



**AGENDA  
CITY OF LAKE WORTH BEACH  
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, MAY 13, 2020 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES**

**PLEDGE OF ALLEGIANCE**

A. Dispensing with this requirement until meetings in person resume.

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

**APPROVAL OF MINUTES:**

A. March 11, 2020 Meeting Minutes

**CASES**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

1) Proof of Publication-May 13 HRPB

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

A. Consideration of a Certificate of Appropriateness (COA) for the new construction of a ± 2,245 square foot two-family structure at **711 North L Street**; 38-43-44-21-15-218-0140. The subject property is located in the Single-Family and Two-Family Residential (SF-TF 14) Zoning District and the Northeast Lucerne Local Historic District.

B. A request to retroactively approve alterations to a previously approved mural installation for the contributing structure located at **921 Lake Avenue**, pursuant to but not limited to Sections 23.2-7, 23.3-14, and 23.5-4 of the Land Development Regulations. The subject property is located in the Downtown (DT) Zoning District and the Old Town Local Historic District.

C. Consideration of a Certificate of Appropriateness (COA) for the removal of an existing driveway and installation of a new driveway in the front yard of the property located at **246**

**Vanderbilt Drive;** PCN# 38-43-44-15-07-000-6700. The subject property is a contributing resource to the College Park Local Historic District and located in the Single-Family (SF-R) Zoning District.

- D.** City-initiated request to amend the Future Land Use Map of Lake Worth Beach through a large scale map amendment from the Future Land Use (FLU) designations of Mixed Use East and Mixed Use West to the Transit Oriented Development FLU designation on property generally located on the north side of the Lake Worth Road corridor from between Boutwell Road and North A Street and more fully described in Exhibit A of the attached ordinance.
- E.** City-initiated request to amend the Future Land Use Element of the Lake Worth Beach Comprehensive Plan relating to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, limitations, and general location descriptions.
- F.** Consideration of an ordinance to amend Chapter 23 “Land Development Regulations” that includes changes to parking, electric charging stations, general housekeeping items, and modifications to development standards and requirements for single-destination retail and comprehensive plan consistency.

**PLANNING ISSUES:**

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

**DEPARTMENT REPORTS:**

A. National Historic Preservation Month

**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.



Planning Zoning Historic Preservation Division  
1900 2<sup>nd</sup> Avenue North  
Lake Worth Beach, FL 33461  
**561.586.1687**

**AGENDA  
REGULAR MEETING  
CITY OF LAKE WORTH BEACH  
HISTORIC RESOURCE PRESERVATION BOARD  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, MARCH 11, 2020 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES**

Present were: William Feldkamp, Chairman; Judith Just, Vice-Chair; Judith Fox; Ozzie Ona; Bernard Guthrie; Robert D'Arinzo. Absent: David Cavorsi.

Also present were: Abraham Fogel, Preservation Planner; Jordan Hodges, Senior Preservation Coordinator; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

A. February 12, 2020 Minutes

**Motion:** J. Just moves to approve the February meeting minutes as presented, R. D'Arinzo 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**CASES**

**SWEARING IN OF STAFF AND APPLICANTS**

Board Secretary administered oath to those wishing to give testimony.

**PROOF OF PUBLICATION**

1) Proof of Publication: Provided in the meeting packet.

**WITHDRAWALS / POSTPONEMENTS: None**

**CONSENT: None**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** RE: 1130 S. Lakeside Dr. - J. Just has been in the house, knows the applicant, and had a discussion about the architect but it won't affect her decision. W. Feldkamp drove by each location and had a discussion with the architect. B. Guthrie is familiar with the properties in S. Palm Park and had a discussion with architect Ken Brower.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

A. Consideration of a Certificate of Appropriateness (COA) for the demolition of the +/- 5,987 sq. ft. single-family structure at **1130 South Lakeside Drive**; PCN# 38-43-44-27-01-051-0010. The

subject property is a non-contributing resource to the South Palm Park Local Historic District and is located within the Single-Family Residential (SF-R) Zoning District.

**Staff:** A. Fogel presents case findings and analysis. Gives a brief history of the property and evolution of the structure. Due to substantial alterations it was given a non-contributing designation during the creation of the district. It is a two phased project to be developed as two individual lots.

**Applicant Architect:** Ken Brower shows additional photos of the property as existing. The final slide depicts what will become the dividing line of the properties. 2 separate single family residences on each lot. Nothing has been finalized as to the style, it will be more contemporary, explaining that the owner, Jim Ridder, will be printing the houses in concrete. This technology is of interest to many and will likely draw some attention to the area. A re-plat will be necessary, trying to get to the next commission meeting.

**Board:** W. Feldkamp requests clarification that the demolition approval of a non-contributing structure does not require simultaneous presentation of new construction plans? J. Hodges confirms that is true. B. Guthrie asks how much destruction will there be to the existing vegetation whether due to the phased demolition? **Architect response:** The front vegetation will stay as is reasonable with the movement of trucks and equipment. On the north side it is not critical that the vegetation be removed. On the eastern side (rear) some clumps remain and the pool has been demolished. Most of the vegetation on the southern side of the property has been removed. J. Fox- asks whether the vegetation removal requires a permit? J. Hodges states the removal of mature trees require permits regardless of the whether or not it is a non-contributing structure. R. D'Arinzo states the new construction will provide a landscape plan. J. Fox asks about the size of the lots and why it is in phases. **Applicant Architect:** The lots will be 75 feet, and phased due to the unconventional manner of construction. It can only be done one structure at a time. J. Fox has concerns about the way it will look - J. Hodges confirms there will be plans brought to the Board for approval. Questions regarding the time line. **Applicant Architect:** The equipment will be left out and the tennis court will be used for storage, the garage will be used for some storage. Beyond that it will look like any construction site.

**Staff:** J. Hodges mentions the proposal for the replat will be heard before the Board prior to a recommendation to the City Commission. The building must first be demolished. W. Feldkamp thinks it is good that the garage structure can house some of the construction materials. Discussion of the sequencing of demolition, construction and re-plat as the City Code does not allow the parcel with the remaining structure to be on a newly platted lot. A Certificate of Occupancy will not be issued for the 1<sup>st</sup> new structure on the southerly lot until the demolition is complete on the northern most lot. O. Ona would like to hear from neighbors.

**Public Comment:** James Kelly of 1202 S. Lakeside Drive questions what will happen to the fence and drain on the City R-O-W between his parcel and subject parcel? The survey depicts the fence on city property; the drain is for the entire neighborhood.

**Applicant Architect:** States the fence can come down immediately. It was encroaching by previous owners.

**Board:** B. Guthrie asks the owner if he is willing to take it down since he has the equipment? Can staff give permission, or the Board? J. Hodges states that he is not able to give authorization for work on city property nor is the Board able to do so. **Applicant Architect** is unwilling to take the risk of removing the fence from City property. W. Feldkamp would like to preserve as much vegetation as possible to ameliorate the disturbance to the neighborhood. Would like a condition that reads no vegetation shall be disturbed in the front setback nor any further than 15 feet from the structures being demolished. Applicant Architect has concerns with that condition because of the size of the equipment and trucks. He does not want any issues with having run over a shrub or plant. Applicant Architect did offer the Royal Palms to the City, they are in very close proximity to the structures.

**Motion:** B. Guthrie moves to approve HRPB 20-00100030 based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations with staff recommended

Conditions of Approval and the addition of Condition #5: The perimeter vegetation shall be maintained during construction; R. D'Arinzo 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

- B. Consideration of a Certificate of Appropriateness (COA) for the new construction of a ± 2,256 square foot single-family structure at **722 North Ocean Breeze**; PCN# 38-43-44-21-15-226-0060. The subject property is a vacant lot within the Northeast Lucerne Local Historic District and the Single-Family Residential (SF-R) Zoning District.

**Staff:** A. Fogel presents case findings and analysis. The proposed structure is to be constructed with elements of the Anglo-Caribbean style. This is not a common style found in Lake Worth Beach. A. Fogel references a document from Jensen Beach, prepared by Treasure Coast Regional Planning, the same consultant that developed the City of Lake Worth Beach Historic Design Guidelines. In particular the application of two different stucco textures (smooth and textured) and the use of a water table and stucco sill on the front façade, are atypical features of the style.

**Applicant:** Not present

**Board & Staff:** Staff reviews the conditions of approval. R. D'Arinzo inquires about the shutters (Condition #12), J. Hodges mentions the shutters are purely decorative, not functional. The water table separated from the sill is an unusual combination, normally the water table height allows the projecting water table (approximately 1-1/2 -2 inches) to be used as the sill. B. Guthrie asks about the finished floor height? J. Hodges states it may require a step up, less than one foot, there are discussions in progress with the Building Official to ensure the finished floor meets floodplain requirements. W. Feldkamp would like a condition have the gates recessed approximately one to two feet behind the front façade so there is distinction, the rafter tails be exposed all around, and the water table around the entirety of the structure and the addition of sills at the smaller windows.

**Public Comment:** None

**Motion:** B. Guthrie moves to approve HRPB 20-00100053 based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations and staff recommended Conditions of Approval 1-12 altering Condition #13 to extend the water table around the entire exterior at the base of the windows with a minimum projection of 1-1/2 inches incorporating the sills into the water table, stucco sills shall be added to the smaller windows; Condition #14 the rafter tails shall be exposed on the north and south rooflines; Condition #15 -the front fence and gates shall be recessed behind the front façade a minimum of one foot. R. D'Arinzo 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

- C. Consideration of a Certificate of Appropriateness for Exterior Alterations and a Pre-Construction Approval for a Historic Preservation Ad Valorem Tax Exemption for the contributing resource located at **910 North M Street**; PCN# 38-43-44-21-15-286-0030. The subject property is a contributing resource to the Northeast Lucerne Local Historic District and located within the Single-Family and Two-Family Residential (SF-TF 14) Zoning District.

**Staff:** J. Hodges presents case findings and analysis. Some remaining character defining features are the corner casement windows and the decorative wrought iron columns supporting the entryway roofline. The property owners are proposing removal of the asphalt shingle roof and returning to a concrete roof.

**Applicant:** Frank and Jennifer Viera – Hope to improve the house that belonged to his father. Appreciates an upswing in the neighborhood with road improvements and news that the vacant lot next door will be developed instead of remaining as a dog park. B. Guthrie asks whether the wrought iron door over the screen will remain? Applicant states for the near future it will, but once there is a new roof, paint and landscaping it is possible the door will change especially as the impact windows will give an insurance credit. B. Guthrie also asks why the applicant is requesting a barrel tile roof instead of a flat tile? **Applicant** believes the dimension of the barrel tile roof will make it more attractive as opposed to the flat concrete tile since it is a small structure.

**Public Comment:** None

**Board:** Review of the proposed Conditions of Approval. Board wants the windows to be recessed to the same plane as the existing windows. Discussion of the window frame color being mill finish aluminum or white; and choice of flat or barrel tile roof.

**Motion:** R. D'Arinzo moves to approve HRPB # 20-00100061 a request for approval of the Certificate of Appropriateness for the requested exterior alterations and Ad Valorem Tax Exemption based upon competent substantial evidence and staff recommended Conditions of Approval amending Condition #3 for the windows to be recessed to the same plane as the existing windows.; J. Fox 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

- D. Consideration of a Certificate of Appropriateness (COA) for roof replacement with a 5V-Crimp metal roof for the single-family structure at **522 South Palmway**; PCN# 38-43-44-27-01-004-0040. The subject property is a contributing resource to the South Palm Local Historic District and located within the Single-Family Residential (SF-R) Zoning District.

**Staff:** J. Hodges presents case findings and analysis. Original character defining features were the flat concrete tile gable roof, a front-facing integral garage, masonry knee-wall with a terrace, and casement windows with brick sills on a masonry structure. Over time the roof was replaced with shingles, the garage was converted to living space and the windows and doors have been replaced. Staff points to The National Park Service Preservation Brief #4 which discusses alternative materials for roof repair. This brief indicates there may indeed be reasons for which an alternate material could be used including if the material is no longer available or the cost is prohibitive. The decision should be weighed carefully. Distinction is also made between readily visible roofs and non-visible flat roofs, indicating the materials should match as closely as possible the scale, texture and coloration of the historic roof. In this case the material does not match and the preferred material is readily available. Staff has concerns regarding the choice of roofing material which could lead to a false sense of historical development and lends a vertical feel to the structure rather than maintaining the correct horizontal style.

**Applicant/Owner:** Ms. Jeannie Gedeon- The windows (with bronze frames) were replaced according to Historic guidelines after conversations with a previous Historic planner. The metal roofing was decided upon after speaking with roofers as it exceeds other styles in hurricane conditions. Explains there are many metal roofs in the area, provides photos of neighboring properties with those roofs at someone's suggestion.

**Board:** J. Fox states she is a fan of metal roofs but not a copper coloration. Every roof shown on the display was aluminum color, none were copper. Are there samples?

**Applicant's Contractor:** The advantage of a metal roof near salt water is evident, the silver mill finish of a 5-V crimp will not last as long as a painted roof. It is 26 gauge steel, galvalume with premium paint.

**Board:** J. Just inquires as to if a roof is painted white and they want to change to red, could the City stop them from painting it red? Staff responds depending upon if the roof color was specified in the COA. Staff can approve metal roofs on Frame Vernacular and Frame Minimal Traditional homes. It was not extended to the masonry homes, it was disallowed by the State of Florida. Masonry homes typically have materials applied in a horizontal direction.

B. Guthrie explains many masonry homes do have metal roofs which may have had a metal roof before the designation of the district. Also due to the weight of the tiles and insufficient structural support of some homes, some metal roofs were approved. Staff has no knowledge of that. Staff explains many may have been approved by a Board, or they were just put on without approval. Staff reminds Board that metal shingles as well as metal panels have also been approved in the past and are a better choice for the masonry vernacular style. Staff reminds the Board when the Historic Ordinance was written in 2018/2019 the State did not allow metal standing seam roofs.

**Applicant:** Believes house styles are eclectic.

**Applicant's Contractor:** Concrete shingle and asbestos tile is the same thing. States in 2 years the shiny color of the asbestos will dull and the difference will not be apparent.

**Board:** Chairman states the Secretary of the Interior is very strict or rigid. The Board does not have the right to change to metal and absolutely not painted copper color. Board has a duty to uphold. Board members have questions about metal shingles and panels. Staff states other alternatives are metal panels or metal shingles that preserve the horizontal appearance of the roof. B. Guthrie states he has no problems with metal roofs. The concrete tile was removed and a shingle roof installed prior to the designation of the district. Asks if the applicant would consider a change to silver since the color copper seems to be an issue? Applicant states yes, she would consider that option. B. Guthrie believes the energy efficiency is higher with the metal roof. Staff again points to the decision making criteria provided by the State.

**Board Attorney:** Advises the State was opposed to metal roofs in recent changes to the City Historic Ordinance and Board should pay attention to the criteria.

**Board:** R. D'Arinzo reminds members that the CLG monies from the State are dependent upon following certain guidelines set forth by the Secretary of the Interior Historic Preservation Division.

**Board Attorney:** Advises Board members to refer to Attachment D. R. D'Arinzo reads from Attachment D "In a rehabilitation project, there may be valid reasons for replacing....But if the roof is readily visible, the alternative material should match as closely as possible the scale, texture and coloration of the historic roofing material."

**Board:** Chairman states we have a duty to follow the City Historic Ordinance, State guidelines and City Historic Preservation Guidelines. Members may want to grant the request but should follow what was approved and recommended by the Board to the City Commission. B. Guthrie asks for the Criteria to be read, staff states the criteria is word for word the Ordinance.

**Public Comment:** None

**Motion:** J. Fox moves to deny HRPB 20-00100032 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 Section 23.5-4, the City's Comprehensive Plan, and the City of Lake Worth Beach Historic Preservation Design Guidelines. J. Just 2<sup>nd</sup>.

**Vote:** Motion to deny carries 5/1, B. Guthrie dissenting.

- E. Consideration of a request for a Certificate of Appropriateness (COA) for exterior alterations and additions to the existing single-family structure located at **1209 N Lakeside Drive**; PCN# 38-43-44-21-15-362-0142. The subject property is located in the Single-Family Residential (SF-R) Zoning District and is a Non-Contributing resource to the Northeast Lucerne Local Historic District.

**Staff:** J. Hodges presents case findings and analysis. The requests are twofold: Additions and alterations to non-contributing structures not visible from a public street requiring only staff review according to the review matrix and for construction to portions of the structure visible from the street. The property has also been the subject of a debate as to when the most recent FEMA floodplain regulations would apply to the structures. The most recent information/stance from FEMA is that the best available data must be used regardless of whether or not the Municipality has enacted ordinances pertaining to the changes. As the structure is non-contributing, it would not be eligible for an exemption to the elevating of the structure.

Previously the front door was removed from the structure and the applicant proposes to add the door back to the structure. Other changes/additions are for window replacement, paver walkway installation, an elevated covered front porch and a front addition to the existing master bedroom. Proposed items not reviewed by Board include the demolition of a rear sunroom and reconstruction of a new family room; Demolition of half the two car garage, reconfiguring the rear driveway and addition of new paver patio, pool and outdoor shower.

**Applicant:** Jeff Arnold- the current elevation of the finished floor is 6ft 8 inches; the living room if elevated by 3 steps will be at approximately nine feet. The master closet and seating area will be stepped up, the sunroom will be an issue.

**Staff:** Should Board choose, the review details could be approved at staff level. The Board agrees. Staff does have some remaining concerns with the window placement and stucco banding on the new front addition and front porch wall. The windows feature two types of windows, one faux circular and one horizontal slider, staff recommends either 2 equally spaced or one larger window. The recessed stucco band under the new addition and front porch addition is atypical. Applicant mentions it is for a vine (privet).

**Board:** J. Just cites an example of a house that became contributing and was able to become exempt. Staff states unfortunately the home was built in the 80's and is a long way from the 50 year minimum to be designated as contributing. W. Feldkamp inquires about the privet, applicant states it would be within the front plane of the structure and not extend outward. R. D'Arinzo inquires as to what type of stucco will be used? Applicant prefers smooth but it is currently rough. The pavers will be travertine and a single light at front door. J. Fox likes the round window, applicant states there is one on the side as well.

Staff recommends Condition #7- Final design and site plan of structure shall be reviewed and approved by staff at time of permitting.

**Public Comment:** None

**Motion:** R. D'Arinzo moves to approve HRPB 20-00100028 based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations and subject to staff recommended Conditions of Approval and Condition #7- Final design and site plan of structure shall be reviewed and approved by staff at time of permitting. O. Ona 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

#### **PLANNING ISSUES:**

**PUBLIC COMMENTS:** (3 minute limit) Mr. Jeff Arnold commends Jordan Hodges and Abraham Fogel for the work they do.

**DEPARTMENT REPORTS:** The Historic Preservation Awards ceremony will be in May, nominations will be accepted in the weeks ahead. Mark Stivers last day at the City will be Friday, March 13, 2020, he is leaving for a position in Columbia, PA. Erin Fitzhugh Sita will begin on Tuesday, March 17 in a part-time capacity with Community Sustainability.

**BOARD MEMBER COMMENTS:** J. Just would like to discuss and implement changes to the code regarding hazardous conditions. More specifically, the ability for the City to hire a neutral party expert witness to render an opinion on a topic in addition to the hearsay testimony of an applicant's witness. In a recent case, Board had nothing with which to refute the evidence presented to the Board. Board Attorney states it is not strong in the code, it could be a good addition to the process presenting an unbiased opinion on a topic. The party would be retained and paid by the City. The cost would then be reimbursed by the applicant. B. Guthrie asks in the event of conflicting expert testimony, which side would prevail? Board Attorney believes the one retained by the City because the City has no interest as opposed to the other expert who has a vested interest in finding for his client. Staff states as the City runs out of vacant lots, this may occur more frequently, as when the survey is complete there will be many more contributing resources.

B. Guthrie states when he applied for the Board position, he was aware of the metal roofs in his area and his own house having vinyl windows, questions what is wrong with vinyl windows and fences. He advises neighbors coming before the Board to bring photos of surrounding properties suggests that eventually they will be historic. R. D'Arinzo mentions the property at 3<sup>rd</sup> Ave N and N. Ocean Breeze and how nice it looks.

**ADJOURNMENT:** 8:37 pm



**Legal Notice No. 36712**

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) and Federal, State and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct Historic Resources Preservation Board (HRPB) meetings via Communication Media Technology ("CMT"). The meeting will be conducted on **Wednesday, May 13, 2020, at 6:00 p.m.** or as soon thereafter as possible.

