINISTRATIVE APPELLATE AUTHORITY FOR LAND DEVELOPMENT**  
6 **REGULATION DECISIONS MADE BY THE HISTORIC RESOURCES**  
7 **PRESERVATION BOARD AND PLANNING AND ZONING BOARD BY**  
8 **AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” ARTICLE**  
9 **2, “ADMINISTRATION,” DIVISION 1, “SUPPLEMENTAL REGULATIONS,”**  
10 **DIVISION 1, “DECISIONMAKERS,” SECTIONS 23.2-1, 23.2-7, 23.2-8, AND**  
11 **23.2-9; DIVISION 2, “PROCEDURES,” SECTIONS 23.2-15, 23.2-16, AND 23.2-**  
12 **17; DIVISION 3, “PERMITS,” SECTIONS 23.2-27, 23.2-29, 23.2-30; ARTICLE 5,**  
13 **“SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 AND 23.5-4;**  
14 **PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT,**  
15 **CODIFICATION, AND AN EFFECTIVE DATE.**  
16

17 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”) is a duly constituted  
18 municipality having such power and authority conferred upon it by the Florida Constitution and  
19 Chapter 166, Florida Statutes; and  
20

21 **WHEREAS**, pursuant to the power and authority conferred by Chapter 163, Florida  
22 Statutes, the City has enacted Land Development Regulations (“LDRs”) to promote the public  
23 health, safety and welfare through reasonable regulation of land development activity; and  
24

25 **WHEREAS**, in section 23.2-7 of the LDRs, the City has established the City of Lake Worth  
26 Beach Historic Resources Preservation Board (“HRPB”), and has conferred upon the HRPB both  
27 advisory duties and final decision-making authority with respect to historic designations,  
28 certificates of appropriateness, and other permit applications under the LDRs within the City’s  
29 historic districts; and  
30

31 **WHEREAS**, in section 23.2-8 of the LDRs, the City has established the City of Lake Worth  
32 Beach Planning and Zoning Board (“PZB”) as the local planning agency, and has conferred upon  
33 the PZB both advisory duties and final decision-making authority with respect to permit  
34 applications under the LDRs; and  
35

36 **WHEREAS**, the availability of an appeal from an adverse decision serves to protect the  
37 due process rights of applicants and affected parties; and  
38

39 **WHEREAS**, the LDRs currently provide that certain decisions of the PZB and HRPB may  
40 be administratively appealed to the City Commission as provided in section 23.2-17; and  
41

42 **WHEREAS**, the City Commission has determined that the interests of due process would  
43 best be served by providing for the appeal of HRPB and PZB decisions to circuit court; and  
44

45 **WHEREAS**, on October 6, 2021 these amendments were reviewed by the City of Lake  
46 Worth Beach Planning and Zoning Board, which made a recommendation to the City Commission  
47 to \_\_\_\_\_ the amendments; and  
48

49 **WHEREAS**, on October 13, 2021 these amendments were reviewed by the City of Lake  
50 Worth Beach Historic Resources Preservation Board, which made a recommendation to the City  
51 Commission to \_\_\_\_\_ the amendments; and  
52

53 **WHEREAS**, the City Commission has reviewed the recommended amendments and has  
54 determined that it is in the best interest of the public health, safety and general welfare of the City,  
55 its residents and visitors to adopt these amendments.

56  
57 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**  
58 **LAKE WORTH BEACH, FLORIDA, that:**

59  
60 **Section 1:** That the foregoing "WHEREAS" clauses are ratified and confirmed as  
61 being true and correct and are made a specific part of this Ordinance as if set forth herein.

62  
63 **Section 2:** Chapter 23 "Land Development Regulations," Article 2 "Administration,"  
64 Division 1 "Decisionmakers," Section 23.2-1 "City Commission," is hereby amended as follows  
65 (words stricken are deletions; words underlined are additions):

66  
67 The city is governed by a city commission consisting of five (5) elected members,  
68 including a mayor as more particularly set forth in the City Charter. In addition to any  
69 authority granted the city commission by state law, City Charter or other regulations of  
70 the city, the city commission shall have the power and duty to act as the final  
71 decisionmaker with respect to certain types of applications ~~and appeals. A table~~  
72 ~~illustrating city commission authority is contained at section 23.2-9.~~

73  
74 **Section 3:** Chapter 23 "Land Development Regulations," Article 2 "Administration,"  
75 Division 1 "Decisionmakers," Section 23.2-7 "Historic Resources Preservation Board,"  
76 Subsection (f) "Decisions and appeals," is hereby amended as follows (words stricken are  
77 deletions; words underlined are additions):

- 78  
79 f) *Decisions and appeals.* On rezoning, comprehensive plan and future land use  
80 map advisory matters, the HRPB shall submit its recommendation in a written  
81 report to the city commission, with a copy to the applicant and preservation  
82 planner, documenting each consideration substantiating the board's  
83 recommendation. On conditional uses, major site plans, variances and other  
84 matters for which the HRPB renders a decision, such decision shall be in the  
85 form of a written order, giving reasons therefor and including findings of fact.  
86 Denials shall include a citation to the applicable legal authority forming the basis  
87 for the denial. Should the applicant or an affected party decide to appeal the  
88 decision of the HRPB, such appeal shall be to circuit court as provided in to the  
89 ~~city commission, the applicant or affected party shall provide a notice of appeal~~  
90 ~~to the development review official within fourteen (14) days of the issuance of~~  
91 ~~the written decision. A formal written appeal shall thereafter be submitted to the~~  
92 ~~development review official outlining the basis for the appeal within thirty (30)~~  
93 ~~days of the HRPB's written decision. See also section 23.2-17 of this article.~~

94  
95 **Section 4:** Chapter 23 "Land Development Regulations," Article 2 "Administration,"  
96 Division 1 "Decisionmakers," Section 23.2-8 "Planning and Zoning Board," Subsection (e)  
97 "Decisions and Appeals," is hereby amended as follows (words stricken are deletions; words  
98 underlined are additions):

- 99  
100 e) *Decisions and appeals.* On advisory matters, the board shall submit its  
101 recommendation in a written report to the city commission, with a copy to the  
102 applicant and development review official, documenting each consideration  
103 substantiating the board's recommendation. On matters that the board renders  
104 a decision, such decision shall be in the form of a written order, giving reasons  
105 therefor and including findings of fact. Denials shall include a citation to the  
106 applicable legal authority forming the basis for the denial. Should the applicant  
107 or affected party decide to appeal the final decision of the planning and zoning



board, ~~such appeal to the city commission, the applicant or affected party shall provide a notice of appeal to the development review official within fourteen (14) days of the issuance of the written decision. A formal written appeal shall thereafter be submitted to the development review official outlining the basis for the appeal within thirty (30) days of the planning and zoning board's written decision. See also shall be to circuit court as provided in section 23.2-17 of this article.~~

**Section 5:** Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 1 "Decisionmakers," Section 23.2-9 "Summary illustration of authority," including Table 2-1, is hereby deleted in its entirety.

**Section 6:** Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 2 "Procedures," Section 23.2-15 "Notice Requirements for Public Hearings," Table 2-2 "Notice Requirements," is hereby amended at the last entry in the table as follows (words stricken are deletions; words underlined are additions):

<del>Appeals to city commission of PZB or HRPB</del>		<u>10 days</u> <u>400' R</u>	
--	--	---------------------------------	--

**Section 7:** Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 2 "Procedures," Section 23.2-16 "Quasi-judicial Procedures," Subsection g) "Continuance," is hereby amended as follows (words stricken are deletions; words underlined are additions):

g) *Continuance.* The decision-making body may, on its own motion continue the hearing to a fixed date, time and place. The applicant shall also have the right to one (1) continuance. Affected parties, whether individually or collectively, shall also have the right to one (1) continuance and irrespective of the number of affected parties, only one (1) continuance may be granted. The continuance can be for no longer than thirty-one (31) days, provided the request is to address neighborhood concerns or new evidence, to hire legal counsel or a professional services consultant, or the affected party is unable to be represented at the hearing. No more than one (1) continuance may be granted for all affected parties. The decision-making body will continue the hearing to a fixed date, time and place if applicable. However, all subsequent continuances shall be granted at the sole discretion of the decision-making body. ~~Notwithstanding the foregoing, a continuance shall not be granted if to do so would delay a decision on an appeal from the HRPB regarding a certificate of appropriateness beyond the ninety-day requirement specified in section 23.2-17.~~

**Section 8:** Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 2 "Procedures," Section 23.2-17 "Appeals," is hereby amended as follows (words stricken are deletions; words underlined are additions):

b) ~~To city commission.~~ Should an applicant for development approval or an affected party with demonstrated standing decide to appeal a decision of the planning and zoning board or the historic resources preservation board the procedures set forth below and in subsection d) shall be followed.