Live streaming of the hearing can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> to consider the following:

**HRPB 20-00100067:** Consideration of a request for the new construction of a ± 2,245 square foot two-family structure at 711 North L Street, pursuant to but not limited to Sections 23.2-7, 23.3-8, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Single-Family and Two-Family Residential (SF-TF 14) Zoning District and the Northeast Lucerne Local Historic District. PCN#:38-43-44-21-15-218-0140.

Public comment will be accommodated prior to and during the meeting through the web portal: <http://lakeworthbeachfl.gov/pccab>

Written responses can be sent to the HRPB at 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. Affected parties, as defined in section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participating in the hearing, must notify the City of their status and submit evidence they wish the HRPB to consider, five (5) days prior to the meeting for technical accommodation. Prior attendance notification does NOT apply to members of the public. For additional information on the above issues, please contact City Staff at 561-586-1687.

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 no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald  
April 30, 2020



**MEMORANDUM DATE:** May 6, 2020

**AGENDA DATE:** May 13, 2020

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

**RE:** **711 North L Street**

**FROM:** Jordan Hodges, Senior Preservation Coordinator  
Abraham Fogel, Preservation Planner  
Department for Community Sustainability

**TITLE:** **HRPB Project Number 20-00100067:** Consideration of a Certificate of Appropriateness (COA) for the new construction of a ± 2,245 square foot two-family structure at **711 North L Street**; 38-43-44-21-15-218-0140. The subject property is located in the Single-Family and Two-Family Residential (SF-TF 14) Zoning District and the Northeast Lucerne Local Historic District.

**OWNER:** Manuel Rojas  
5786 NW 48<sup>th</sup> Ct  
Coral Springs, FL 33067

**ARCHITECT:** Denise Cravy  
LCA Architecture, Inc.  
1975 Sansbury's Way, Suite 108  
West Palm Beach, FL 33411

**PROJECT DESCRIPTION:**

The property owner, Manuel Rojas, is requesting approval for a new two-family structure. The subject property is a 50' x 135' (6,750 square foot) platted lot of record located at 711 North L Street, between 7th and 8th Avenue North, in Lake Worth Beach. The vacant property is located in the Single-Family and Two-Family Residential (SF-TF 14) Zoning District and retains a Future Land Use (FLU) designation of Medium Density Residential (MDR).

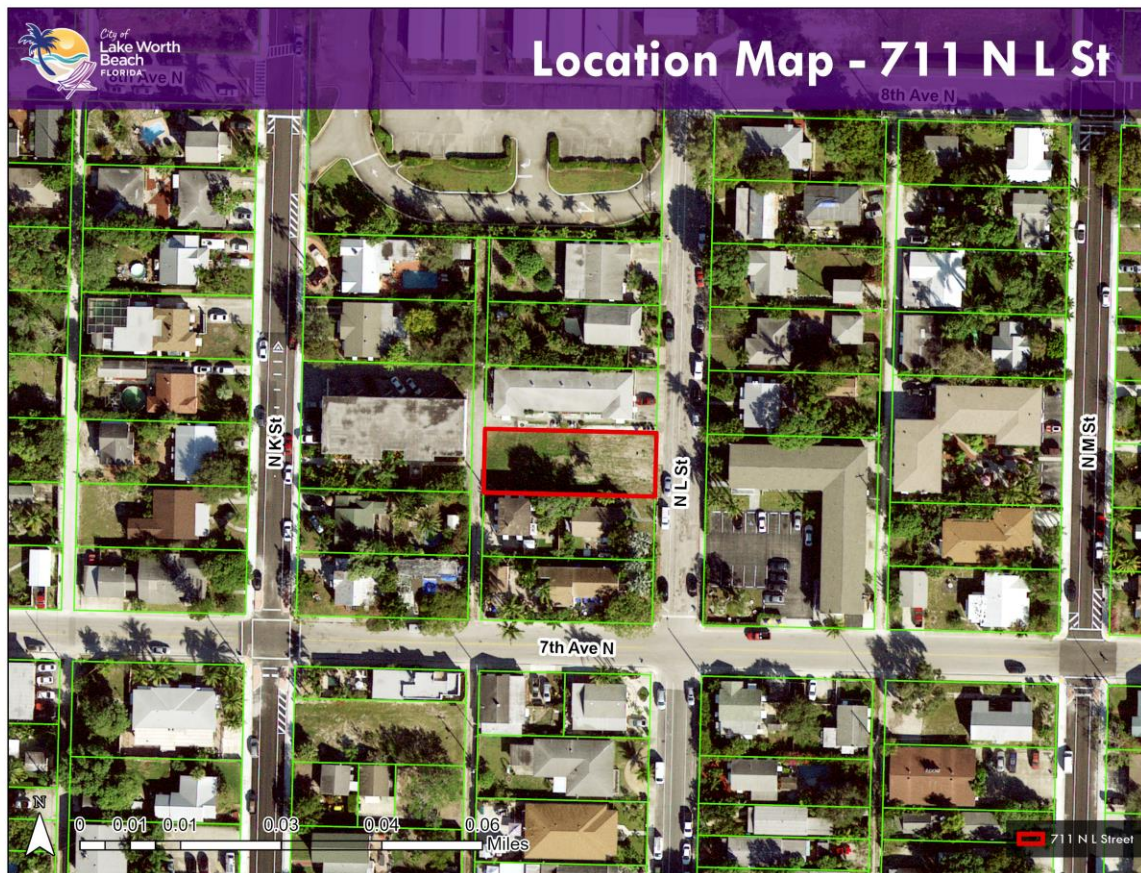
If approved, the subject application would allow construction of a new +/- 2,245 square foot single-story two-family residence. The proposed building is designed in a Wood Frame Vernacular architectural style. The application will require the following approval:

- 1. Certificate of Appropriateness (COA)** for the new construction of a ± 2,245 square foot two-family structure at 711 North L Street.

**STAFF RECOMMENDATION:** Staff recommends approval with conditions as provided on page 10.

**PROPERTY DESCRIPTION**

Owner	Manuel Rojas
General Location	West side of North L Street, between 7 <sup>th</sup> and 8 <sup>th</sup> Avenue North
PCN	38-43-44-21-15-218-0140
Zoning	Single-Family and Two-Family Residential (SF-TF 14)
Existing Land Use	Vacant
Future Land Use Designation	Medium Density Residential (MDR)



**LAND DEVELOPMENT CODE REQUIREMENTS**

<b>Land Development Code Requirements</b>		
<b>Code References</b>	<b>23.3-8 (SF-TF 14); 23.4-10 (Off-street parking)</b>	
	<b>Required</b>	<b>Proposed</b>
Lot Area	5,000 square feet	6,750 square feet
Lot Width	50'-0"	50'-0"
Building Height	30'-0" (2 stories)	11'-11"
Setback - Front	20'-0"	20'-0"
Setback - Side	5'-0" (10% of lot width)	5'-0"
Setback - Rear	13'-6" (10% of lot depth)	15'-0"
Impermeable Surface Total <sup>(1)</sup>	55.0% total	50.0%
Front Yard Impermeable Surface Total	250 square foot maximum	<b>255 square feet</b>
Maximum Building Coverage <sup>(1)</sup>	35.0% maximum	33.0%
Density/Number of Units	2 dwelling units	2 dwelling units (two-family structure)
Floor Area Ratio <sup>(1)</sup>	0.50 maximum	0.33
Living Area	800 square feet	1,111 square feet (unit 1) 1,127 square feet (unit 2)
Parking	4 spaces total (2 spaces per unit)	4 spaces
Parking Dimensions	9'x18' perpendicular or angled 9'x22' parallel	10'x18' perpendicular style: red;"> <b>8'x20' parallel</b>

(1)- Medium lot (lots 5,000 square feet to 7,499 square feet)

The proposed new construction project is consistent with all site data requirements in the City's Zoning Code with the exception of front yard impermeable maximum and parking dimensions for the proposed parallel parking space. There are also inconsistencies in the calculations for maximum building coverage and Floor Area Ratio on the site data table.

The Front Yard Impermeable Surface Total for the subject property is 250 square feet. The proposed site plan indicates that 255 square feet of the front yard will be impermeable. Staff has added a condition of approval so that the front yard would comply with the zoning requirement. This condition requires that a variety of pervious materials and driveway designs may be utilized to reduce the impermeable area and achieve compliance. The minimum dimensions for parallel parking spaces are 9'x22'. The proposed site plan indicates an 8'x20' parallel parking space is proposed. Staff has added a condition of approval that the rear parking space complies with the zoning requirement. There is sufficient space in the rear yard to accommodate the minimum parking dimensions. If the impermeable surface total for the lot becomes an



issue, since the additional lot coverage was not accounted for, the Applicant may utilize pervious materials to reduce the impermeable area.

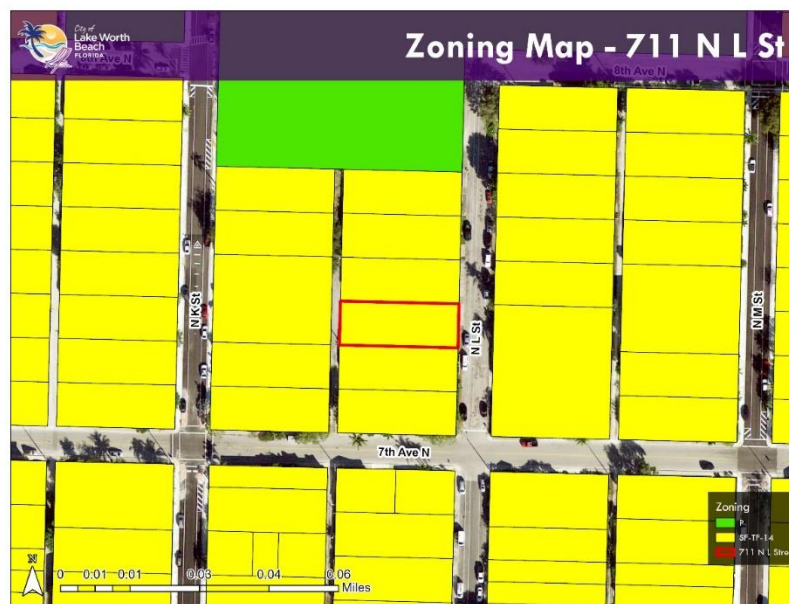
Pursuant to LDR Section 23.1-12, Definitions, a pervious surface is defined as “any surface that is capable of being penetrated by water. For semi-pervious surface materials, two (2) square feet of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the purpose of calculating development regulation requirements for permitted, administrative or conditional uses. Percolation (perc) rate of the semi-pervious material must be fifty (50) percent relative to the ground perc rate. Semi pervious material may include but is not limited to pervious pavers, pervious concrete, grasscrete and substantially similar materials.”

## **SITE ANALYSIS**

### **Surrounding Properties**

The site is surrounded by multi-family structures with similar Zoning and FLU designations, and thus, are found to be compatible with the 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 multi-family structure. This area contains a FLU designation of MDR and a Zoning designation of SF-TF 14.
- SOUTH:** Immediately south of the subject site is a single-family structure with a rear 2-unit building. This area contains a FLU designation of MDR and a Zoning designation of SF-TF 14.
- EAST:** East of the subject site across North L Street are condominium apartments. This area contains a FLU designation of MDR and a Zoning designation of SF-TF 14.
- WEST:** West of the subject site across the rear alley is a multi-family structure. This area contains a FLU designation of MDR and a Zoning designation of SF-TF 14.



The applicant is requesting approval of a new +/- 2,245 square foot one-story two-family residence. A site plan and architectural drawings are included in this report as **Attachment E**. The subject parcel is well-suited for the proposed development as it provides for the type of development envisioned within the ST-TF 14 zoning designation.

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

The subject is located in the Medium-Density Residential Future Land Use (FLU) designation. Per Policy 1.1.1.3 in the City's Comprehensive, the FLU designation allows for a maximum density of 20 per acre. The proposed density for the project is 13 per acre. The purpose for the Medium Density Residential designation is to permit the development of two-family and multi-family structures. As the proposed structure is a two-family development and has a proposed density of less than 20 units per acre, it is consistent with the intent of the Medium Density Residential designation.

The proposed two-family structure is consistent with the following goals and objectives of the Comprehensive Plan:

**GOAL 3.1:** To achieve a supply of housing that offers a variety of residential unit types and prices for current and anticipated homeowners and renters in all household income levels by the creation and/or preservation of a full range of quality housing units.

**Objective 3.2.4:** To encourage architectural design that complements the City's appearance and considers the objectives of all facilities and services provided by the City.

The proposed development should provide for housing in the workforce or affordable range and utilizes a Wood Frame Vernacular architectural design that complements the City's appearance.

### **HISTORIC PRESERVATION ANALYSIS**

All new construction within a designated historic district shall be visually compatible. New buildings 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. Building design styles, whether contemporary or traditional, should be visually compatible with the existing structures in the district.

The single-story two-family structure is proposed with identical facades that front North L Street and the rear alley. Each façade features a covered entry with railings and a gable roof. The structure is designed utilizing concrete block construction finished with stucco simulated wood lap siding on the exterior walls and vertical siding on the smaller roof gables. The roof design features dimensional asphalt shingles and bracketed overhanging eaves. The fenestration incorporates 6/1 aluminum impact single-hung windows with historically compatible window trim, sill, and mullion details. French (glazed) and recessed panel doors are proposed for each façade. Proposed site features include wood fences, landscaping, paver walkways, and paver parking pads in the front yard and rear of the property.

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

In approving or denying applications for certificates of appropriateness for new construction, the City shall also, at a minimum, consider the following additional guidelines which help to define visual compatibility in the applicable property's historic district:

- (1) The height of proposed buildings shall be visually compatible and in harmony with the height of existing buildings located within the historic district.

**Staff Analysis:** The proposed building is consistent with the height of other single-story buildings surrounding the property, and is in harmony with the height of other historic properties in the district.

- (2) The relationship of the width of the building to the height of the front elevation shall be visually compatible and in harmony with the width and height of the front elevation of existing buildings located within the district.

**Staff Analysis:** The width and height of the front elevation of the proposed building are in scale with the surrounding properties.

- (3) For landmarks and contributing buildings and structures, the openings of any building within a historic district should be visually compatible and in harmony with the openings in buildings of a similar architectural style located within the historic district. The relationship of the width of the windows and doors to the height of the windows and doors in a building shall be visually compatible with buildings within the district.

**Staff Analysis:** The proposed single-hung windows, French (glazed) doors, and recessed panel doors are compatible in height and width with the typical windows and doors on the neighboring structures.

- (4) The relationship of solids to voids in the front facade of a building or structure shall be visually compatible and in harmony with the front facades of historic buildings or structures located within the historic district. A long, unbroken facade in a setting of existing narrow structures can be divided into smaller bays which will complement the visual setting and the streetscape.

**Staff Analysis:** The south massing of the front façade features a long unbroken façade. To satisfy this requirement, Staff has added a condition of approval that compatibly sized windows or faux openings featuring recessed shutters shall be added to the front elevation to avoid a long expanse of blank façade.

- (5) The relationship of a building to open space between it and adjoining buildings shall be visually compatible and in harmony with the relationship between buildings elsewhere within the district.

**Staff Analysis:** The proposed building adheres to setback requirements within the current zoning code.

- (6) The relationship of entrance and porch projections to sidewalks of a building shall be visually compatible and in harmony with the prevalent architectural styles of entrances and porch projections on buildings and structures within the district.

**Staff Analysis:** The proposed design utilizes a covered porch with a walkway connecting the porch to the driveway. Historically, walkways provided a pedestrian connection between the front door and street. The proposed entrance to the structure is not compatible or in harmony with the prevalent entrances. To satisfy this requirement, Staff has added a condition of approval that a walkway connecting the front door with sidewalk be added.

- (7) The relationship of the materials, texture and color of the façade of a building shall be visually compatible and in harmony with the predominant materials used in the buildings and structures of a similar style located within the Northeast Lucerne Local Historic District.

**Staff Analysis:** The building will be concrete block finished with stucco simulated wood lap siding. This is a common and compatible façade material for new construction proposals within the historic districts.

- (8) The roof shape of a building or structure shall be visually compatible and in harmony with the roof shape of buildings or structures of a similar architectural style located within the Northeast Lucerne Local Historic District.

**Staff Analysis:** The gable roof with dimensional asphalt shingles and bracketed overhangs are common for Wood Frame Vernacular style structures in Lake Worth Beach.

- (9) Appurtenances of a building, such as walls, wrought iron, fences, evergreen, landscape masses and building facades, shall, if necessary, form cohesive walls of enclosures along a street to insure visual compatibility of the building to the buildings and places to which it is visually related.

**Staff Analysis:** The new wood fences are setback from the front façade, which creates visual compatibility with the new structure and overall streetscape.

- (10) The size and mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible and in harmony with the buildings and places to which it is visually related.

**Staff Analysis:** The size, massing, and other visual qualities of the proposed new construction are compatible and in harmony with visually related properties.

- (11) A building shall be visually compatible and in harmony with the buildings and places to which it is visually related in its directional character: vertical, horizontal or non-directional.



**Staff Analysis:** The Applicant has provided a streetscape showing the building in relation to those to either side of it. The building's height and massing are compatible with other residential structures on the block.

(12) In considering applications for certificates of appropriateness to install mechanical systems which affect the exterior of a building or structure visible from a public right-of-way, the following criteria shall be considered:

- (a) Retain and repair, where possible, historic mechanical systems in their original location, where possible.

**Staff Analysis:** This requirement is not applicable to the new construction project on a vacant property.

- (b) New mechanical systems shall be placed on secondary facades only and shall not be placed on, nor be visible from, primary facades.

**Staff Analysis:** The mechanical systems associated with this property are located on the side yards behind a fence, not visible from North L Street.

- (c) New mechanical systems shall not damage, destroy or compromise the physical integrity of the structure and shall be installed so as to cause the least damage, invasion or visual obstruction to the structure's building materials, or to its significant historic, cultural or architectural features.

**Staff Analysis:** The new mechanical systems are ground-mounted or installed on elevations not visible from street.

(13) The site should take into account the compatibility of landscaping, parking facilities, utility and service areas, walkways and appurtenances. These should be designed with the overall environment in mind and should be in keeping visually with related buildings and structures.

**Staff Analysis:** The proposal complies with maximum lot coverage and impermeable surface totals for the SF-TF 14 Zoning District. Parking is proposed side-loaded to the front façade and in the rear with vehicular access from the alley. Overall, the design of the proposed structure and site are compatible with visually related properties in the Northeast Lucerne Local Historic District. A preliminary landscape plan is included in **Attachment E**. The landscaping for the property will need to be evaluated to ensure it meets the minimum requirements of LDR Section 23.6-1, Landscape Regulations. Final review and approval will take place during the building permit review process.

B. In considering certificates of appropriateness for new buildings or structures, which will have more than one primary facade, such as those on corner lots facing more than one street, the HRPB shall apply the visual compatibility standards to each primary facade.

**Staff Analysis:** This requirement is not applicable to the subject property with one primary façade on North L Street.

#### **Historic Preservation Design Guidelines (Wood Frame Vernacular Architectural Style)**

The City's Historic Preservation Design Guidelines provide a guide to architectural styles found within the historic districts. The proposal adheres to the design features of Wood Frame Vernacular structures. This architectural style was described as being built by local craftsman, using locally available materials, and were built to take advantage of (or protect from) the specific environment in which they were built. Ultimately, this meant that the buildings were utilitarian in nature and had very little ornamentation or detailing, other than those elements that had an actual use.

In Lake Worth Beach, Wood Frame Vernacular structures were typically one or two stories, and were built on a foundation of multiple masonry piers. The siding could be horizontal (shiplap, clapboard, weatherboard, single) or vertical (board on batten, weatherboard). Roof types were front gable, side gable, or hip roof that were clad in wood shingles, composition shingles, or metal shingles. Roof overhangs generally extended past the walls of the house to provide shade from the sun. Exposed rafter ends and brackets under the eaves were common.

A front porch occasionally extended across the length of the house. Wood doors had glazed panels. Windows were either casement or double-hung sash and made of wood and usually had multiple lights (window panes) in both the top and bottom sash. Windows were often large for maximum ventilation and had plain wood window surrounds, with sills that sloped away from the house to shed water. Ornamentation was limited to those elements that were actually used as part of the structure: shingle accents or a slotted vent in the gable end, porch columns, roof brackets or braces.

**Staff Analysis:** The proposed design utilizes regularized window sizes, appropriate material usage, and has a balanced layout. The structure as designed utilizes elements of Wood Frame Vernacular architecture commonly found in early twentieth-century residential structures throughout Lake Worth Beach, and the resulting drawings propose a compatible design for the Northeast Lucerne Local Historic District. Staff has recommended several standard conditions of approval to further ensure visual compatibility, specifically in regards to material choices for the exterior.