1. ~~The applicant or affected party shall submit to the development review official a notice of appeal within fourteen (14) days of the board's written decision.~~

- 157 ~~2. Thereafter, the applicant or affected party shall submit to the development~~  
158 ~~review official in writing the basis for the appeal within thirty (30) days of~~  
159 ~~the board's written decision; except appeals from decisions pertaining to~~  
160 ~~variances shall be appealed directly to circuit court as described in~~  
161 ~~subsection c). The basis of appeal must relate to the evidence and~~  
162 ~~testimony presented to the planning and zoning board or the HRPB. The~~  
163 ~~basis of appeal should include all evidence the appealing party would like~~  
164 ~~to have the city commission review. New evidence is not allowed and shall~~  
165 ~~not be considered.~~
- 166 ~~3. The appeal shall be submitted with a city application and the applicable~~  
167 ~~fee and filed with the development review official. An affected party must~~  
168 ~~have participated in the hearing before the planning and zoning board or~~  
169 ~~HRPB to participate in an appeal before the city commission.~~
- 170 ~~4. The development review official shall forward the appeal, the staff report~~  
171 ~~and other relevant documents reviewed at the planning and zoning board~~  
172 ~~or HRPB meeting, and the board's decision to the city commission for~~  
173 ~~review.~~
- 174 ~~5. The development review official may also have the right to appeal a~~  
175 ~~decision of the planning and zoning board or the HRPB.~~
- 176 ~~6. After courtesy notice as provided in this article, the city commission shall~~  
177 ~~conduct a hearing, and shall consider those applications on appeal from~~  
178 ~~the planning and zoning board or the HRPB based on the record created~~  
179 ~~at the planning and zoning board or the HRPB meeting. The~~  
180 ~~considerations substantiating the decision of the city commission shall be~~  
181 ~~discussed. The city commission shall convey its decision in writing to the~~  
182 ~~applicant, affected parties, if applicable, and to the development review~~  
183 ~~official.~~
- 184 ~~7. For appeals from the decisions of the HRPB regarding certificates of~~  
185 ~~appropriateness, the city commission shall consider the appeal within~~  
186 ~~ninety (90) days after the filing of the appeal. The city commission may~~  
187 ~~uphold or reverse the HRPB's decision in whole or in part or remand with~~  
188 ~~instructions for further consideration. A reversal of an HRPB decision,~~  
189 ~~whether in whole or in part, shall require no less than four (4) votes of the~~  
190 ~~full city commission or by no less than three (3) votes of those in~~  
191 ~~attendance, and in accordance with section 23.5-4(n)(2), a reversal shall~~  
192 ~~be rendered only if the city commission determines that the HRPB decision~~  
193 ~~was contrary to law or arbitrary and capricious.~~

195 ~~eb) *To circuit court.* Any person or persons, jointly or severally, or entity, aggrieved~~  
196 ~~by the decision of the HRPB, planning and zoning board or city commission,~~  
197 ~~after first exhausting all administrative remedies, shall present to a circuit court~~  
198 ~~a petition for issuance of a writ of certiorari pursuant to the Florida law. If a~~  
199 ~~planning and zoning board or HRPB variance determination is~~  
200 ~~being appealed and is a part of an overall order being appealed for certificates~~  
201 ~~of appropriateness, site plans, etc., then the entire order shall be appealed to~~  
202 ~~the circuit court and it is not necessary to exhaust administrative remedies~~  
203 ~~by appealing any portion of the order to the city commission.~~

205           **Section 9:** Chapter 23 “Land Development Regulations,” Article 2 “Administration,”  
206 Division 3 “Permits,” Section 23.2-27 “Waiver,” Subsection a) “Community Residence,”  
207 is hereby amended as follows (words stricken are deletions; words underlined are  
208 additions):

209  
210           3. The applicant and any affected party may appeal the decision of the board  
211 to circuit court~~the city commission~~ pursuant to section 23.2-17. A waiver  
212 becomes null and void and of no effect twelve (12) months from and after  
213 the date of its final approval.

214  
215           **Section 10:** Chapter 23 “Land Development Regulations,” Article 2 “Administration,”  
216 Division 3 “Permits,” Section 23.2-29 “Conditional Use Permits,” Subsection b)  
217 “Approval Authority,” is hereby amended as follows (words stricken are deletions; words  
218 underlined are additions):

219  
220           b) *Approval authority.* The planning and zoning board or historic resources  
221 preservation board, as applicable, in accordance with the procedures, standards and  
222 limitations of this section, shall approve, approve with conditions, or deny an application  
223 for a development permit for a conditional use permit after review and recommendation  
224 by the development review official. The board's decision on a conditional use permit  
225 may be appealed to circuit court~~the city commission~~ by the applicant or affected party,  
226 pursuant to section 23.2-17.

227  
228           **Section 11:** Chapter 23 “Land Development Regulations,” Article 2 “Administration,”  
229 Division 3 “Permits,” Section 23.2-30 “Site Plan Review,” Subsection e) “Site Plan  
230 Review Procedures for Major Developments,” is hereby amended as follows (words  
231 stricken are deletions; words underlined are additions):

232  
233           e) *Site plan review procedures for major developments.* If the development review  
234 official determines that the application requires a major review, the application  
235 shall be forwarded to the site plan review team for review and, determination  
236 as to whether the application complies with applicable regulations. Once the  
237 development review officer has made a determination of compliance, the  
238 application will be scheduled for action by the planning and zoning board or the  
239 historic resources preservation board, as applicable. The board shall consider  
240 and act on site plan review applications for major developments. For all  
241 applications, the board may:

- 242           1. Approve the application as submitted;  
243           2. Approve the application with any reasonable conditions, limitations, or  
244           requirements;  
245           3. Deny the application for specific reason(s); or  
246           4. Postpone consideration of any application pending submittal of  
247           additional information which may be required to make a determination.

248           The board shall issue a written decision which shall be attached to the  
249 application for site plan approval. Each consideration substantiating the action  
250 of the development review official shall be included in the decision. The decision  
251 shall also include a citation to the legal authority on which a denial is based.  
252 The decision of the board shall be final but may be unless~~appealed to circuit~~  
253 court~~the city commission~~, as provided in section 23.2-17.

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**Section 12:** Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-1 “Signs,” Subsection j) “Variances and Appeals,” Subsection 2 “Appeals,” Subsection D “Jurisdiction”, is hereby amended as follows (words stricken are deletions; words underlined are additions):

(v) Appeals from board. Any adversely affected person or persons aggrieved by any decision of the board may appeal such decision to circuit court~~the city commission~~.

**Section 13:** Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-4 “Historic Preservation,” Subsection (e) “Designation of Landmarks and Historic Districts,” Subsection 8 “HRPB Recommendation,” is hereby amended as follows (words stricken are deletions; words underlined are additions):

~~B. If the HRPB recommends denial of designation, such action shall be final unless an affected party (in the case of an individual landmark) or not less than two-thirds ( 2/3 ) of the affected eligible property owners (in the case of a historic district) appeal to the city commission in the manner provided in subsection n), below, of this section.~~

B. The division shall promptly notify the applicant and the property owner(s) of the HRPB's recommendation.

**Section 14:** Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-4 “Historic Preservation,” Subsection (e) “Designation of Landmarks and Historic Districts,” Subsection 9 “City Commission Review and Designation,” is hereby amended as follows (words stricken are deletions; words underlined are additions):

A. The city commission shall by ordinance approve, modify or deny the proposed designation within sixty (60) days of receipt of the HRPB's recommendation. A decision to reverse an HRPB recommendation ~~of approval~~ shall be by no less than four (4) votes of the full city commission or by no less than three (3) votes if the full city commission is not in attendance.