#### **PUBLIC COMMENT**

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

#### **CONCLUSION**

The proposed application is consistent with the City's Land Development Regulations as conditioned and the structure's design and site plan are generally consistent with the Wood Frame Vernacular architectural style and the Historic Preservation Design Guidelines requirements on site considerations. Therefore,

staff recommends approval with conditions, listed below, to allow construction of a new ± 2,245 square foot two-family structure.

**Conditions of Approval:**

- 1) The windows and doors shall be wood, wood-clad, aluminum, or fiberglass, and the windows shall utilize a historically compatible sill detail, subject to Staff review at permitting. All proposed exterior entry doors shall be compatible with the Wood Frame Vernacular architectural style, and shall be subject to Staff review at permitting.
- 2) All paired windows shall utilize a 6" wide mullion between windows. Wood trim, fiber-cement trim, or simulated stucco trim shall be utilized to replicate the appearance of historic window details.
- 3) The windows shall be recessed a minimum of two inches (2") in the wall, and shall not be installed flush with the exterior wall.
- 4) The 6/1 divided light patterns on the proposed single-hung windows shall be created utilizing exterior raised applied triangular muntins. Exterior flat muntins or "grills between the glass" shall not be permitted. The smaller single-hung windows utilized for bathrooms and utility rooms have a 3/3 divided-light pattern.
- 5) The windows shall utilize clear glass or glass with a clear Low-E coating. Tinted, highly reflective, grey, or colored glass shall not be used.
- 6) The doors may utilize clear glass, frosted, obscure glass, or glass with a clear Low-E coating. Tinted, highly reflective, grey, colored, etched, or leaded glass shall not be used.
- 7) The porch post and beam details, bracketed overhangs, and faux vents shall be constructed out of wood or a wood-look material and shall be compatible with the Wood Frame Vernacular architectural style and shall be subject to Staff review at permitting.
- 8) The stucco lap siding shall have a texture and profile that is compatible with wood lap siding commonly found on Wood Frame Vernacular style structures and shall have no more than a six inch (6") reveal. The Applicant shall be responsible for contacting Historic Preservation Staff to review and inspect a portion of siding prior to completion.
- 9) Compatibly sized windows or faux openings utilizing closed shutters shall be added to the south massing of the front elevation to avoid a long expanse of blank façade. If faux window openings are utilized, they shall be recessed within the wall, utilize trim and sill details, and match the proportions of the other visually related window openings.
- 10) A walkway connecting the front door with sidewalk shall be added. Adjustments to the material or design of the front yard may be required to ensure front yard impermeable surface totals are not exceeded.
- 11) The site plan shall be revised to comply with the front yard impermeable maximum.
- 12) The rear parallel parking space shall be revised to meet the minimum required dimensions.
- 13) The site data table shall be revised to ensure all calculations are consistent and reflect the conditions depicted on the site plan.

**POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number 20-00100067 with staff recommended conditions for a Certificate of Appropriateness (COA) for the new construction of a ± 2,245 square foot two-family

structure at **711 North 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 20-00100067 for a Certificate of Appropriateness (COA) for the new construction of a ± 2,245 square foot two-family structure at **711 North 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. Current Property Survey
- B. Current Photos
- C. Proposed Architectural Plans
- D. Historic Preservation Design Guidelines – Wood Frame Vernacular (Excerpt)



**MEMORANDUM DATE:** May 6, 2020

**AGENDA DATE:** May 13, 2020

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

**RE:** **921 Lake Avenue**

**FROM:** Jordan Hodges, Senior Preservation Coordinator  
Abraham Fogel, Preservation Planner  
Department for Community Sustainability

**TITLE:** **HRPB Project Number 19-0000011 REVISION:** A request to retroactively approve alterations to a previously approved mural installation for the contributing structure located at **921 Lake Avenue**, pursuant to but not limited to Sections 23.2-7, 23.3-14, and 23.5-4 of the Land Development Regulations. The subject property is located in the Downtown (DT) Zoning District and the Old Town Local Historic District.

**Owner:** Ahu Serter  
Lucky Feet Baking Goods LLC  
921 Lake Avenue  
Lake Worth Beach, FL 33460

**PROJECT DESCRIPTION:**

The property owner, Ahu Serter, is requesting approval to retroactively permit alterations to a mural approved at the January 8, 2020 Historic Resources Preservation Board (HRPB) meeting. The mural, as installed, exceeds the scope of the approval and is in conflict with several conditions included in the Development Order. The mural was also installed prior to applying for a City of Lake Worth Beach building permit. The subject property is located in the Downtown (DT) Zoning District and retains a Future Land Use (FLU) of Downtown Mixed Use (DMU).

The application will require the following approval:

- 1. Mural:** A request to approve alterations to a previously approved mural installation for the contributing structure located at 921 Lake Avenue.

**STAFF RECOMMENDATION:** Staff recommends **approval with conditions** as provided on page 8.

**PROPERTY DESCRIPTION**

Owner	Ahu Serter
General Location	Southwest corner of Lake Avenue and South H Street
PCN	38-43-44-21-15-015-0110
Zoning	Downtown (DT)
Existing Land Use	Vacant (Restaurant Proposed)
Future Land Use Designation	Downtown Mixed Use (DMU)



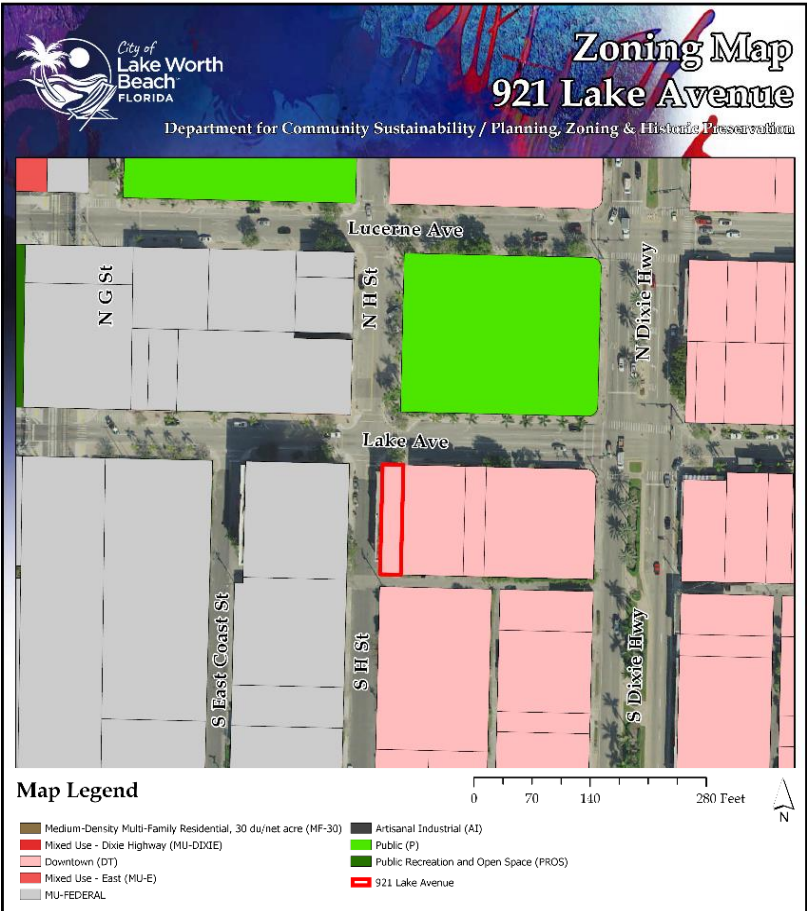


**SITE ANALYSIS**

**Surrounding Properties**

The following summarizes the nature of the surrounding properties adjacent to the subject site:

- NORTH:** To the north of subject property, across from Lake Avenue, is the City of Lake Worth Beach City Hall. The parcel is zoned Public (P) and has a future land use designation of Public (P).
- SOUTH:** To the south of the subject property, across from the alley, is multi-family structures. Similar to the subject property, the parcel is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU).
- EAST:** To the east of the subject property, is a mixed-use structure with a restaurant (Couco Pazzo) and residential units. Similar to the subject property, the parcel is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU).
- WEST:** To the west of the subject property, across from South H Street, is a commercial office structure. Similar to the subject property, the parcel is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU).



The Applicant is requesting to permit alterations to a previously approved mural installation. As installed, the mural extends the full length of the west elevation of the structure, which exceeds the approved mural area. The mural application also obscures window and door openings and the decorative parapet, in violation of the conditions of approval.

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

The subject property is located in the Downtown Mixed Use Future Land Use (FLU) designation, within the Cultural Arts Overlay District. Although murals are not specifically addressed in the Comprehensive Plan, the intent of The Cultural Arts Overlay land use category (Policy 1.1.1.14) is to provide for the establishment and enlargement of cultural arts related uses within a variety of broader land use categories near the urban core of the city and along the FEC railway corridor within close proximity of the historic downtown. The proposed mural is consistent with the intent of the Cultural Arts Overlay District as it enlarges the cultural arts near the City's downtown.

### **Arts and Culture Master Plan**

The Arts and Cultural Master Plan promotes the Downtown as a destination for the art-related businesses, art and cultural programs and arts-related education. The proposed mural is consistent with the following strategies and actions:

#### **B1: Make efforts to be the community for arts to live**

B1.2 Facilitate, promote, and expand the number of physical places for artists to show/perform/display

#### **C1: Make arts and culture more visible in the Downtown**

C1.4 Encourage arts and culture groups to take arts and culture "outside" their venues in order to better connect with the Lake Worth community and access new audiences

The proposed mural is located on the side elevation (fronting South H Street) of a structure where public art was previously not installed. The proposal also expands the number of physical places where art is displayed in the public realm.

### **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 regards 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.*

The Code regulations also require that the design of the mural must meet the requirements of Section 23.2-31(l), which defines community appearance standards and review criteria.

### **Section 23.2-31(l) – Review/Decision**

- 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 appears to portray good taste and design, contributing to the artistic aesthetics of the City. The mural was designed and executed by acclaimed Portuguese artist David Arranhado. According to the Applicant, it is a tropical-themed mural that adds beauty to 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 does not appear to be of inferior quality and is subject to the mural removal agreement, which requires the Applicant to continuously maintain the mural for the duration of its existence.

- 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 mural is located within the Old Town Local Historic District, which is comprised of a mix of commercial, residential, and public uses. The mural appears to be in harmony with the surrounding properties in the general vicinity.

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

**Staff Analysis:** Not applicable. Section 23.2-29 refers to the conditional use permit process, and this requires to retroactively permit alterations to a previously approved mural installation does not require a conditional use permit.

## **HISTORIC PRESERVATION ANALYSIS**

The Historic Preservation Board (HRPB) approved the mural installation at 921 Lake Avenue on January 8, 2020, as follows:



During Board discussion, it was determined that the mural should not obscure the decorative parapet and the window openings. Staff's recommendations #6, 7, and 8 were included in the motion to approve the request. Also, a final Condition of Approval was added by the Board that the sidewalk be protected during the work process to prevent permanent damage from the paint application.

### **Conditions of Approval (As written in the January, 8, 2020 Staff Report)**

- 1) Previously unpainted masonry building materials (i.e. unpainted brick, coral stone, Oolitic limestone, etc.) and windows shall not be painted.
- 2) This approval does not include any physical alterations to building exteriors aside from paint application.
- 3) Prior to the mural being installed, the Applicant shall apply for a City of Lake Worth Beach building permit.
- 4) Unless a time extension is granted in accordance with Code, this application shall expire one year from Historic Resources Preservation Board Approval.

- 5) Prior to the completion of the proposed murals, a Mural Removal Agreement shall be entered between the Applicant and the City of Lake Worth Beach for each mural. This removal agreement shall be recorded with The Clerk and Comptroller of Palm Beach County.
- 6) Staff *recommends* that the mural terminate before it reaches the decorative parapet.
- 7) Staff *recommends* that the mural extend the full length of the west elevation.
- 8) Staff *recommends* that the mural's focal point (tree) be repositioned to ensure a window opening does not obscure it.

### Proposed Mural Request

The mural was installed on the full length of the west elevation beyond the approved dimensions and prior to submitting an application for a building permit. The Applicant is requesting of approval of the mural as installed in the photos below:



The subject mural was installed outside of the scope of the HRPB approval as follows:

### Conditions of Approval (As written in the Development Order)

- 1) Previously unpainted masonry building materials (i.e. unpainted brick, coral stone, Oolitic limestone, etc.) and windows shall not be painted.  
**Staff Analysis:** The windows and doors were painted.
- 3) Prior to the mural being installed, the Applicant shall apply for a City of Lake Worth Beach building permit.  
**Staff Analysis:** The mural was installed prior to applying for a building permit.
- 6) The mural shall terminate before it reaches the decorative parapet.  
**Staff Analysis:** The decorative parapet was painted in the mural application.

- 7) The mural shall extend the full length of the west elevation.  
**Staff Analysis:** The mural was extended the full length of the west elevation of the structure, beyond the proposed plane of the mural area.
- 8) The mural's focal point (tree) shall be repositioned to ensure a window opening does not obscure it.  
**Staff Analysis:** The mural's focal point was not repositioned and is located over existing windows openings.
- 9) The sidewalk shall be protected during the mural's installation.  
**Staff Analysis:** The sidewalk was protected during the mural application process to prevent damage.

Staff has modified the previously approved conditions of approval for consistency with the previous Board approval. Specifically, the paint application shall be removed from the windows and doors. Staff defers to the Board to determine if the paint shall be removed from the decorative parapet and the previously unapproved portions of the rear west façade.

#### **PUBLIC COMMENT**

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

**CONCLUSION:** Based on the data and analysis in this report, staff recommends approval with conditions, listed below, to allow retroactive alterations to the previously approved mural installation.

Conditions of Approval:

- 1) The mural paint application shall be removed from the windows and doors (surface of the glass, frame, and screens) and any previously unpainted masonry building materials (i.e. unpainted brick, coral stone, Oolitic limestone, etc.). The Applicant shall be responsible for contacting Historic Preservation Staff to review and inspect the mural during permitting process.
- 2) This approval does not include any physical alterations to building exteriors aside from paint removal and/or application.
- 3) Unless a time extension is granted in accordance with Code, this application shall expire one year from Historic Resources Preservation Board Approval.
- 4) The sidewalk shall be protected during the work process.

#### **POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number 19-00000011 REVISION with staff recommended conditions of the request to retroactively permit alterations to the mural installed on the contributing structure located at **921 Lake Avenue**, based upon the competent substantial evidence provided in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations.

I MOVE TO **DENY** HRPB Project Number 19-00000011 REVISION the request to retroactively permit alterations to the mural installed on the contributing structure located at **921 Lake Avenue**, because the Applicant has not established by competent substantial evidence that the request is in compliance with the City of Lake Worth Beach Land Development Regulations.

**ATTACHMENTS:**

- A. Current Photos
- B. HRPB#19-00500008\_19-00000011 – Staff Report – January 8, 2020 HRPB



**MEMORANDUM DATE:** May 6, 2020

**AGENDA DATE:** May 13, 2020

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

**RE:** **246 Vanderbilt Drive**

**FROM:** Jordan Hodges, Senior Preservation Coordinator  
Abraham Fogel, Preservation Planner  
Department for Community Sustainability

**TITLE:** **HRPB Project Number 20-00100078:** Consideration of a Certificate of Appropriateness (COA) for the removal of an existing driveway and installation of a new driveway in the front yard of the property located at **246 Vanderbilt Drive**; PCN# 38-43-44-15-07-000-6700. The subject property is a contributing resource to the College Park Local Historic District and located in the Single-Family (SF-R) Zoning District.

**OWNER:** Aleatha Hoff  
246 Vanderbilt Drive  
Lake Worth Beach, FL 33460

**PROJECT DESCRIPTION:**

The property owner, Aleatha Hoff, is requesting approval to remove an existing driveway on Pennsylvania Drive and to install a new driveway on Princeton Drive. The subject property is a 75' x 88.73' (6,655 square foot) parcel comprised of three platted lots of record located at the northeast corner of Vanderbilt Drive and Pennsylvania Drive, in Lake Worth Beach. The property is located in the Single-Family Residential (SF-R) Zoning District and retains a Future Land Use (FLU) designation of Single-Family Residential (SFR).

If approved, the subject application would allow construction of a new 20'x29.5' driveway in the front yard of the single-family residence. The structure located at 246 Vanderbilt Drive was designed in 1948 by prominent Florida architect, Arthur L. Weeks. The single-family residence is designed in a Masonry Vernacular architectural style. City building records indicate the structure utilizes masonry construction with a smooth stucco exterior finish, an asbestos shingle hip roof, a small open-air integral front porch, and a rear detached one-car garage. In 1949, Arthur L. Weeks also designed a laundry room addition that connected the residence and the detached garage. In 1991, the garage was converted into a family room. City permit records indicate the structure has had alterations over time, including permits for a new in-ground pool, roof replacement with asphalt shingles, window replacement, and fencing. The property file documentation is included as **Attachment C**. The application will require the following approval:

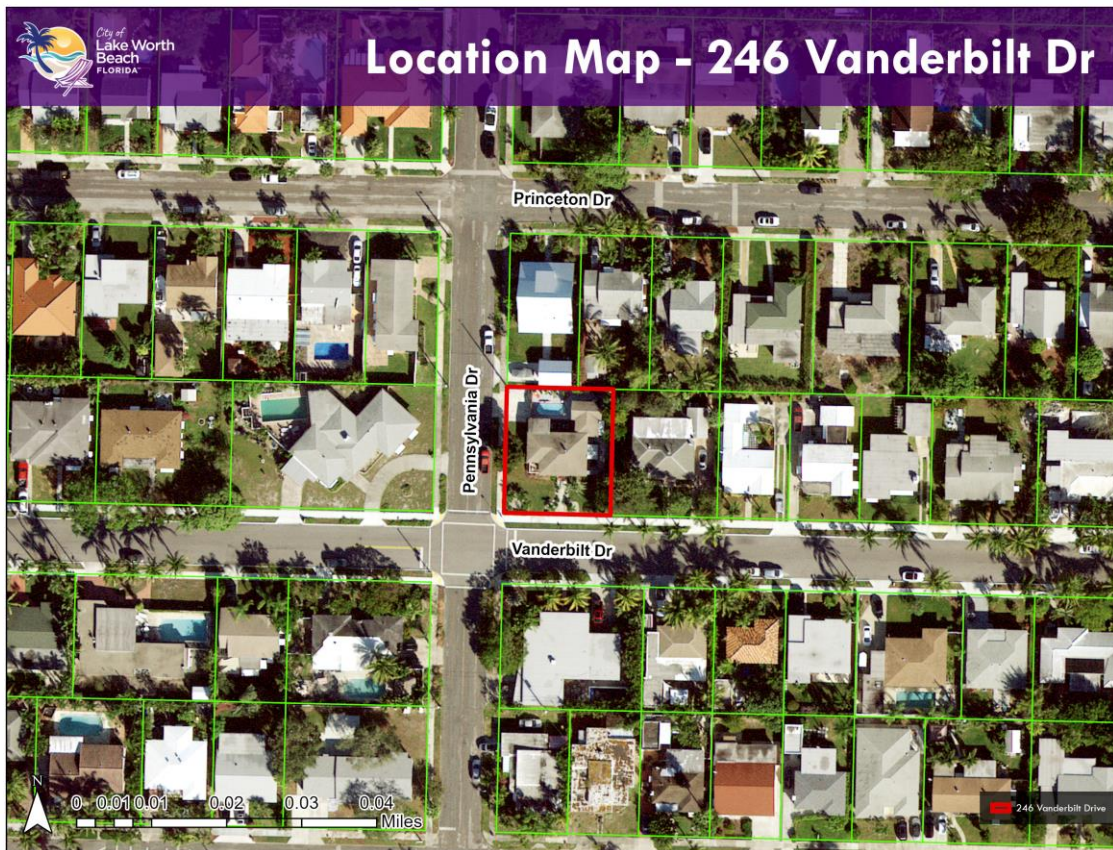
1. **Certificate of Appropriateness (COA)** for the removal of an existing driveway and installation of a new driveway in the front yard of the property located at 246 Vanderbilt Drive.



**STAFF RECOMMENDATION:** Staff recommends approval with conditions that modify the size and material of the driveway as provided on page 6.

**PROPERTY DESCRIPTION**

Owner	Aleatha Hoff
General Location	Northeast corner of Vanderbilt Drive and Pennsylvania Drive
PCN	38-43-44-15-07-000-6700
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single-Family
Future Land Use Designation	Single-Family Residential (SFR)



**LAND DEVELOPMENT CODE REQUIREMENTS**

Land Development Code Requirements		
Code References	23.3-7 (SF-R); 23.4-10 (Off-street parking)	
	Required	Proposed
Lot Area	5,000 square feet	6,655 square feet
Lot Width	50'-0"	75'-0"
Impermeable Surface Total <sup>(1)</sup>	55.0% total	44.3%
Front Yard Impermeable Surface Total	553 square feet	410 square feet
Parking	2 spaces	2 spaces
Parking Dimensions	9'x18' perpendicular or angled	10'x29.5'

(1)- Medium lot (lots 5,000 square feet to 7,499 square feet)

The proposed new driveway is consistent with all site data requirements in the City’s Zoning Code. The existing 17.5’x16.9 (296 square foot) driveway fronting Pennsylvania Drive is proposed to be removed and replaced with living ground cover. The proposed 20’x29.5’ (590 square foot) driveway would be installed in the front yard of the residence with vehicular access from Vanderbilt Drive.

The new driveway will utilize semi-pervious pavers. Historic preservation staff will review the material for appropriateness during the building permit review process. Pursuant to LDR Section 23.1-12, *“For semi-pervious surface materials, two (2) square feet of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the purpose of calculating development regulation requirements for permitted, administrative or conditional uses. Percolation (perc) rate of the semi-pervious material must be fifty (50) percent relative to the ground perc rate. Semi pervious material may include but is not limited to pervious pavers, pervious concrete, grasscrete and substantially similar materials.”*

By utilizing semi-pervious materials, the total area calculation of impermeable surface for the new driveway is reduced to 295 square feet. The front yard impermeable surface total for the subject property is 553 square feet. The proposed site plan indicates that 410 square feet of the front yard will be impermeable, which is in compliance with the zoning requirement.

Pursuant to LDR Section 23.3-7(c)(5)(D): *“Provided however that the lesser of nine hundred (900) square feet or seventy-five (75) percent of the front yard area shall remain pervious and be landscaped.”* The landscaping for the property will need to be evaluated to ensure it meets the minimum requirements of Section 23.6-1, Landscape Regulations. Staff has added a condition of approval that the final review and approval of the landscaping will take place during the building permit review process.



## SITE ANALYSIS

### Surrounding Properties

The site is surrounded by single-family structures with similar Zoning and FLU designation. The following summarizes the nature of the surrounding properties adjacent to the subject site and their driveway design:

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

- Driveway Design: One-car wide driveway leading directly to a rear garage on Pennsylvania Avenue.

**SOUTH:** Immediately north of the subject site is a single-family structure. This area contains a FLU designation of SFR and a Zoning designation of SF-R.

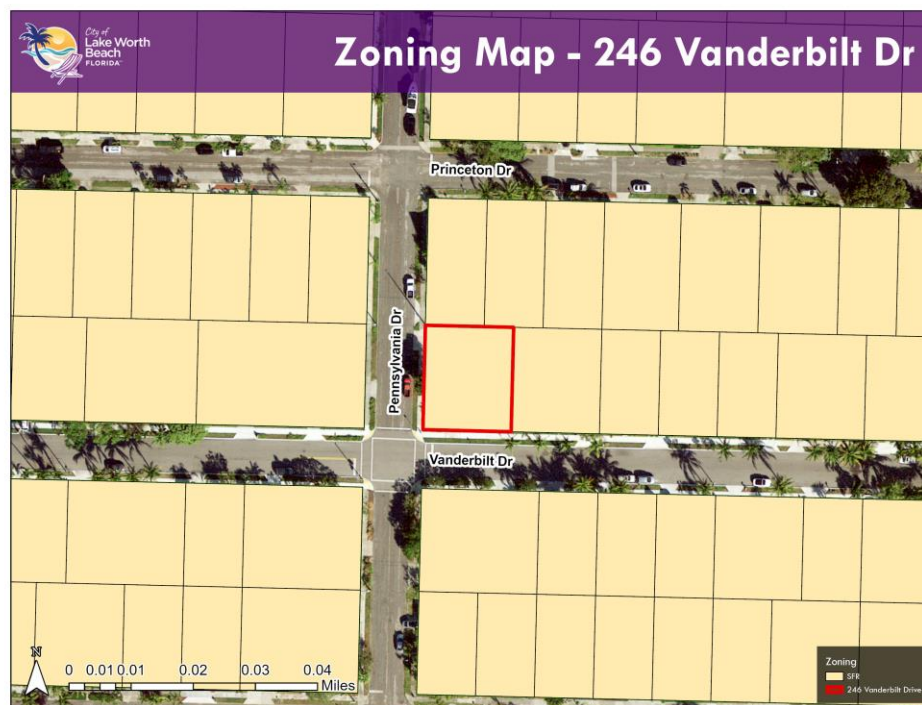
- Driveway Design: Two-car wide driveway leading directly to a front-facing integral garage on Vanderbilt Drive.

**EAST:** Immediately north of the subject site is a single-family structure. This area contains a FLU designation of SFR and a Zoning designation of SF-R.

- Driveway Design: One-car wide driveway leading directly to a rear garage.

**WEST:** Immediately north of the subject site is a single-family structure. This area contains a FLU designation of SFR and a Zoning designation of SF-R.

- Driveway Design: One-car wide circular driveway with vehicular access from Pennsylvania Drive and Vanderbilt Drive. Also, a one-car wide driveway leading to a front-facing integral garage on Vanderbilt Drive.



The applicant is requesting approval for the removal of an existing driveway and installation of a new 20'x29.5' driveway in the front yard of the property. The proposed site plan is included as **Attachment D**. As indicated in the site analysis of surrounding properties, there are several driveway designs utilized, although single-car wide driveways remain the most prevalent. The Historic Preservation analysis will further discuss driveway design and location compatibility within the historic districts.

### **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. As the proposed driveway is necessary to provide the minimum parking required for a single-family residence, it is consistent with the intent of the Single-Family Residential designation.

## **HISTORIC PRESERVATION ANALYSIS**

### **Historic Preservation Design Guidelines (Landscape and Site Features)**

The City's Historic Preservation Design Guidelines provide a guide for landscaping and site features in the historic districts. Driveways and walkways can enhance, or detract from, the character of a historic property and street. 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 single-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.

Per the Design Guidelines, driveways within the historic districts 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 a single-family house. Typically, driveways more than one car wide and/or circular driveways are inappropriate in residential historic districts as they pave significant areas of the front yard, they are historically inaccurate, and they give unwanted prominence to the automobile, which can obscure the view of the building.

### **Review**

Historically, it is atypical for driveways to be two spaces wide and to terminate at the front setback of a single-family residence. City building records indicate parking for the property has historically been located in a rear garage with vehicular access from Pennsylvania Drive. Over time, the garage has been repurposed into additional living space and an in-ground pool has been installed between the garage and the street. These alterations have eliminated the original parking configuration from the parcel. As there is no visible garage, there no longer is the typical proximity and function between the garage and the parking spaces.

The proposed driveway is located in the front yard and is largely side-loaded to the existing structure. This configuration would allow parking closer to the principal point of access to the structure. Based on

the property survey, the 20'x29.5' driveway will overlap with the southeast corner of the front façade of the residence. The length of the proposed driveway also extends to the front setback of the building, which is typical for commercial and multi-family structures within the historic districts, but atypical for single-family residences. The width and length of the proposed driveway are generally greater than what is necessary to accommodate two off-street parking spaces. Staff has added conditions of approval to reduce the size of the driveway from 20'x29.5' to 18'x18'. An 18'x18' driveway, set one foot (1'-0") from the east property line will eliminate the overlap of the driveway and the front façade of the structure. Terminating the driveway at eighteen feet (18'-0") in length instead of the proposed twenty-nine and a half feet (29'-6") will also create a lawn or landscape buffer between the driveway and the front façade of the structure, which is more compatible for single-family residences.

As there no longer is a relationship between the garage and the parking and with staff conditions limiting the size, material type, and required landscaping, the proposed new driveway located in front yard meets the minimum threshold to qualify as an appropriate improvement for this particular property and compatible with the surrounding historic district. Should the Board find that the driveway location is compatible; Staff has included conditions of approval to configure the driveway in the most historically compatible manner.

#### PUBLIC COMMENT

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

#### CONCLUSION:

**The proposed driveway is consistent with the City's Land Development Requirements as conditioned.**

As there is no longer a relationship between the garage and the parking and with staff conditions limiting the size, material type, and required landscaping, the proposed new driveway located in front yard meets the minimum threshold to qualify as an appropriate improvement for this particular property and compatible with the surrounding historic district. Therefore, staff recommends approval with conditions, listed below, to allow construction of a new driveway in the front yard of the single-family residence.

Conditions of Approval:

- 1) The Applicant shall apply for a City of Lake Worth Beach Building Permit and Right-of-Way Permit Application.
- 2) Final review and approval of the landscaping will take place during the building permit review process to ensure at least 75% of the front yard shall remain pervious and landscaped.
- 3) The proposed new driveway shall utilize a semi-pervious material, subject to Staff review at permitting.
- 4) The driveway dimensions shall be reduced to 18'x18' to comply with the minimum parking dimensions for two parking spaces. A ribbon driveway design (in lieu of a pad) may also be utilized the minimize the visual impact of the two-car wide driveway.
- 5) The driveway shall be set back one foot (1'-0") from the east property line to allow for adequate water run-off.

**POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number 20-00100078 with staff recommended conditions for a Certificate of Appropriateness (COA) for the removal of an existing driveway and installation of a new driveway in the front yard of the property located at **246 Vanderbilt 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 20-00100078 for a Certificate of Appropriateness (COA) for the removal of an existing driveway and installation of a new driveway in the front yard of the property located at **246 Vanderbilt 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 Survey
- B. Current Photos
- C. Property File Documentation
- D. Proposed Site Plan
- E. Historic Preservation Design Guidelines – Landscape and Site Features (Excerpt)



DATE: May 6, 2020

TO: Members of the Historic Resources Preservation Board and Planning and Zoning Board

FROM: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

SUBJECT: **PZB/HRPB 20-00200001**: City-initiated request to amend the Future Land Use Map of Lake Worth Beach through a large scale map amendment from the Future Land Use (FLU) designations of Mixed Use East and Mixed Use West to the Transit Oriented Development FLU designation on property generally located on the north side of the Lake Worth Road corridor from between Boutwell Road and North A Street and more fully described in Exhibit A of the attached ordinance..

Meeting Dates: **May 13, 2010 and May 20, 2020**

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**BACKGROUND:**

The subject City-initiated proposed amendments to the Future Land Use Map provide prime locations for Transit-Oriented Development (TOD) that are in close proximity to the existing Tri Rail train station/I-95 corridor and respond to market driven conditions for economic development by providing the desired TOD FLU designations. Furthermore, the amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report.

The two (2) proposed Future Land Use Map amendments to expand the TOD boundaries are described as follows:

- Future Land Use Map amendment for approximately 7.11 acres (24 properties) from Mixed Use East (MU-E) to TOD from Lake Worth Road north to 2nd Avenue, North A Street west to I-95 and the CSX Railroad Tracks; and
- Future Land Use Map amendment for approximately 19.56 acres (10 properties) from Mixed Use West (MU-W) to TOD from Lake Worth Road north to 2nd Avenue, Boutwell Road east to I-95 and the CSX Railroad Tracks.

The current FLU and proposed FLU maps are included as Exhibit A in the attached proposed Ordinance. The data and analysis section in the staff report was prepared in accordance with the requirement of F.S. 163.3177 and provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission transmit the City initiated future land use map amendments (**PZB/HRPB 20-00200001**) to the Florida Department Economic Opportunity (DEO) for expedited review.

**DATA & ANALYSIS:**

The proposed TOD Future Land Use for the subject properties is compatible with the Future Land Use designations of surrounding properties. The following outlines the Future Land Use designations for the adjacent areas:

- Future Land Use Map amendment for approximately 7.11 acres (24 properties) from Mixed Use East (MU-E) to TOD from Lake Worth Road north to 2nd Avenue, North A Street west to I-95 and the CSX Railroad Tracks

Current FLU	Adjacent Direction	Future Land Use
Mixed Use East	North	Medium Density Residential
Mixed Use East	South	Public
Mixed Use East	East	Mixed Use East
Mixed Use East	West	Mixed Use West

- Future Land Use Map amendment for approximately 19.56 acres (10 properties) from Mixed Use West (MU-W) to TOD from Lake Worth Road north to 2nd Avenue, Boutwell Road east to I-95 and the CSX Railroad Tracks.

Current FLU	Adjacent Direction	Future Land Use Designations
Mixed Use West	North	Industrial and Public
Mixed Use West	South	Transit Oriented Development
Mixed Use West	East	Mixed Use East
Mixed Use West	West	Mixed Use West

**JUSTIFICATION:**

The TOD FLU designation provides an alternative mixed-use development pattern within a one-quarter mile radius of the existing Tri Rail Station, CSX railway, and I-95 transit nodes. Currently, the adjacent property to the south of Lake Worth Road and west of I-95 has a TOD FLU. Expansion of the TOD boundaries will enable a greater TOD area to serve the desired TOD uses, design, and lifestyle all within one-quarter mile of the existing Tri Rail train station/I-95 corridor and within close proximity to the Lake Worth Road Park of Commerce. The amendment provides market driven opportunities for TOD in prime transit locations positioning Lake Worth Beach to be a competitive viable location of choice.

## **COMPREHENSIVE PLAN AND STRATEGIC PLAN ANALYSIS:**

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

The proposed FLUM amendments are consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach's Comprehensive Plan. The underlined text emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments.

#### 1. FUTURE LAND USE ELEMENT

**Objective 1.2.2:** The City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed use, high density residential and transit oriented development (TOD) areas.

Policy 1.2.2.1: The City shall continue to promote compact developments within the mixed use high density residential and TOD areas while providing adequate public services for each development in the most cost effective manner possible.

Policy 1.2.2.2: The City shall require all future development and redevelopment to incorporate a functional mix of uses that promote walkable and interconnected uses with a mix of densities and intensities and access to transit, bicycle, pedestrian and other modes of transportation.

Policy 1.2.2.3: Investigate additional uses and opportunities to promote a more sustainable and resilient community.

Policy 1.7.1.13: The City shall consider creating a "Commerce Park Village" incorporating the current LWPOC with the Mixed-Use West and TOD areas west of I-95.

#### 2. TRANSPORTATION ELEMENT

Policy 2.1.1.6: The City shall encourage local businesses and encourage transit friendly development in the Land Development Regulations for all land uses to maximize the use of the public transit system.

Policy 2.1.1.16: The City shall coordinate with South Florida Regional Transportation Authority, the Palm Beach MPO, and the Florida East Coast Railway to establish a commuter rail station serving Tri-Rail Coastal Link service and to encourage transit opportunities to the future station.

#### 3. HOUSING AND NEIGHBORHOODS ELEMENT

**Objective 3.1.8:** Encourage construction of workforce housing units and market- rate housing to alleviate the excessive concentration of affordable units in the City and to contribute to the Goal of providing a full range of quality residential unit types



**and prices for current and anticipated homeowners and renters in all household income levels.**

- Policy 3.1.8.1: Establish an effective housing program to alleviate the excessive concentration of affordable units in the City and to provide a full range of quality residential unit types and prices.
- Policy 3.1.8.2: Promote the construction of market-rate housing in redevelopment areas and mixed-use corridors to contribute to achieve a full range of housing supply.
- Policy 3.3.1.7: Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Lake Worth as a healthy, vital City.
- Strengthen the sense of place in each neighborhood with adequate and well-designed, public facilities such as libraries, schools, recreation centers, fire stations and streetscapes.
  - Continue to support public art and historic preservation as a focus for neighborhood identity and pride.
  - Recognize that every neighborhood has assets that identify that neighborhood and contribute to the well-being of the people who live there. Understand what those are and look for opportunities to enhance them and leverage them for neighborhood improvement. Assets include trees, large yards, schools, people and independent businesses.
  - The physical layout of a neighborhood should encourage walking, bicycling and transit use, be safe, family friendly, usable by people of all ages, encourage interaction between people and be a sense of pride.
  - Recognize that there are different development patterns. They have been defined generally as: urban, traditional, suburban, contemporary and rural. Each has sustainability standards that must be used.
  - Accommodate the City's existing and future housing needs through maintenance of existing residential neighborhoods and the creation of new residential neighborhoods.
  - Relate new buildings to the context of the neighborhood and community.
  - Where a fine-grained development pattern exists, build within the existing street, block, and lot configuration of the neighborhood.



## 11. ECONOMIC DEVELOPMENT ELEMENT

- Policy 11.1.2.3: The City shall allocate adequate commercial, industrial, and residential acreage through mechanisms such as zoning and land use plans to meet future needs of a diversified economy.
- Policy 11.1.2.11: The City shall foster the redevelopment of commercial corridors by preparing individual corridor redevelopment plans for key economic corridors located in existing mixed-use corridors and areas.
- Policy 11.1.2.12: The City shall establish and maintain land uses and zoning regulations that will facilitate telecommuting, home based occupations, mixed-use centers, Transit-Oriented Development (TOD) areas, and other components that are helpful to job creation and retention, including the targeted industries.
- Policy 11.1.2.16: The City shall maintain its unique urban character and charm by preserving historic sites and districts within the City as much as possible, and direct economic development projects to existing mixed-use corridors and sites as well as to the Lake Worth Park of Commerce.

### **Consistency with the Strategic Plan**

The proposed amendments further the City's Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and support the Strategic Pillars of Positioning Lake Worth Beach to be a competitive viable location of choice, Strengthening Lake Worth Beach as a "Community of Neighborhoods", and Navigating towards a sustainable community.

Specifically, the proposed amendments are consistency with the following Strategic Plan Pillars:

#### **Pillar I: Positioning Lake Worth Beach to be a competitive viable location of choice**

A: Ensure effective economic development incentives and zones

E: Provide superior public amenities and services to retain existing and entice new residents and businesses

#### **Pillar II: Strengthening Lake Worth Beach as a 'Community of Neighborhoods'**

A: Diversify housing options

#### **Pillar IV: Navigating Towards a Sustainable Community**

A: Achieve economic and financial sustainability through a versatile and stable tax base.

D: Influence the supply and expansion of jobs.

E: Ensure facility placement, construction and development that anticipates and embraces the future.

### **Level of Service Analysis**

Pursuant to Chapter 163 of the Florida Statutes, any FLU amendment must be evaluated to determine if the proposed future land use will have a significant impact on the long range level of service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, parks, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the maximum development potential for the existing and proposed FLU, and whether or not each public facility has capacity to accommodate any additional

demands. According to the City’s Comprehensive Plan, the maximum development potential change is for the existing Mixed Use FLU at 30 du/acre to the proposed TOD FLU at 60 du/acre resulting in an increase of 30 du/acre.

Analysis of the increased density (30 du/acre to 60 du/acre= 30 du/acre) on the long range Level of Service (LOS) impacts concluded community facilities and services are available in the area to sustain the future increased demands and long range LOS can be met with current and planned system capacities. Specifically, the additional 30 du/acre for the proposed TOD area of approximately 26.67 acres generates an increase of 800 dwelling units or 2,024 persons (at an average household size of 2.53 people per household per Comprehensive Plan Future Land Use Data and Analysis). The following table provides a LOS summary.

**FLUM AMENDMENT LOS SUMMARY TABLE**

Type of Facility:	Existing FLU Designations: (at 30 du/acre for Mixed Use)	Proposed FLU Designations: (at 60 du/acre for TOD)
<b>Drainage</b>	3-year, 1-hour storm duration, as recorded in the FDOT Drainage Manual IDF curves, current edition and fully contained onsite.	3-year, 1-hour storm duration  Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements. Site improvements will be required to provide drainage collection and conveyance systems to positive outfall.
<b>Potable Water</b>	105 GPCD (gallons per capita per day).  105 gpcd x 30 du/acre x 2.53 pph =7,970	105 gpcd x 60 du/acre x 2.53 pph =15,939 Increase of 7,970 gpcd  The City facilities have available capacity to accommodate the additional demand.
<b>Sanitary Sewer</b>	Collection and treatment of 100 gallons per capita per day at secondary treatment level, or 250 gallons per ERU per day.  100 gpcd x 30 du/acre x 2.53 pph =7,590	100 gpcd x 60 du/acre x 2.53 pph =15,180 Increase of 7,590 gpcd  The City facilities have available capacity to accommodate the additional demand.
<b>Solid Waste</b>	Collection and disposal of 6.5 pounds of solid waste per capita per day.  6.5 lbs/pcd x 30 du/acre x 2.53 pph x 365 days/year / 2,000 = 90 Tons/year	6.5 lbs/pcd x 60 du/acre x 2.53 pph x 365 days/year / 2,000 = 180 Tons/year  Increase of 90 Tons/year  The Solid Waste Authority has available capacity to accommodate the additional demand.
<b>Parks</b>	2.5 acres of community parks for every 1,000 persons and 2.0 acres of neighborhood parks for every 1,000 persons.  26.67 acre x 30 du/acre = 800 du/acre x 2.53 pph/du= 2,024 persons	26.67 acre x 60 du/acre = 1,600 du/acre x 2.53 pph/du= 4,048 persons  Increase of 2,024 persons  The City has available capacity with over 330 acres in Public Rec and Open Space to accommodate the additional demand.