**Section 15:** Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-4 “Historic Preservation,” Subsection (e) “Designation of Landmarks and Historic Districts,” Subsection 14 “Potential Landmark Designation,” is hereby amended as follows (words stricken are deletions; words underlined are additions):

B. *Effect of pending applications for designation.* When an application for designation is made and notice is mailed to affected parties, no action with respect to the exterior appearance of such site or district shall commence unless approved in accordance with the procedures provided in subsection e). In order to protect the city's general welfare, avoid an irreparable loss and prevent circumvention of the protections of this article, such requirement shall remain in effect until final disposition of the recommended action. The applicant may apply to the HRPB for review of a proposed action prior to final action by the city commission. The HRPB shall review the application using the criteria established herein, including unreasonable

304 economic hardship. Permits may be issued upon HRPB approval of  
305 designation. ~~Should the HRPB deny the applicant's request, the applicant~~  
306 ~~may appeal to the city commission as provided in subsection e) below.~~ If the  
307 city commission declines to designate the landmark or historic district, all  
308 permitting requirements set forth herein shall no longer apply to any  
309 proposed action.

310  
311 **Section 16:** Chapter 23 "Land Development Regulations," Article 5 "Supplemental  
312 Regulations," Section 23.5-4 "Historic Preservation," Subsection (f) "Certificates of  
313 Appropriateness, in General," is hereby amended as follows (words stricken are deletions;  
314 words underlined are additions):

- 315  
316 2. *Effective date of certificate stayed pending appeal.* A certificate of  
317 appropriateness shall be effective immediately after the written rendition of  
318 the decision, notwithstanding the permit approval from the building division.  
319 If an appeal is made to the HRPB ~~or city commission~~, all work permitted by  
320 the certificate of appropriateness shall automatically be stayed pending  
321 the appeal.

322  
323 **Section 17:** Chapter 23 "Land Development Regulations," Article 5 "Supplemental  
324 Regulations," Section 23.5-4 "Historic Preservation," Subsection (n) "Appeal of Decisions  
325 Regarding Certificates of Appropriateness," is hereby amended as follows (words stricken are  
326 deletions; words underlined are additions):

- 327  
328 1. *Appeal of administrative decisions.* Any administrative decision may be appealed  
329 to the HRPB within fourteen (14) calendar days of its rendering. The HRPB shall  
330 consider the record made in the administrative proceedings and shall not take  
331 new testimony, and shall within sixty (60) days after the filing of the appeal reverse  
332 the administrative decision only if it was contrary to law or arbitrary and capricious.  
333  
334 2. *Appeal of HRPB decisions.* Within thirty (30) days after the date of written  
335 confirmation of a HRPB decision, the applicant or any affected party may appeal  
336 to circuit court ~~the city commission~~ any decision of the HRPB regarding an  
337 application for a certificate of appropriateness ~~pursuant to Sec. 23.2-17(e) of~~  
338 ~~these LDRs. The city commission shall consider the record made before the~~  
339 ~~HRPB in reaching its decision and shall not take new testimony. The city~~  
340 ~~commission shall reverse the HRPB decision only if it was contrary to law or~~  
341 ~~arbitrary and capricious.~~

342  
343 **Section 18:** Severability. If any section, subsection, sentence, clause, phrase or portion  
344 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent  
345 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and  
346 such holding shall not affect the validity of the remaining portions thereof.

347  
348 **Section 19:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict  
349 herewith are hereby repealed to the extent of such conflict.

350  
351 **Section 20:** Codification. The sections of the ordinance may be made a part of the City  
352 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and  
353 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

354

355 **Section 21:** Effective Date. This ordinance shall become effective 10 days after  
356 passage.

357  
358 The passage of this ordinance on first reading was moved by \_\_\_\_\_, seconded by  
359 \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- 360
- 361 Mayor Betty Resch
- 362 Vice Mayor Herman Robinson
- 363 Commissioner Sarah Malega
- 364 Commissioner Christopher McVoy
- 365 Commissioner Kimberly Stokes
- 366

367 The Mayor thereupon declared this ordinance duly passed on first reading on the  
368 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

369  
370 The passage of this ordinance on second reading was moved by \_\_\_\_\_,  
371 seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- 372
- 373 Mayor Betty Resch
- 374 Vice Mayor Herman Robinson
- 375 Commissioner Sarah Malega
- 376 Commissioner Christopher McVoy
- 377 Commissioner Kimberly Stokes
- 378
- 379

380  
381 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
382 \_\_\_\_\_, 2021.

383

384 LAKE WORTH BEACH CITY COMMISSION

385  
386  
387 By: \_\_\_\_\_  
388 Betty Resch, Mayor

389  
390 ATTEST:  
391  
392  
393 \_\_\_\_\_  
394 Melissa Ann Coyne, City Clerk