<p><b>Schools</b></p>	<p>800 dwelling units</p>	<p>1600 dwelling units Increase of 800 du School District to determine impact of additional 800 units; School Capacity Availability Determination (SCAD).</p>
<p><b>Traffic</b></p>	<p>26.67 acre x 30 du/acre = 800 du 800 du x 5.44 daily trips* = 4,356 Daily Trips  * ITE 10th Edition Trip Generation Rates</p>	<p>26.67 acre x 60 du/acre = 1,600 du 1,600 du x 5.44 daily trips = 8,705 daily trips Increase of 858 daily trips Capacity is available to accommodate the additional demand.</p>

Traffic: The proposed amendment could result in an additional 4,356 daily trips. However, the number of trips will likely be less given mitigating circumstances. These areas, with a 2040 LOS at LOS D, are served by multi-modal transportation options and are located on primary arterial streets in close proximity to I-95 which is a ten (10) lane Urban Principal Arterial facility. Additionally, half of the area is within the urbanized traffic concurrency exemption area. Lake Worth Road, Lake Avenue, Lucerne Avenue, 10<sup>th</sup> Avenue North and 6<sup>th</sup> Avenue South impacted. Dixie Highway is also within close proximity and serves as a major north south connector for these streets. Additionally, unit sizes are anticipated to be smaller than average based on current development trends which would generate less daily trips as the per household rate would be less than the calculated 2.53 rate.

**CONCLUSION:**

Staff **recommends approval of the draft City initiated site-specific amendments**, as:

- The amendments are consistent the City’s goals of housing diversity and economic development by allowing for mixed use transit oriented development desired in close proximity to the existing Tri Rail train station that optimizes the maximum residential development potential for these locations.
- The amendments area supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report; and
- The amendments are supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based the City’s community goals and vision and consistency with level of service requirements.

**POTENTIAL MOTIONS:**

I MOVE TO RECOMMEND/NOT RECOMMEND PZB PROJECT NUMBER 20-xxxxxx: Proposed amendments to the Future Land Use Map of the Lake Worth Beach Comprehensive Plan from the Future Land Use (FLU) designations of Mixed Use East and Mixed Use West to the Transit Oriented Development FLU designation.

**Attachments:**

Proposed Ordinance No. 20-XX Amendments to the Comprehensive Plan Future Land Use Map

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ORDINANCE NO. 2020-X OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN FUTURE LAND USE MAP THROUGH A LARGE SCALE MAP AMENDMENT FROM THE FUTURE LAND USE (FLU) DESIGNATIONS OF MIXED USE EAST AND MIXED USE-WEST TO THE TRANSIT ORIENTED DEVELOPMENT FLU DESIGNATION ON PROPERTY GENERALLY LOCATED ALONG THE LAKE WORTH ROAD CORRIDOR BETWEEN BOUTWELL ROAD AND NORTH A STREET AND MORE FULLY DESCRIBED IN EXHIBIT A; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, section 163.3220, *et seq.*, Florida Statutes, requires each municipality to adopt a comprehensive plan, including a future land use map and authorizes amendments to an adopted comprehensive plan; and

WHEREAS, this is a City-initiated request for the properties described in Exhibit A (the “Property”) for a large scale map amendment to change the future land use designation of the property; and

WHEREAS, City staff has prepared and reviewed an amendment to the Future Land Use Map of the City’s Comprehensive Plan to change the land use designations of the property described below from a City of Lake Worth future land use designation of Mixed Use East (MU-E) and Mixed Use West (MU-W) to a City future land use designation of Transit Oriented Development (TOD); and

WHEREAS, on May 13, 2020, the City Historic Resources Preservation Board, sitting as the duly constituted Local Planning Agency for the City, held a public hearing to consider the comprehensive plan amendments and forwarded a recommendation of approval to the City Commission; and

WHEREAS, on May 20, 2020, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of the Future Land Use Map Amendment to the Comprehensive Plan of the City; and

WHEREAS, the amendment qualifies and meets the criteria to be reviewed and approved as a large scale map amendment in accordance with Florida Statutes; and

WHEREAS, the City Commission finds that the Future Land Use Map Amendment that is eligible for the State Expedited Review Process for the Adoption of Comprehensive Plan Amendments and has been processed in a manner consistent with Sections 163.3184 Florida Statutes; and

WHEREAS, the City Commission acknowledges that this Future Land Use Map Amendment is subject to the provisions of Section 163.3184(9), and 163.3189, Florida Statutes, and that the City shall maintain compliance with all provisions thereof; and

49 WHEREAS, the City has received public input and participation through hearings  
50 before the Local Planning Agency and the City Commission in accordance with Section  
51 163.3181, Florida Statutes; and  
52

53 WHEREAS, the City Commission has determined that the adoption of this  
54 Ordinance is in the best interest of the citizens and residents of the City of Lake Worth  
55 Beach.  
56

57 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
58 CITY OF LAKE WORTH BEACH, FLORIDA, that:  
59

60 Section 1. The foregoing recitals are hereby affirmed and ratified.  
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62 Section 2. The parcel of land more particularly described in **Exhibit A** is hereby  
63 designated Transit Oriented Development (TOD) on the City's Future Land Use Map.  
64

65 Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.  
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67 Section 4. If any provision of this ordinance, or the application thereof to any person or  
68 circumstance is held invalid, the invalidity shall not affect other provisions or applications  
69 of the ordinance which can be given effect without the invalid provision or application, and  
70 to this end the provisions of this ordinance are declared severable,  
71

72 Section 5. The effective date of this large scale map amendment shall be thirty-one (31)  
73 days after the Department of Economic Opportunity notifies the City that the plan  
74 amendment package is complete. If timely challenged, this amendment does not become  
75 effective until the Department of Economic Opportunity or the Administration Commission  
76 enters a final order determining the adopted amendment to be in compliance..  
77

78 The passage of this ordinance was moved by \_\_\_\_\_, seconded by  
79 Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:  
80

- 81 Mayor Pam Triolo
- 82 Vice Mayor Scott Maxwell
- 83 Commissioner Omari Hardy
- 84 Commissioner Andy Amoroso
- 85 Commissioner Herman Robinson
- 86

87 The Mayor thereupon declared this ordinance duly passed on first reading on the  
88 \_\_\_\_ of June, 2020.  
89

90 The passage of this ordinance on second reading was moved by Commissioner  
91 \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, as amended and upon being put  
92 to a vote, the vote was as follows:  
93

- 94 Mayor Pam Triolo
- 95 Vice Mayor Scott Maxwell
- 96 Commissioner Omari Hardy
- 97 Commissioner Andy Amoroso
- 98 Commissioner Herman Robinson
- 99

100 The Mayor thereupon declared this ordinance duly passed on the \_\_ day of \_\_\_\_\_,  
 101 2020.

102  
 103 LAKE WORTH CITY COMMISSION

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 105  
 106 By: \_\_\_\_\_  
 107 Pam Triolo, Mayor

108  
 109 ATTEST:

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 112 \_\_\_\_\_  
 113 Deborah M. Andrea, City Clerk



**EXHIBIT A**  
**FUTURE LAND USE MAP AMENDMENT**

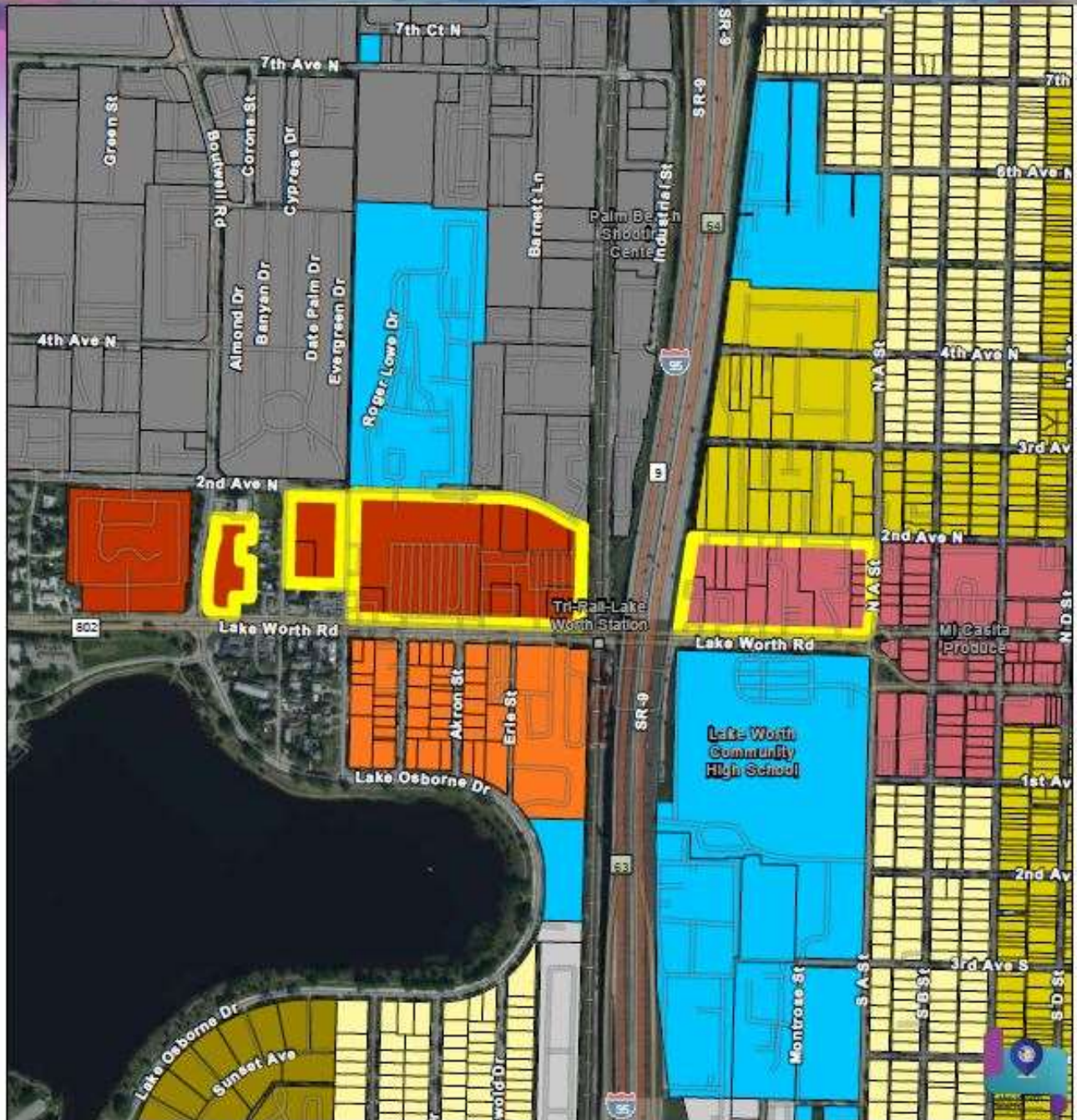
Two (2) Future Land Use Map Amendments to extend the Transit-Oriented Development boundaries as follows:

- a) Future Land Use Map amendment for approximately 7.11 acres from Mixed Use–East (MU-E) to TOD from Lake Worth Road north to 2<sup>nd</sup> Avenue, North A Street west to I-95 and the CSX Railroad Tracks; and
  
- b) Future Land Use Map amendment for approximately 19.56 acres from Mixed Use–West (MU-W) to TOD from Lake Worth Road north to 2<sup>nd</sup> Avenue, Boutwell Road east to I-95 and the CSX Railroad Tracks.



# Current Future Land Use

City of Lake Worth Beach, FL



**Map Legend**

Single Family Residential (SFR)	Mixed Use - West (MU-W)	Public (P)
Medium Density Residential (MDR)	Transit Oriented Development (TOD)	Project Area
High Density Residential (HDR)	Artisanal Mixed Use (AMU)	
Mixed Use - East (MU-E)	Industrial (I)	

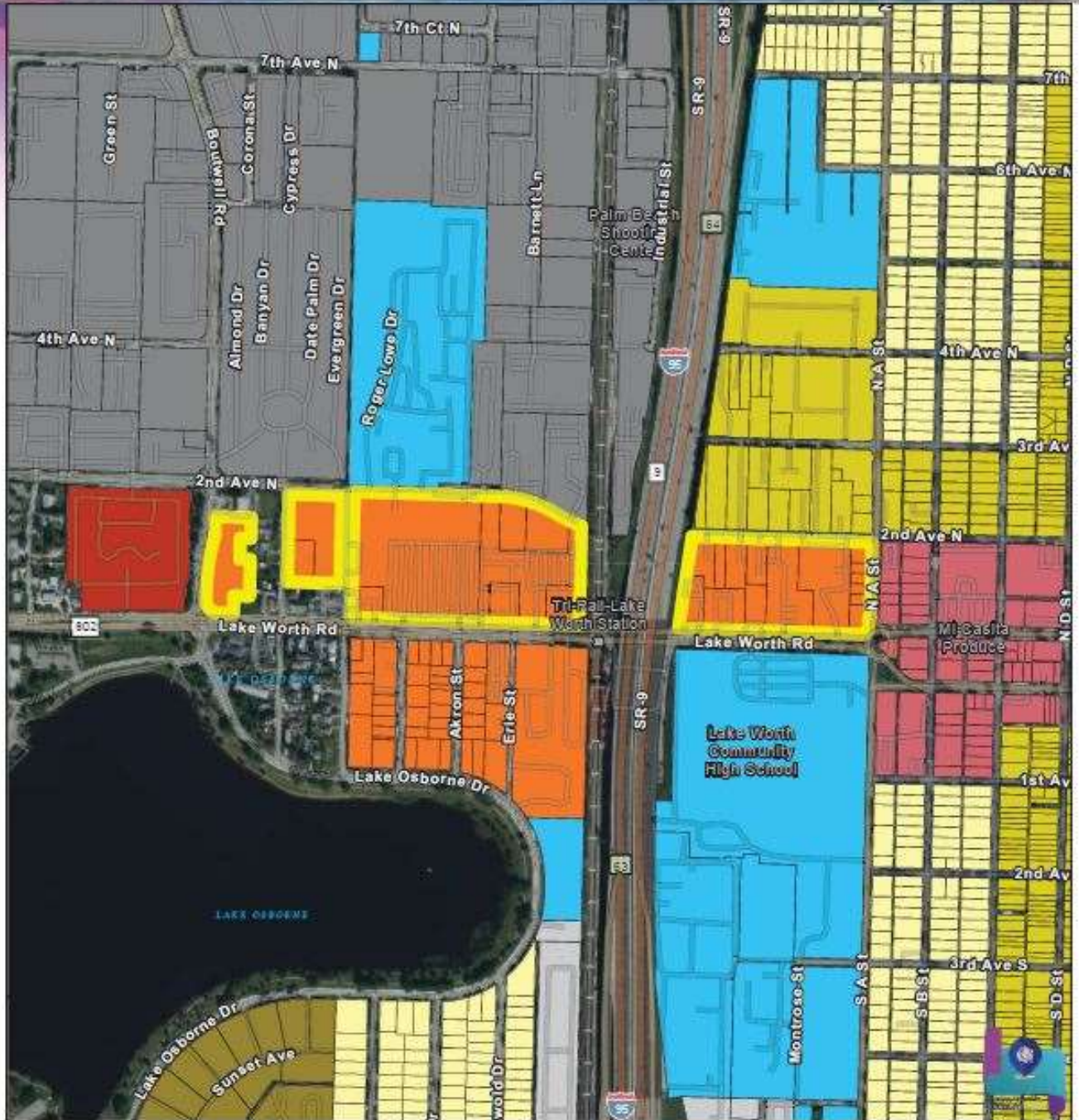
Created: March 19, 2009  
Source: City of Lake Worth Beach





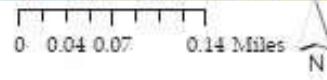
# Proposed FLU Amendment

City of Lake Worth Beach, FL



**Map Legend**

Single Family Residential (SFR)	Mixed Use - West (MU-W)	Public (P)
Medium Density Residential (MDR)	Transit Oriented Development (TOD)	Project Area
High Density Residential (HDR)	Artisanal Mixed Use (AMU)	
Mixed Use - East (MU-E)	Industrial (I)	



Created: March 19, 2009  
Source: City of Lake Worth Beach



DATE: May 6, 2020

TO: Members of the Historic Resources Preservation Board and Planning and Zoning Board

FROM: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

SUBJECT: **PZB/HRPB 20-00400001**: City-initiated request to amend the Future Land Use Element of the Lake Worth Beach Comprehensive Plan relating to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, limitations, and general location descriptions.

Meeting Dates: May 13, 2010 and May 20, 2020

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**BACKGROUND:**

The subject City-initiated proposed amendments to Future Land Use Element Policies 1.1.1.1, 1.1.1.7, 1.1.1.8, and 1.1.2.10 that relate to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, density limitations, and general location descriptions.

The data and analysis section in the staff report was prepared in accordance with the requirement of F.S. 163.3177 and provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements. The amendments reflect market driven conditions for economic development by providing the type of development desired in prime locations that are in close proximity to the existing Tri Rail train station and the Federal Highway mixed use corridor while optimizing the maximum residential development potential for these locations. Furthermore, the amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission transmit the text amendments (PZB/HRPB 20-00400001) to the Florida Department Economic Opportunity (DEO) for expedited review.

**DATA & ANALYSIS**

The following represents the five (5) proposed text amendments in ~~strikethrough~~ (proposed deleted provisions) and underline (proposed new provisions) format.

**1) Future Land Use Element Policy 1.1.1.1 Table 1 Mixed- Use East Federal Highway (MU-E FH) Zoning District**

Policy 1.1.1.1: ~~\*\*\*Portion of Policy 1.1.1.1 Text Omitted for Brevity\*\*\*~~

Table 1 depicts maximum densities for each residential and mixed use designation, building heights, sustainable incentive bonus program height allocations, ratios of residential and non-residential uses for each mixed use designation, and Floor Area Ration (FAR) intensities for all Future Land Uses.

**Table 1**

~~\*\*\*Residential Portion of Table 1 Omitted for Brevity\*\*\*~~

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation(1)	Allowable Mix of Uses per District	Floor Area Ratio
<b>Mixed Use</b>	Mixed Use East (MU-E) 45' Max.	MU-DH	30 du/acre	30 feet (max 2 stories)	plus 15 feet (max 4 stories)	75% residential/ 25% non-residential	<b>1.55</b>
		MU-FH	<u>30</u> du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MU-E	30 du/acre	30 feet (max 2 stories)	plus 15 feet (max 4 stories)		
	Mixed Use West (MU-W) 65' Max.	MU-W	30 du/acre	30 feet (max 2 stories)	plus 35 feet (max 6 stories)	75% residential/ 25% non-residential	<b>3.0</b>
	Downtown Mixed Use (DMU) 45' – 65' Max.	DT	40 du/acre	30 feet (max 2 stories)	plus 35 feet (max 6 stories—east of FH)	75% residential/ 25% non-residential	<b>2.45</b>
		MU-E	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MF-20	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

~~\*\*\*Remaining Land Use Designations in Table 1 Omitted for brevity\*\*\*~~

**JUSTIFICATION:**

The proposed amendment allows for 30 du/acre in the Mixed Use - Federal Highway (MU-FH) Zoning District consistent with the Mixed Use East (MU-E) Future Land Use Designation maximum development potential.



The maximum density for the MU-E FLU pursuant to FLU Policy 1.1.1.5 is 30 du/acre. The amendment allows 30 du/acre in the corresponding MU-FH Zoning District consistent with the other corresponding Zoning districts of MU-DH and MU-E. The increase in density for the Zoning District from 20 du/acre to 30 du/acre will allow for a maximum range of multifamily unit sizes and is consistent with the existing maximum development potential of the MU-E Future Land Use Designation.

## 2) Future Land Use Element Policy 1.1.1.8 Transit-Oriented Development (TOD) Land Use Designation

Policy 1.1.1.8: Transit-Oriented Development, maximum 650/du acre

The Transit-Oriented Development land use category is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The maximum density of permitted residential development is 650/ dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The implementing zoning districts for this category are TOD-E, TOD-W, SFR, MF-30, MU-DH MF-20, MU-W, P, PROS, and AI.

### **JUSTIFICATION**

The proposed amendment allows an additional 10 du/acre (max 60 du/acre) in the Transit Oriented Development (TOD) Future Land Use designation and lists all corresponding implementing zoning districts currently located within the TOD areas.

The TOD designation provides an alternative mixed-use development pattern within a one-quarter mile radius of rail or light rail transit nodes. TOD uses, design, and desired lifestyle lend itself to integrating high density residential enabling various unit types and sizes. The amendment provides densities reflective of market driven opportunities for TOD in prime transit locations.

### **Level of Service Analysis**

Pursuant to Chapter 163 of the Florida Statutes, any amendment increasing maximum development potential (densities or intensities) must be evaluated to determine if the proposed amendment will have a significant impact on the long range level of service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, parks, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the increase in maximum FLU designation development potential, and whether or not each public facility has capacity to accommodate any additional demands.

Analysis of the proposed amendment increased density (50 du/acre to 60 du/acre= 10 du/acre) on the long range Level of Service (LOS) impacts concluded community facilities and services are available in the area to sustain the future increased demands and long range LOS can be met with current and planned system capacities. Specifically, the additional 10 du/acre for the approximately 85.81 acres currently with a TOD FLU generates an increase of 858 dwelling units or 2,171 persons (at an average household size of 2.53 people per household per Comprehensive Plan Future Land Use Data and Analysis). The following table provides a LOS summary.



### FLUM AMENDMENT LOS SUMMARY TABLE

Type of Facility	Existing 50 du/acre	Proposed 60 du/acre
<b>Drainage</b>	3-year, 1-hour storm duration, as recorded in the FDOT Drainage Manual IDF curves, current edition and fully contained onsite.	3-year, 1-hour storm duration  Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements. Site improvements will be required for development to provide drainage collection and conveyance systems to positive outfall.
<b>Potable Water</b>	105 gpcd (gallons per capita per day).  105 gpcd x 50 du/acre x 2.53 pph =13,285 gpcd	105 gpcd x 60 du/acre x 2.53 pph =15,939 Increase of 2,654 gpcd  The City has available capacity to accommodate the additional demand.
<b>Sanitary Sewer</b>	Collection and treatment of 100 gallons per capita per day at secondary treatment level, or 250 gallons per ERU per day.  100 gpcd x 50 du/acre x 2.53 pph =12,650 gpcd	100 gpcd x 60 du/acre x 2.53 pph =15,180 gpcd Increase of 2,530 gpcd  The City has available capacity to accommodate the additional demand.
<b>Solid Waste</b>	Collection and disposal of 6.5 pounds of solid waste per capita per day.  6.5 lbs/pcd x 30 du/acre x 2.53 pph x 365 days/year / 2,000 = 90 Tons/year	6.5 lbs/pcd x 60 du/acre x 2.53 pph x 365 days/year / 2,000 = 180 Tons/year  Increase of 90 Tons/year  The Solid Waste Authority has available capacity to accommodate the additional demand.
<b>Parks</b>	2.5 acres of community parks for every 1,000 persons and 2.0 acres of neighborhood parks for every 1,000 persons.  85.81 acre x 50 du/acre = 4,291 du/acre x 2.53 pph/du= 10,855 persons	85.81 acre x 60 du/acre = 5,149 du/acre x 2.53 pph/du= 13,026 persons  Increase of 2,171 persons 5 acres Community Park and 4 acres Neighborhood Park demand  The City has available capacity with over 330 acres in Public Rec and Open Space to accommodate the additional demand.
<b>Schools</b>	85.81 acres x 50du/acre= 4,291 du	85.81 x 60du/acre= 5,149 du Increase of 858 du School District to determine impact of additional 858 units; School Capacity Availability Determination (SCAD).
<b>Traffic</b>	85.81 acres x 50 du/acre = 4,291 du 4,291 du x 5.44 daily trips* = 23,343 daily trips  * ITE 10th Edition Trip Generation Rate	85.81 acres x 60 du/acre = 5,149 du 5,149 du x 5.44 daily trips* = 28,008 daily trips Increase of 858 daily trips Capacity is available to accommodate the additional demand.

Traffic: The proposed amendment could result in an additional 858 daily trips. However, the number of trips will likely be less given mitigating circumstances. These areas, with a 2040 LOS at LOS D, are served by multi-modal transportation options and are located on primary arterial streets in close proximity to I-95 which is a ten (10) lane Urban Principal Arterial facility. Additionally, half of the area is within the urbanized traffic concurrency exemption area. Lake Worth Road, Lake Avenue, Lucerne Avenue, 10<sup>th</sup> Avenue North and 6<sup>th</sup> Avenue South impacted. Dixie Highway is also within close proximity and serves as a major north south connector for these streets. Additionally, unit sizes are anticipated to be smaller than average based on current development trends which would generate less daily trips as the per household rate would be less than the calculated 2.53 rate.

**3) Future Land Use Element Policy 1.1.1.1 Table 1 TOD-East and TOD–W Zoning Districts.**

Policy 1.1.1.1: **\*\*\*Portion of Policy 1.1.1.1 Text Omitted for Brevity\*\*\***  
 Table 1 depicts maximum densities for each residential and mixed use designation, building heights, sustainable incentive bonus program height allocations, ratios of residential and non-residential uses for each mixed use designation, and Floor Area Ration (FAR) intensities for all Future Land Uses.

**Table 1**

**\*\*\*Residential & Mixed Use Portion of Table 1 Omitted for Brevity\*\*\***

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation (1)	Allowable Mix of Uses per District	Floor Area Ratio
<b>Transit-Oriented Development</b>	Transit-Oriented Development (TOD) 45' – 55' Max.	TOD-E	650 du/acre	30 feet (max 2 stories)	plus 25 feet (max 5 stories – train station.)	75% residential/ 25% non-res.	2.65
		TOD-W	650 du/acre	30 feet (max 2 stories)	plus 25 feet (max 5 stories – train station.)		
		SFR	7 du/acre	30 feet (max 2 stories)	N/A		
		MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MU-DH	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		AI	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

**\*\*\*Remaining Land Use Designations in Table 1 Omitted for brevity\*\*\***

**JUSTIFICATION:**

The proposed amendment, consistent with previous amendment 2, allows 60 du/acre in the TOD-E and TOD-W Zoning districts. These Zoning Districts are consistent with the TOD FLU and are located in prime TOD areas within a one-quarter mile radius of rail or light rail transit nodes. The amendment provides densities reflective of market driven opportunities for TOD in prime transit locations.

#### 4) Future Land Use Element Policy 1.1.2.10 TOD Future Land Use designation locations

Policy 1.1.2.10: Locational Criteria for the Transit Oriented Development Designation

The Transit Oriented Development designation is intended for mapping in the following locations:

1. TOD-W includes the area just south of Lake Worth Road, north-east of Lake Osborne, and west of I-95 and railway tracks and the area from Lake Worth Road north to 2<sup>nd</sup> Avenue North from Boutwell Road east of I-95 and the railway tracks.
2. TOD-E includes the area between Lucerne Avenue and 4<sup>th</sup> Avenue South flanking both sides of the FEC railway tracks; the area between 7<sup>th</sup> Avenue North and 11<sup>th</sup> Avenue North flanking both sides of the FEC railway tracks; and the area between 7<sup>th</sup> Avenue South and 10<sup>th</sup> Avenue South flanking both sides of the FEC railway tracks, and the area from Lake Worth Road north to 2<sup>nd</sup> Avenue North east of I-95 and the railway tracks to North A Street. The TOD-E locations have potential for future rail stations. The TOD-E district between Lucerne Avenue and 4<sup>th</sup> Avenue South is also envisioned to encourage arts, entertainment and cultural activities in the City.

\*\*\*Omitted for brevity\*\*\*

#### **JUSTIFICATION:**

The proposed amendment expands the location of the TOD boundaries in close proximity to the existing TOD/Tri Rail train station to include Lake Worth Road north to 2nd Avenue North, east of Boutwell Road to North A Street. The addition of these locations is important to the expansion of desired TOD and reflects the City's desire to capitalize on existing infrastructure to serve TOD expansion.

#### 5) Future Land Use Element Policy 1.1.1.7 Downtown Mixed Use (DMU):

Policy 1.1.1.7: Downtown Mixed Use, maximum 40 du/acre

The Downtown Mixed Use land use category is intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, ~~including higher intensity commercial~~, and some residential within the traditional downtown core of the City. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed Use category because they would be detrimental to the shopping or office functions of the area. The maximum density of permitted residential development is 40 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. The implementing zoning districts are DT, MU-E, MF-20 and MF-30.

\*\*\*Omitted for brevity\*\*\*

**JUSTIFICATION:**

The proposed amendment removes specific reference to “higher intensity commercial” use within the DMU FLU as it is redundant since the policy references that commercial uses are allowed within the DMU FLU. The zoning code provides for the development regulations specific to the types and intensity of commercial uses allowed.

**COMPREHENSIVE PLAN AND STRATEGIC PLAN ANALYSIS:****Consistency with the Comprehensive Plan**

The proposed text amendments are consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach’s Comprehensive Plan. The underlined text emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments.

**1. FUTURE LAND USE ELEMENT**

**Objective 1.2.2:**      **The City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City’s mixed use, high density residential and transit oriented development (TOD) areas.**

Policy 1.2.2.1:      The City shall continue to promote compact developments within the mixed use high density residential and TOD areas while providing adequate public services for each development in the most cost effective manner possible.

Policy 1.2.2.2:      The City shall require all future development and redevelopment to incorporate a functional mix of uses that promote walkable and interconnected uses with a mix of densities and intensities and access to transit, bicycle, pedestrian and other modes of transportation.

Policy 1.2.2.3:      Investigate additional uses and opportunities to promote a more sustainable and resilient community.

Policy 1.7.1.13:      The City shall consider creating a “Commerce Park Village” incorporating the current LWPOC with the Mixed-Use West and TOD areas west of I-95.

**2. TRANSPORTATION ELEMENT**

Policy 2.1.1.6:      The City shall encourage local businesses and encourage transit friendly development in the Land Development Regulations for all land uses to maximize the use of the public transit system.

Policy 2.1.1.16:      The City shall coordinate with South Florida Regional Transportation Authority, the Palm Beach MPO, and the Florida East Coast Railway to establish a commuter rail station serving Tri-Rail Coastal Link service and to encourage transit opportunities to the future station.

### 3. HOUSING AND NEIGHBORHOODS ELEMENT

**Objective 3.1.8:** **Encourage construction of workforce housing units and market-rate housing to alleviate the excessive concentration of affordable units in the City and to contribute to the Goal of providing a full range of quality residential unit types and prices for current and anticipated homeowners and renters in all household income levels.**

Policy 3.1.8.1: Establish an effective housing program to alleviate the excessive concentration of affordable units in the City and to provide a full range of quality residential unit types and prices

Policy 3.1.8.2: Promote the construction of market-rate housing in redevelopment areas and mixed-use corridors to contribute to achieve a full range of housing supply.

Policy 3.3.1.7: Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Lake Worth as a healthy, vital City.

- Strengthen the sense of place in each neighborhood with adequate and well-designed, public facilities such as libraries, schools, recreation centers, fire stations and streetscapes.
- Continue to support public art and historic preservation as a focus for neighborhood identity and pride.
- Recognize that every neighborhood has assets that identify that neighborhood and contribute to the well-being of the people who live there. Understand what those are and look for opportunities to enhance them and leverage them for neighborhood improvement. Assets include trees, large yards, schools, people and independent businesses.
- The physical layout of a neighborhood should encourage walking, bicycling and transit use, be safe, family friendly, usable by people of all ages, encourage interaction between people and be a sense of pride.
- Recognize that there are different development patterns. They have been defined generally as: urban, traditional, suburban, contemporary and rural. Each has sustainability standards that must be used.
- Accommodate the City's existing and future housing needs through maintenance of existing residential neighborhoods and the creation of new residential neighborhoods.
- Relate new buildings to the context of the neighborhood and community.
- Where a fine-grained development pattern exists, build within the existing street, block, and lot configuration of the neighborhood.

## 11. ECONOMIC DEVELOPMENT ELEMENT

- Policy 11.1.2.3: The City shall allocate adequate commercial, industrial, and residential acreage through mechanisms such as zoning and land use plans to meet future needs of a diversified economy.
- Policy 11.1.2.11: The City shall foster the redevelopment of commercial corridors by preparing individual corridor redevelopment plans for key economic corridors located in existing mixed-use corridors and areas.
- Policy 11.1.2.12: The City shall establish and maintain land uses and zoning regulations that will facilitate telecommuting, home based occupations, mixed-use centers, Transit-Oriented Development (TOD) areas, and other components that are helpful to job creation and retention, including the targeted industries.
- Policy 11.1.2.16: The City shall maintain its unique urban character and charm by preserving historic sites and districts within the City as much as possible, and direct economic development projects to existing mixed-use corridors and sites as well as to the Lake Worth Park of Commerce.

### **Consistency with the Strategic Plan**

The proposed amendments further the City's Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and support the Strategic Pillars of Positioning Lake Worth Beach to be a competitive viable location of choice, Strengthening Lake Worth Beach as a "Community of Neighborhoods", and Navigating towards a sustainable community.

Specifically, the proposed amendments are compatible with the following Pillars:

#### **Pillar I: Positioning Lake Worth Beach to be a competitive viable location of choice**

A: Ensure effective economic development incentives and zones

E: Provide superior public amenities and services to retain existing and entice new residents and businesses

#### **Pillar II: Strengthening Lake Worth Beach as a 'Community of Neighborhoods'**

A: Diversify housing options

#### **Pillar IV: Navigating Towards a Sustainable Community**

A: Achieve economic and financial sustainability through a versatile and stable tax base.

D: Influence the supply and expansion of jobs.

E: Ensure facility placement, construction and development that anticipates and embraces the future.



**CONCLUSION:**

Staff **recommends approval of the draft City initiated text amendments**, as:

- The amendments reflect market driven conditions for economic development by providing the type of development desired in prime locations that are in close proximity to the existing Tri Rail train station and the Federal Highway mixed use corridor while optimizing the maximum residential development potential for these locations.
- The amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report; and
- The amendments are supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements.

**POTENTIAL MOTIONS:**

I MOVE TO RECOMMEND/NOT RECOMMEND PZB PROJECT NUMBER 20-xxxxxx: Proposed amendments to the Future Land Use Element of the Lake Worth Beach Comprehensive Plan, Policies 1.1.1.1, 1.1.1.7, 1.1.1.8, and 1.1.2.10.

**Attachments:**

Proposed Ordinance No. 20-XX Amendments to the Comprehensive Plan  
Comprehensive Plan proposed text amendments are in ~~Strikethrough~~ and Underline format.

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ORDINANCE NO. 2020-X OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING POLICIES IN THE FUTURE LAND USE ELEMENT OF THE CITY’S COMPREHENSIVE PLAN RELATING TO THE MIXED USE EAST, DOWNTOWN MIXED USE, AND TRANSIT ORIENTED DEVELOPMENT FUTURE LAND USE (FLU) DESIGNATIONS, INCLUDING MODIFICATIONS TO THE FLU DEVELOPMENT REQUIREMENTS, LIMITATIONS, AND GENERAL LOCATION DESCRIPTIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, section 163.3220, *et seq.*, Florida Statutes, requires each municipality to adopt a comprehensive plan and authorizes amendments to an adopted comprehensive plan; and

WHEREAS, the City has a previously adopted Evaluation and Appraisal Report (EAR) Comprehensive Plan, dated June 1, 2018; and

WHEREAS, the City has identified the need to revise the Future Land Use Element portion of the Comprehensive Plan in order to further advance the goal of well-planned and orderly development; and

WHEREAS, the amendments further the City’s Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and supporting the Plan’s Strategic Pillars, including to be a competitive viable location of choice, strengthening Lake Worth Beach as a “Community of Neighborhoods”, and navigating towards a sustainable community; and

WHEREAS, City staff has prepared amendments to the Comprehensive Plan that modify Future Land Use Element Policies 1.1.1.1, 1.1.1.7, 1.1.1.8, and 1.1.2.10; and

WHEREAS, on May 13, 2020, the City Historic Resources Preservation Board, sitting as the duly constituted Local Planning Agency for the City, held a public hearing to consider the comprehensive plan amendments and forwarded a recommendation of approval to the City Commission; and

WHEREAS, on May 20, 2020, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, held a public hearing to consider the comprehensive plan amendments and forwarded a recommendation of approval to the City Commission; and

WHEREAS, the City Commission desires to amend its Comprehensive Plan to adopt the amendments; and

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WHEREAS, the City Commission finds that the subject text amendment that is eligible for the State Expedited Review Process for the Adoption of Comprehensive Plan Amendments and that it has been processed in a manner consistent with Sections 163.3184 Florida Statutes;

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

Section 1. The foregoing recitals are true and accurate and are expressly incorporated herein by reference and made a part hereof.

Section 2. The Elements to the City Comprehensive Plan are hereby amended as set forth in **Exhibit A** which is attached hereto and made part hereof as if fully set forth herein.

Section 3. The City Manager or designee is hereby directed to ensure that this ordinance and all other necessary documents are forwarded to the Florida Department of Economic Opportunity and other review agencies in accordance with section 163.3184(3), Florida Statutes.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Pursuant to section 163.318(3)(c)4, Florida Statutes, this plan amendment does not become effective until 31 days after the Department of Economic Opportunity notifies the City that the plan amendment package is complete. If timely challenged, this amendment does not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

The passage of this ordinance was moved by \_\_\_\_\_ seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo
- Vice Mayor Andy Amoroso
- Commissioner Scott Maxell
- Commissioner Omari Hardy
- Commissioner Herman Robinson

The Mayor thereupon declared this ordinance duly passed on first reading on the X<sup>th</sup> day of June, 2020.

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

- Mayor Pam Triolo
- Vice Mayor Andy Amoroso
- Commissioner Scott Maxell
- Commissioner Omari Hardy
- Commissioner Herman Robinson

The Mayor thereupon declared this ordinance duly passed on the \_\_ day  
of \_\_\_\_\_, 2020.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Pam Triolo, Mayor

ATTEST:

\_\_\_\_\_  
Deborah Andrea, City Clerk

**EXHIBIT A**  
**FUTURE LAND USE ELEMENT TEXT AMENDMENTS**

The following represents the five (5) proposed text amendments in ~~strike through~~ (proposed deleted provisions) and underline (proposed new provisions) format.

1) Future Land Use Element Policy 1.1.1.1 Table 1 Mixed Use East (MU-E):

**TABLE 1**

\*\*\*Omitted for brevity\*\*\*

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation(1)	Allowable Mix of Uses per District	Floor Area Ratio
<b>Mixed Use</b>	Mixed Use East (MU-E) 45' Max.	MU-DH	30 du/acre	30 feet (max 2 stories)	plus 15 feet (max 4 stories)	75% residential/ 25% non-residential	1.55
		MU-FH	<del>30</del> 20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MU-E	30 du/acre	30 feet (max 2 stories)	plus 15 feet (max 4 stories)		
	Mixed Use West (MU-W) 65' Max.	MU-W	30 du/acre	30 feet (max 2 stories)	plus 35 feet (max 6 stories)	75% residential/ 25% non-residential	3.0
	Downtown Mixed Use (DMU) 45' – 65' Max.	DT	40 du/acre	30 feet (max 2 stories)	plus 35 feet (max 6 stories – east of FH)	75% residential/ 25% non-residential	2.45
		MU-E	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MF-20	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

\*\*\*Omitted for brevity\*\*\*

2) Future Land Use Element Policy 1.1.1.8 Transit-Oriented Development (TOD):

Policy 1.1.1.8: Transit-Oriented Development, maximum ~~650~~ du acre

The Transit-Oriented Development land use category is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The maximum density of

permitted residential development is 650/ dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The implementing zoning districts for this category are TOD-E, TOD-W, SFR, MF-30, MU-DH MF-20, MU-W, P, PROS, and AI.

3) Future Land Use Element Policy 1.1.1.1 Table 1 Transit-Oriented Development (TOD):

**TABLE 1 Cont'd.**

\*\*\*Omitted for brevity\*\*\*

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation (1)	Allowable Mix of Uses per District	Floor Area Ratio
<b>Transit-Oriented Development</b>	Transit-Oriented Development (TOD) 45' – 55' Max.	TOD-E	<u>650</u> du/acre	30 feet (max 2 stories)	plus 25 feet (max 5 stories – train station.)	75% residential/ 25% non-res.	2.65
		TOD-W	<u>650</u> du/acre	30 feet (max 2 stories)	plus 25 feet (max 5 stories – train station.)		
		SFR	7 du/acre	30 feet (max 2 stories)	N/A		
		MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MU-DH	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		AI	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

\*\*\*Omitted for brevity\*\*\*

4) Future Land Use Element Policy 1.1.2.10 Transit-Oriented Development (TOD):

Policy 1.1.2.10: Locational Criteria for the Transit Oriented Development Designation

The Transit Oriented Development designation is intended for mapping in the following locations:



1. TOD-W includes the area just south of Lake Worth Road, north-east of Lake Osborne, and west of I-95 and railway tracks-; and the area from Lake Worth Road north to 2<sup>nd</sup> Avenue North, and from Boutwell Road east to I-95 and the railway tracks.
2. TOD-E includes the area between Lucerne Avenue and 4<sup>th</sup> Avenue South flanking both sides of the FEC railway tracks; the area between 7<sup>th</sup> Avenue North and 11<sup>th</sup> Avenue North flanking both sides of the FEC railway tracks; and the area between 7<sup>th</sup> Avenue South and 10<sup>th</sup> Avenue South flanking both sides of the FEC railway tracks-; and the area from Lake Worth Road north to 2<sup>nd</sup> Avenue North, and from I-95 and the railway tracks east to North A Street. The TOD-E locations have potential for future rail stations. The TOD-E district between Lucerne Avenue and 4<sup>th</sup> Avenue South is also envisioned to encourage arts, entertainment and cultural activities in the City.

The TOD designation shall provide an alternative mixed-use development pattern within a one-quarter mile radius of rail or light rail transit nodes. This pattern is an alternative to piecemeal, parcel-based development, and shall allow for a wide range of commercial and institutional uses, functionally integrated with residential uses, and shall include a concentrated area for retail, professional offices and services, cultural, and housing opportunities.

5) Future Land Use Element Policy 1.1.1.7 Downtown Mixed Use (DMU):

Policy 1.1.1.7: Downtown Mixed Use, maximum 40 du/acre

The Downtown Mixed Use land use category is intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, ~~including higher intensity commercial~~, and some residential within the traditional downtown core of the City. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed Use category because they would be detrimental to the shopping or office functions of the area. The maximum density of permitted residential development is 40 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. The implementing zoning districts are DT, MU-E, MF-20 and MF-30.

\*\*\*Omitted for brevity\*\*\*



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

DATE: May 13, 2020

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

FROM: William Waters, Director Community Sustainability

MEETING: May 13, 2019 and May 20, 2019

SUBJECT: **PZB / HRPB Project Number 20-03100001**: Consideration of an ordinance to amend Chapter 23 “Land Development Regulations” that includes changes to parking, electric charging stations, general housekeeping items, and modifications to development standards and requirements for single-destination retail and comprehensive plan consistency.

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**BACKGROUND/ PROPOSAL:**

On March 5, 2020, the City Commission held a workshop on the prioritization of amendments to the City’s Land Development Regulations (LDR) that were previously identified by staff and the Commission. The subject LDR amendments address several of the initially prioritized items identified at the March meeting. These include changes to parking, electric charging stations, general housekeeping items, and modifications to development standards and requirements for single-destination retail and comprehensive plan consistency. The proposed amendments to the Land Development Regulations have been reviewed by staff for consistency with the City’s Comprehensive Plan. A summary of each component in the draft ordinance is also provided.

The proposed LDR amendments will modify the following sections of the City’s Code of Ordinances:

- Article 1- Section 23.1-12: Definitions
- Article 2- Section 23.2-31. – Site Design Qualitative Standards
- Article 3 - Section 23.3-18 - MU-W Mixed Use West
- Article 3 - Section 23.3-25 – Planned Development District
- Article 4 - Section 23.4-10 – Off Street Parking
- Article 4 - Section 23.4-13 – Administrative Uses and Conditional Uses
- Article 5 - Section 23.5-3 – Non-Conformities

**Parking:** The proposed parking amendments are intended to simplify review of parking requirements and allow for additional flexibility in meeting required parking standards, while ensuring adequate parking is constructed for residential and commercial uses. In establishing minimum parking requirements by general use categories instead of specific uses, parking review is streamlined and minimum parking requirements are more easily conveyed to potential applicants. Flexibility in meeting minimum parking requirements in a new “Parking Alternates” section. The payment in lieu fee was also increased for parity with the market value costs of constructing a parking space.

Per commission consensus, on street parking allowances to meet on-site parking requirements have been expanded.

**Electric Vehicle Charging:** The intent of the proposed amendments is to increase the availability of electric vehicle charging stations to residents and visitors by establishing standards for the construction of electric vehicle charging infrastructure with the City. New commercial or mixed use developments with a minimum of 25 parking spaces would be required to provide at least 4% of the site's required parking as designated and outfitted electric vehicle charging spaces.

**Single Destination Retail:** The proposed amendments include updates to the development review standards for Single Destination Retail and consolidates the Convenience Store use into the Single Destination use based on fundamental similarities and existing development pattern. Additional performance and development standards have been provided to ensure that nuisance generating and curb appeal issues are addressed.

**Development Standards:** The proposed amendments include edits and changes to improve consistency and clarity for both Administrative and Conditional uses. The changes also provide a higher level of performance standard for both types of uses.

**Comprehensive Plan Consistency:** The proposed amendments include changes to the location description of districts for clarity and consistency with the City's Comprehensive Plan and Strategic Plan

**Housekeeping Items:** The proposed amendments include several minor amendments to update internal references and update references to "zoning administrator" to "development review official." Modified several definitions for clarity. Redundant and conflicting provisions have been deleted as well as out of date definitions.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2020-XX: PZB / HRPB Project Number 20-03100001

**POTENTIAL MOTION:**

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB / HRPB Project Number 20-03100001.

**Attachments**

- A. Draft Ordinance 2020-XXXX

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3       **ORDINANCE 2020-XX - AN ORDINANCE OF THE CITY OF LAKE**  
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**  
5 **DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1**  
6 **“GENERAL PROVISIONS,” DIVISION 2, “DEFINITIONS,” SECTION**  
7 **23.1-12 - DEFINITIONS; ARTICLE 2, “SITE DESIGN QUALITATIVE**  
8 **STANDARDS” - SECTION 23.2-31. - SITE DESIGN QUALITATIVE**  
9 **STANDARDS; ARTICLE 3 “ZONING DISTRICTS” DIVISION 3, “MIXED**  
10 **USE DISTRICTS,” SECTION 23.3-18 - MU-W MIXED USE WEST;**  
11 **ARTICLE 3 “ZONING DISTRICTS”, DIVISION 6, “PLANNED**  
12 **DEVELOPMENT”, SECTION 23.3-25 - PLANNED DEVELOPMENT**  
13 **DISTRICT; ARTICLE 4 “DEVELOPMENT STANDARDS, SECTION 23.4-**  
14 **10 - OFF STREET PARKING; AND SECTION 23.4-13 -**  
15 **ADMINISTRATIVE USES AND CONDITIONAL USES; AND ARTICLE 5**  
16 **“SUPPLEMENTAL REGULATIONS”, DIVISION 3,**  
17 **“NONCONFORMITIES”, SECTION 23.5-3 – NON-CONFORMITIES OF**  
18 **THE CITY’S CODE OF ORDINANCES; AND PROVIDING FOR**  
19 **SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT,**  
20 **CODIFICATION, AND AN EFFECTIVE DATE.**

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

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

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34       **WHEREAS**, the City wishes to amend the Definitions section of its code to address  
35 inconsistencies and conflicts; and

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37       **WHEREAS**, the City wishes to amend the Site Design Qualitative Standards for  
38 Vehicular fueling/charging section to address emerging technology and fueling options;  
39 and

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41       **WHEREAS**, the City wishes to amend the Mixed Use West (MU-W) section to  
42 provide clarity and address a conflict; and

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44       **WHEREAS**, the City wishes to amend the Planned Development District (PDD)  
45 section to provide clarity and consistency; and

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47       **WHEREAS**, the City wishes to amend the Medium and High Intensity Conditional  
48 Uses to provide clarity and consistency; and

50           **WHEREAS**, the City wishes to amend the Off Street Parking section of the code  
51 to address alternative parking options and changes in demand;

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53           **WHEREAS**, the City wishes to amend the Nonconformities section of the code to  
54 address non-conforming buildings and structures; and

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

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

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63           **WHEREAS**, the City Commission has reviewed the proposed amendments and  
64 has determined that it is in the best interest of the public health, safety, and general  
65 welfare of the City to adopt this ordinance.

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

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

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73           **Section 2:** Chapter 23 “Land Development Regulations,” Article 1, “General  
74 Provisions,” Division 2, “Definitions”, Sec. 23.1-12. – Definitions of the City’s Code of  
75 Ordinances, is hereby amended by adding the words shown in underlined type and  
76 deleting the words struck through as indicated in **Exhibit A**.

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78           **Section 3:** Chapter 23 “Site Design Qualitative Standards”, Article 2,  
79 “Administration,” Division 3 “Permits,” Sec. 23.2-31 is hereby amended by adding the  
80 words shown in underlined type and deleting the words struck through as indicated in  
81 **Exhibit B**.

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83           **Section 4:** Chapter 23 “Land Development Regulations,” Article 3, “Zoning  
84 Districts,” Division 3, “Mixed Use Districts”, Sec. 23.2-18. – MU-W – Mixed Use West; and  
85 Article 3, “Zoning Districts,” Division 6, “Planned Development,” Sec. 23.2-33. –PDD-  
86 Planned Development District - of the City’s Code of Ordinances, are hereby amended  
87 by adding the words shown in underlined type and deleting the words struck through as  
88 indicated in **Exhibit C**.

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90           **Section 5:** Chapter 23 “Land Development Regulations,” Article 4,  
91 “Development Standards” Sec. 23.4-13. – Administrative Uses and ~~Medium and High~~  
92 ~~Intensity~~ Conditional Uses; and Article 4, “Development Standards” Sec. 23.4-10 – Off  
93 Street Parking, are hereby amended by adding the words shown in underlined type and  
94 deleting the words struck through as indicated in **Exhibit D**.

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96           **Section 6:** Chapter 23 “Land Development Regulations,” Article 5, “Supplemental  
97 Regulations,” Division 3 “Nonconformities,” Sec. 23.5-3 – Nonconformities, is hereby

98 amended by adding the words shown in underlined type and deleting the words struck  
99 through as indicated in **Exhibit E**.

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101 **Section 5.** Severability. If any section, subsection, sentence, clause, phrase or  
102 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of  
103 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
104 independent provision, and such holding shall not affect the validity of the remaining  
105 portions thereof.

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107 **Section 6.** Repeal of Laws in Conflict. All ordinances or parts of ordinances in  
108 conflict herewith are hereby repealed to the extent of such conflict.

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110 **Section 7.** Codification. The sections of the ordinance may be made a part of  
111 the City Code of Laws and ordinances and may be re-numbered or re-lettered to  
112 accomplish such, and the word "ordinance" may be changed to "section", "division", or  
113 any other appropriate word.

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115 **Section 8.** Effective Date. This ordinance shall become effective 10 days after  
116 passage.

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

- 121
- 122 Mayor Pam Triolo
- 123 Vice Mayor Andy Amoroso
- 124 Commissioner Scott Maxwell
- 125 Commissioner Omari Hardy
- 126 Commissioner Herman Robinson

127  
128 The Mayor thereupon declared this ordinance duly passed on first reading on the  
129 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

- 135
- 136 Mayor Pam Triolo
- 137 Vice Mayor Andy Amoroso
- 138 Commissioner Scott Maxwell
- 139 Commissioner Omari Hardy
- 140 Commissioner Herman Robinson

141  
142  
143 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
144 \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
Pam Triolo, Mayor

ATTEST:

\_\_\_\_\_  
Deborah Andrea, CMC, City Clerk

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

\*\*\*

Article 1, "General Provisions," Division 2, "Definitions"

**Sec. 23.1-12. - Definitions.**

*Building height:* The vertical distance measured from the minimum required floor or base flood elevation ~~or~~ of twelve (12) inches above the crown of the road, whichever is greater ~~less~~, to (a) the highest point of a flat roof; (b) the deck line of mansard roof, (c) the average height between eaves and ridge for gable, hip, and gambrel roofs, ~~or~~ (d) the average height between high and low points for a shed roof or (e) the average height of a parapet. The measurement of height shall not include decorative architectural elements, chimneys, mechanical equipment, church steeples, stair and/or elevator overruns and architecturally integrated signage, which may extend an additional ten (10) feet but cannot cover cumulatively more than ten (10) percent of the roof surface. In no instance shall any part of a building exceed the overall height as described in the City's Charter provisions Sec. 11 – Building height limitation.

*Parapet:* That portion of a façade which extends above the roof line. A parapet may include a balustrade or protective railing up to 42 inches above the roof line ~~maximum building height~~, subject to City Charter limitations.

~~*Convenience store accessory to gasoline sales:* An establishment not exceeding two hundred fifty (250) square feet and incidental to the sale of gasoline as a principal use.~~

*Stand alone retail:* A single retail use occurring in a singular structure. See "single-destination retail uses."



194 Vehicle fueling/charging service station: A vehicle fueling/charging service station is  
195 an establishment whose principal business is the retail dispensing of ~~automobile~~  
196 fuels and energy for vehicles, but whose business may also include the selling  
197 and installation of oil, grease, batteries, tires and other vehicle accessories. The  
198 following services may be rendered and sales made, and no other:

- 199 (1) Fuel, energy, oil and grease sales;
- 200 (2) Sales and servicing related to spark plugs, batteries, distributors and distributor parts;
- 201 (3) Tire sales;
- 202 (4) Tire servicing and repair, but not recapping or regrooving;
- 203 (5) Replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper  
204 blades, grease retainers, wheel bearings, mufflers, shock absorbers, mirrors and the like;
- 205 (6) Provision of water and supplements for radiator fluids, and the like;
- 206 (7) Washing and polishing, limited to facilities for washing one (1) vehicle car at a time, and sale  
207 of vehicle automotive washing and polishing materials, but not the operation of vehicle  
208 ~~automobile~~ washing establishments;
- 209 (8) Providing and preparing fuel pumps and lines;
- 210 (9) Minor servicing and repair of carburetors;
- 211 (10) Minor servicing of air conditioners;
- 212 (11) Vehicular Automotive wiring repairs;
- 213 (12) Brake repair;
- 214 (13) Motor repairs not involved in removal of the motor from the vehicle head or crankcase;
- 215 (14) Greasing and lubrication;
- 216 (15) Provision of air for tires;
- 217 (16) Sales of cold drinks, candies, tobacco products and similar goods for ~~service station~~  
218 customers, but only as accessory and incidental to the principal business operation;
- 219 (17) Provision of road maps and other informational material for customers;
- 220 (18) Provision of restroom facilities.

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EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

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*Article 2, "Administration," Division 3 "PERMITS"*

**Sec. 23.2-31. - Site design qualitative standards.**

~~e) Gasoline stations. Gasoline stations must follow all criteria set forth in this section, including the following additional criteria:~~

- ~~1. Symbolic colors of the exterior façades or roofs may not be used unless they are harmonious with the atmosphere in the neighborhood and the city as well as appropriate to the architectural style of the proposed building(s).~~
- ~~2. Exterior display of goods for sale or those designating a service will not be allowed. However, gasoline station displays of goods and tools or services may be displayed on the pump island, provided that the island is not considered by the board to be enlarged to take advantage of this provision, and provided that the goods and tools are such that they can be used or installed at the island. For example, an oil rack is acceptable but a tire display is not.~~
- ~~3. Areas used to store materials such as mufflers, tires, packing crates or cases, refuse and garbage shall be screened from adjacent property and from the public view.~~

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

\*\*\*

Article 3, "Zoning Districts," Division 3, MIXED USE DISTRICTS

Sec. 23.3-18. – MU-W – Mixed use west.

- de) *Development regulations for uses permitted by right.*
  - 5. *Maximum impermeable surface.* The maximum impermeable surface shall be:
    - A. Sixty-five (65) percent for lots up to four thousand nine hundred ninety-nine (4,999) square feet;
    - B. Sixty-five (65) percent for lots between five thousand (5,000) square feet and seven thousand four hundred ninety-nine (7,499) square feet; and
    - C. Sixty-five ~~Fifty-five (55)~~ percent for lots seven thousand five hundred (7,500) square feet and greater.

Article 3, "Zoning Districts," Division 6, Planned Development

Sec. 23.3-25. – Planned Development District.

- e) *Mixed use urban planned development.*
  - 1. *Location.* Urban planned developments may be located in any mixed use district ~~east of Interstate 95~~, such as Mixed Use - East, Mixed Use - West, Mixed Use - Dixie Highway, Mixed Use - Federal Highway, Transit Oriented Development - East, Transit Oriented Development – West and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.
- f) *Amendments to approved planned development master plans.* Minor amendments to existing planned development master plans may be approved by the development review official ~~planning and preservation manager~~.

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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Article 4, "Development Standards"

**Sec. 23.4-10. - Off-street parking.**

a) *General provisions.* The following standards shall apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes:

1. Except as otherwise provided in this section, no building shall be erected or moved into a district nor shall any building be enlarged by more than twenty-five (25) percent or increased in capacity by adding dwelling units, guest rooms, floor area or seats, unless there be provided on the building site, off-street parking facilities for the entire building as set forth in this section. A certificate of occupancy for the given structure or premises shall be prohibited until the required parking area has been improved, inspected and approved.
2. Fractional measurements. When units or measurements determining the number of required off-street parking spaces result in the requirement of a fractional space, any such fraction of one-fourth ( $\frac{1}{4}$ ) or greater shall require a full space.
3. Parking prohibited. Parking is prohibited on lawns or landscaping areas in all zoning districts. Parking shall be confined to designated marked parking spaces in all districts except SF-~~R7~~ and SF TF-14 districts. In SF-~~R7~~ and SF TF-14 districts, parking is limited to driveways, carports, garages or marked parking spaces. ~~No vehicle in excess of three-quarter ton shall be parked in any residential district except when used for temporary construction or service purposes.~~
4. Parking for the disabled. Required parking shall include parking spaces for disabled persons in accordance with the requirements of F.S. § 553.501 et seq., the "Florida Americans With Disabilities Accessibility Implementation Act" ("Florida ADAIA") and the Americans with Disabilities Act Accessibility Guidelines, as adopted by reference in 28 C.F.R., Part 36, Subparts A and D, and Title II of Pub. L. No. 101-336, which are also incorporated by reference into the Florida ADAIA.
5. Uses not specifically mentioned. For any use not specifically mentioned in this section, the development review official ~~zoning administrator~~ shall identify a similar use that is specifically listed and apply the required parking standards accordingly.
6. Joint use of off-street parking facilities. Nothing in this section shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operators, provided that the total of such spaces, when combined or used together, shall not be less than the sum of the requirements of the several individual uses computed

362 separately in accordance with this section. Such facilities shall be permanently  
 363 maintained for such joint use, and shall not be discounted in whole or in part  
 364 unless other suitable facilities conforming with this section are provided.

365 b) *Location.*

366 1. Unless otherwise specified herein, parking spaces for all residential uses shall  
 367 be located on the same lot with the main building to be served. Such parking  
 368 space may consist of a carport, garage or parking area as defined in this section.  
 369 Parking beneath a building is expressly allowed and such space shall not be  
 370 included as a "story" of the building.

371 A. Parking off of an alley.

372 1) Parking provided off of an alley shall maintain a twenty-foot back-out,  
 373 which includes the width of the alley.

374 2) If a building is located between a ROW and a vehicular area, foundation  
 375 plantings shall be provided.

376 2. Parking spaces for all other single uses, in all districts except ~~all commercial and~~  
 377 ~~the Industrial Park of Commerce – I-POC uses~~, shall be provided on the same lot  
 378 or in conformance with the requirements for transitional parking lots (section 23.4-  
 379 13).

380 3. Parking spaces for those properties in ~~all commercial and~~ mixed use districts with  
 381 a mix of uses are allowed to provide required parking at an off-site location  
 382 anywhere within four hundred (400) feet of the proposed use. Parking spaces for  
 383 those properties in ~~all~~ industrial use districts are allowed to provide required  
 384 parking at an off-site location anywhere within five hundred (500) feet of the  
 385 proposed use. In each case, such parking lots shall be tied to the mixed use or  
 386 ~~commercial or~~ industrial site by unity of title. Properties with the single use of  
 387 residential must provide on-site parking.

388 c) *Access.*

389 1. All parking spaces shall have unobstructed on-site access to a paved public  
 390 right-of-way.

391 2. All properties using State Roads 802, 805 and 5; and 6th Avenue South, 10th  
 392 Avenue North, Worthmore Drive and Lake Osborne Drive as access to their on-  
 393 site parking shall provide maneuvering space to permit vehicles to enter and  
 394 leave the parking area in a forward motion.

395 3. No building permit shall be issued by the city for any on-site improvements where  
 396 the building plans submitted show that the access to any on-site parking space  
 397 requires the use of unimproved public right-of-way, unless and until:

398 A. The owner enters into an agreement with the city agreeing to the paving, at  
 399 said owner's expense, of the unimproved right-of-way from paved street to  
 400 street, and such owner posts a cash bond with the city in an amount  
 401 determined by the city engineer to be sufficient to cover the actual costs of  
 402 improvements, including engineering fees, with said engineering fees  
 403 refundable upon the city's acceptance of the improvements; or

404 B. A petition, signed by a majority of the property owners abutting the  
 405 unimproved public right-of-way and requesting the paving of the unimproved

406 public right-of-way with the costs thereof to be assessed against the  
 407 benefited properties, is presented to the city commission; a public hearing is  
 408 held therefore; and, a contract is let for said project.

409 C. No certificate of occupancy shall be issued in either case until said  
 410 improvements are completed and accepted for perpetual maintenance by the  
 411 City of Lake Worth.

412 4. Single-family buildings, duplexes, multiple-family buildings of four (4) units or  
 413 fewer and commercial businesses not exceeding one thousand (1,000) feet of  
 414 gross floor area shall be exempt from the provisions of this section.

415 d) *Material.* Each parking space shall be surfaced with a hard impermeable dustless  
 416 material, either solid in area or in individual concrete strips or other approved  
 417 materials, in accordance with City of Lake Worth standards. Required off-street  
 418 parking for single family and two family dwelling units may utilize permeable  
 419 materials, such as permeable pavers, gravel, stone, shell rock, and turf block, in lieu  
 420 of impermeable material as long as it meets the following criteria:

421 1. Appropriate stabilization must be established to keep permeable materials out  
 422 of the ROW and storm water systems;

423 e) *Drainage.* All off-street parking facilities shall be drained so as not to cause any  
 424 nuisance to adjacent private or public property.

425 f) *Minimum parking space requirements by use category.* ~~See table below:~~

Principal Use	Minimum Number of Spaces	Additional Requirements
<i>Residential:</i>		
Single family dwelling	2 spaces	1 space for 25' lots
Two family dwelling	2 spaces per unit	1 space per unit for 25' lots
Accessory dwelling unit	1 space in addition to that required for the primary dwelling	
Mobile homes	2 spaces per mobile home	
Multi family dwelling	1 space per bedroom with a max. of 2 spaces per unit; additional 0.5 guest space per efficiency and 1 bedroom unit; no additional guest spaces required for units containing 2 or more bedrooms	1 additional space if rental/sales office on site. On-street parking may be counted towards required parking.
<i>Lodging, retirement homes, overnight medical facilities:</i>		



Hotels/motels	1 space per sleeping room; 2 additional spaces for office	Additional 50% of required parking to accommodate any accessory uses, such as restaurants, bars, conference centers, etc.
Bed and breakfast inns	1 space per sleeping room, plus 1 space for manager, owner or operator, plus 1 space for each employee	Available on-street parking spaces along the legal lot frontage of the property shall be the only credit to the required parking
Boarding houses, rooming houses, dormitories	1 space per sleeping room, plus 1 space for manager, owner or operator, plus 1 space for each employee	
Nursing Homes	1 space per 2 patient beds	1 space per 2 employees for on-site care providers
Hospitals	1.5 spaces per patient bed	
<i>Industrial, service facilities:</i>		
Vehicle service facilities	2 spaces per service bay plus 1 space per 200 square feet of non-service floor area	
Motor vehicle sales and service	1 space per 100 square feet of showroom floor area; 1 space per service bay	
Vehicle filling and service stations	Service stations: Min. 6 spaces, plus 1 additional space per service bay.	
	Filling stations: Min. 6 spaces.	
Industrial or manufacturing	1 space per 1000 square feet gross floor area or 1 space per employee, whichever is greater	
Mini-warehouses	1 space per 2,500 square feet rentable area, plus 1 space for non-resident manager or 2 spaces for on-site resident manager	
Warehouse or wholesale distribution	1 space per 500 square feet gross floor area	

Bus station	<del>1 space per 300 square feet gross office and waiting area</del>	
<i>Office, professional facilities:</i>		
Banks	<del>1 space per 300 square feet gross floor area</del>	
Business, professional, government, similar offices	<del>1 space per 300 square feet gross floor area, but no less than 0.8 space per employee</del>	
Medical clinics, dentist, doctor, similar offices	<del>6 spaces for each doctor/dentist, plus 1 space per employee</del>	
<i>Commercial, personal services:</i>		
Beauty, barber shops, similar personal services	<del>1 space per 200 square feet gross floor area or 2 spaces for each beauty or barber chair, whichever is greater</del>	
Convenience store	<del>1 space per 100 square feet gross floor area</del>	
Day care facilities	<del>2 spaces or 1 space per employee, whichever is greater; plus 1 space for each 10 children</del>	
General retail store	<del>1 space per 200 square feet gross floor area</del>	
Laundromats and self-service dry cleaning establishments	<del>1 space for each 2 washing or dry cleaning machines</del>	
Mortuaries	<del>1 space per 50 square feet floor area used for services</del>	
New vehicle sales and service	<del>3 spaces per service bay; plus 1 space per 300 square feet non-service floor area or 1 space per employee, whichever is greater</del>	
Shopping centers, supermarkets	<del>1 space per 250 square feet gross leasable area</del>	

Showroom-type establishments over 10,000 square feet, including furniture, appliance and household equipment, similar uses	1 space per 700 square feet gross floor area	
<i>Restaurants, bars, nightclubs:</i>		
Drive-in or drive-through restaurants	Drive-in: 1 space per 50 square feet gross floor area;	
	Drive-through: 1 space per 75 square feet gross floor area	
Drive-in or drive-through restaurants	Drive-in: 1 space per 50 square feet gross floor area;	
	Drive-through: 1 space per 75 square feet gross floor area	
Restaurants, bars, nightclubs, similar establishments	1 space per 75 square feet seating or service area	
<i>Recreational facilities:</i>		
Bowling alleys	2 spaces per bowling lane	Additional 50% of required parking to accommodate any accessory uses, such as restaurant or bar
Stadiums, sports arenas	1 space per 3 seats	
Theatres, auditoriums having fixed seating	1 space per 3 seats	
<i>Schools, places of worship and assembly:</i>		
Places of assembly, including private clubs, lodges and fraternal buildings, assembly halls, exhibition halls, convention centers, community centers, libraries, museums, dance halls, skating rinks, similar uses	1 space for each 4 seats provided for patron use or 1 space per 75 square feet gross floor area occupied by customers, patrons or members, whichever is greater	

Places of worship	1 space for each 5 fixed seats	For those using a multipurpose assembly area without fixed seats, 1 space per 75 square feet assembly area
Schools (public, private and parochial)		
Elementary schools:	1 space per classroom, plus 1 space for each non-instructional employee, plus 1 space per 100 square feet floor area used for assembly	
Junior High or middle schools:	1 space per classroom, plus 1 space for each non-instructional employee, plus 1 space per 100 square feet floor area used for assembly, plus 1 space for each 25 students	
Senior High schools:	6 spaces per classroom	If a sports stadium is included on site, each 24 lineal inches of bleacher/bench seating shall be counted as 1 seat for the purpose of computing off-street parking. See "stadium/sports arenas" above.
Schools, other:	1 space per 75 square feet gross floor area to be occupied by students	

426 -

427 ~~g) Core area parking requirements.~~

428 1. ~~The core area shall mean the central most properties of the downtown, more~~  
 429 ~~particularly described as: Those properties which are bounded on the west by "A"~~  
 430 ~~Street and on the east by Golfview Road, and on the north by 2nd Avenue North,~~  
 431 ~~and on the south by 1st Avenue South.~~

432 2. ~~Minimum access, markings, materials and drainage shall be as provided in this~~  
 433 ~~section. Minimum parking space size and aisle width is as follows:~~

Angle of Parking	Stall Width	Stall Depth	Aisle Width
0 degrees parallel	9'	22'	10' one way 20' two way

<del>+/- 45 degrees</del>	9'	18'	<del>10' one way 20' two way</del>
90 degrees	9'	18'	10' one way 20' two way

434

435 13. Minimum off-street parking space requirements are as follows:

436

A. *Residential uses:*

437

Single-family detached on lot less than fifty (50) ft wide - 1 space per unit.

438

Single-family detached on lot greater than fifty (50) ft wide - 2 spaces per unit.

439

Single-family attached less than 3 units – 1.5 spaces per unit.

440

Single-family attached 3 or more units – 1.25 spaces per unit.

441

Multi-family (efficiency) - 1.25 spaces per unit.

442

Multi-family (1 bedroom) - 1.5 spaces per unit.

443

Multi-family (2 bedroom) - 1.75 spaces per unit.

444

Multi-family (&gt; 2 bedroom) - 2 parking spaces.

445

446

## B. Nonresidential uses:

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~~Professional Office~~—1 space per four hundred (400) gross net square feet of space.

448

Retail—1 space per five hundred (500) gross net square feet of space.

449

Restaurant—1 space per ~~two one~~ hundred fifty (2150) gross net square feet of dining space (including kitchen and seating areas).

450

451

~~Lodging Hotel~~—0.75 spaces per unit.

452

Commercial / Single Destination Retail / Stand Alone Retail-1 space per two hundred fifty (250) gross square feet of space.

453

Personal Services / Medical Related Office-1 space per two hundred fifty (250) gross square feet of space.

454

Vehicular-1 space per one hundred fifty (150) gross square feet of space.

455

Industrial-1 space per one thousand (1,000) gross square feet of space.

456

Institutional-1 space per two hundred (200) gross square feet of space.

457

Assembly-1 space per seventy five (75) gross square feet of space

458

~~Uses not specifically mentioned for any use not specifically mentioned in this section, the requirements for off-street parking which is so mentioned and to which the said use is similar shall apply.~~ Properties with multiple uses shall calculate the aggregate total of parking required for each use category prior to taking a twenty five (25) percent deduction. Uses that generate a high parking demand of greater than 6 spaces per 1,000 sf\*, but do not exceed the 50 person threshold to qualify as assembly per the latest version of the Florida Building Code shall be required to provide 50% more parking than other uses in the same use category. (\*Institute of Transportation Engineers (ITE) Peak Parking Generation Rate, 3<sup>rd</sup> Edition or later)

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24. Exceptions. Parking is not required for:

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- A. Changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.

474

475

476 B. Changes in use, remodeling, of existing buildings as designated as a  
477 contributing structure in one (1) of the city's historic districts (as determined  
478 by section 23.5-4.).

479 C. A bed and breakfast use proposed in a building designated as a contributing  
480 structure in a city historic district (as determined by section 23.5-4) is  
481 excluded from these off-street parking exceptions unless the bed and  
482 breakfast is to be established in a single family residence whereby parking  
483 shall be provided in accordance with these LDRs.

484 35. Fee-in-lieu of parking. All uses which do not provide the required number of off-  
485 street parking spaces shall pay a fee-in-lieu of parking to the city. The fee shall  
486 be held in the community benefits fund to be allocated toward projects identified  
487 and approved by the commission as part of the Community Benefits Program.

488 A. Payments-in lieu. For any uses that elect to not provide any or all of the  
489 required number of off-street parking spaces described in this section, the  
490 owner or developer must make a payment to the city in the amount of fifteen  
491 thousand dollars (\$15,000) ~~seven thousand five hundred dollars (\$7,500.00)~~  
492 per space not provided.

493 B. Any changes in use, remodeling, building expansion or new construction  
494 that have the net effect of increasing parking demand by more than twenty-  
495 five (25) ~~ten (10)~~ percent as calculated by the required parking in this section,  
496 must provide parking as required by this section unless a payment-in-lieu of  
497 parking is made to the city in the amount of fifteen thousand dollars  
498 (\$15,000) ~~seven thousand five hundred dollars (\$7,500.00)~~ per space not  
499 provided.

500 g) Electric Vehicle Charging Infrastructure. It is the purpose of the electric vehicle  
501 charging infrastructure to provide the availability of electric vehicle charging stations  
502 to residents and visitors of the city.

503 1. All new commercial or mixed-use developments with at least 25 parking spaces,  
504 or existing commercial or mixed-use developments with at least 25 parking  
505 spaces that enter into either the site plan or site plan amendment process are  
506 subject to the following:

507 A. 4% of the total minimum required off-street parking spaces shall be  
508 designated and outfitted as electric vehicle charging spaces. Each required  
509 space at a minimum shall include the following:

510 1) A maintained and operational 240-volt "Level 2" charging station,  
511 with a cable retraction device and/or place to hang permanent cords and  
512 connectors sufficiently above the ground, and mounted at a height which places  
513 the connector a minimum of 36 inches and a maximum of 48 inches above the  
514 ground,

515 2) Wheel stops or concrete filled steel bollards to protect the  
516 mentioned charging station,

517 3) Signage allowing only electric vehicles to park in such space and  
518 indicating that it is only for electric vehicle charging purposes.

- 519                                   4)       The ability for all visitors to the site to access and use such space,  
520                                   B.       All spaces with Electric Vehicle Charging Infrastructure shall be located in  
521                                   close proximity to the building or facility entrance,
- 522       2.       Any development that proposes more than 20% of its required off-street parking  
523                                   to be outfitted as electric vehicle charging spaces, or operates any amount of  
524                                   charging stations as a primary use as determined by the Development Review  
525                                   Official, shall be classified as containing an "Vehicle Fueling/Charging Service  
526                                   Station" use as defined in Section 23.1-12 and is subject to the appropriate use  
527                                   approval process prior to the operation of such charging stations per Section  
528                                   23.3-6.
- 529       3.       Charging stations in SFR, SF/TF-14, MH-7, MF-20, MF-30, or MF-40 zoning  
530                                   districts shall be for the exclusive use of the development's residents and guests  
531                                   that are visiting the development's residents, and shall not be made available to  
532                                   the general public.
- 533
- 534 h)       *Shared parking for mixed-use zoning.* It is the purpose of the shared parking  
535 subsection to provide flexible parking provisions for the city in the appropriate mixed-  
536 use zoning districts where mixed-use developments occur. Mixed-use developments  
537 typically do not experience peak parking demands at the same time so reduced  
538 parking may be provided in these instances.
- 539       1.       Shared parking levels for mixed-use development. When any land or building is  
540 used for two (2) or more uses, the total requirement for off-street parking shall be  
541 the sum of the requirements of the various uses computed separately, minus  
542 twenty-five (25) percent of the total required. However, in no case, shall less than  
543 0.8 of a space be provided for each employee and 1.0 space be provided for each  
544 dwelling unit.
- 545       2.       Credit for onsite transit facilities in TOD districts. In the event onsite transit  
546 facilities are provided within two thousand (2,000) feet of a building, the parking  
547 required for that building shall be reduced by twenty-five (25) percent.
- 548 i)       *Change of use or occupancy.* Where the use of a given structure is changed, off-  
549 street parking facilities must be provided for the new use according to the  
550 requirements set forth in this section 23.4-10.
- 551       1.       If a portion or all of a structure or property is changed in use which requires to  
552 ~~require~~ a greater number of off-street parking spaces, then additional parking  
553 shall be documented provided for the new use in accordance with section 23.4-  
554 10 and any parking non-conformity recorded.
- 555       2.       Any expansion, alteration, or improvement which increases the gross square  
556 footage or area of an existing structure by more than twenty five (25) percent  
557 shall be accompanied by any corresponding increase in the number of parking or  
558 loading spaces necessary for the expansion to conform to the requirements of  
559 section 23.4-10.
- 560 ~~3.       Changes in the use or occupancy of existing buildings located in the DT, MU-~~  
561 ~~FH, MU-DH, MU-E, TOD-E and AI zoning districts or that have been designated~~  
562 ~~as a contributing structure in one (1) of Lake Worth's historic districts (as~~



563 ~~determined by section 23.5-4) shall follow the requirements set forth in section~~  
 564 ~~23.4-10 g), Core Area Parking Requirements.~~

565 j) *Minimum parking dimensions.*

- 566 1. The standard parking space is nine (9) feet in width and eighteen (18) feet in  
 567 length in a perpendicular and/or angled configuration. Parallel parking spaces  
 568 shall be nine (9) feet in width and twenty-two (22) feet in length.
- 569 2. Parking lot designs:
- 570 a. Parking space dimensions for other types of spaces are:
- 571 i. Compact Car Spaces at eight (8) feet x sixteen (16) feet.
- 572 ii. Handicapped Spaces at twelve (12) feet x eighteen (18) feet.
- 573 b. Drive aisle widths shall be a minimum of twelve (12) feet for any one-way  
 574 isle and twenty (20) feet for all other isles.
- 575 c. For landscaping requirements in regard to parking and other vehicular use  
 576 areas, see section 23.6-1(f)(3).
- 577 d. For lighting requirements, see section 23.4-3.
- 578 e. Up to a maximum of twenty five (25) ~~ten (10)~~ percent of total required spaces  
 579 may be compact cars. All compact spaces must be clearly identified.
- 580 f. Alternative parking lot designs which incorporate one-way aisles, two-way  
 581 aisles, and diagonal parking may be used in lieu of the standard  
 582 (perpendicular, two-way aisle) parking lot design.

<u>Angle of Parking</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
<u>0 degrees-parallel</u>	<u>9'</u>	<u>22'</u>	<u>10' one-way</u> <u>20' two-way</u>
<u>+/- 45 degrees</u>	<u>9'</u>	<u>18'</u>	<u>10' one-way</u> <u>20' two-way</u>
<u>90 degrees</u>	<u>9'</u>	<u>18'</u>	<u>10' one-way</u> <u>20' two-way</u>

583  
 584 k) *On-street parking.*

- 585 1. *Applicability.* The minimum number of required off-street parking spaces for a  
 586 use or project may be satisfied, in part, by the use of on-street parking spaces  
 587 located within the public right-of-way abutting that same lot or parcel.
- 588 2. *Conditions.* The provision for on-street parking spaces to be used to meet the  
 589 minimum number of required off-street parking spaces shall be subject to the  
 590 following conditions:
- 591 a. The on-street parking provision is applicable to all existing or proposed  
 592 development located within all ~~commercial and mixed use~~ and multi-family  
 593 zoning districts ~~and for all multi-family developments;~~

- 594 b. Only the on-street parking spaces located within the public right-of-way that  
595 about the frontage of a use or project may be used to count toward meeting  
596 the minimum number of required off-street parking spaces. The on-street  
597 parking spaces must be located on the same side of the street as the subject  
598 use or project;
- 599 c. The design of the on-street parking spaces must be approved by the city  
600 public services department in order to satisfy parking demand according to  
601 subsection B.1. herein; and
- 602 d. On-street parking spaces utilized under this provision shall not be reserved,  
603 temporarily or permanently, for any given use.
- 604 e. No more than fifty (50) percent of the required off-street parking requirement  
605 may be met with on-street parking.

606 l) Parking Alternates.

- 607 1. For the purposes of these land development regulations the following may be  
608 substituted for on site parking spaces.
  - 609 a. The provision of four (4) bicycle rack spaces shall count as one (1) parking  
610 space;
  - 611 b. The provision of two (2) motorcycle or scooter spaces shall count as one  
612 (1) parking space;
  - 613 c. The provision of one (1) transit vehicle or bus space shall count as four (4)  
614 parking spaces.
- 615 2. Alternate parking spaces including compact spaces shall count toward no more  
616 than twenty five (25) percent of the overall on site parking requirement.

617  
618 **Sec. 23.4-13. – Administrative Uses and Medium and High Intensity Conditional**  
619 **Uses.**

620  
621 a) *Purpose.* The following uses have been determined to carry the potential for  
622 substantial adverse impacts on neighboring properties and, therefore, are subject to  
623 development standards and regulations in addition to those required for the zoning  
624 district. All uses listed herein are subject to the requirements set forth under [section](#)  
625 [23.2-28](#), Administrative Adjustments/administrative use permits or [section 23.2-29](#),  
626 Conditional uses.

627 b) *Findings by review authority.* In addition to the standards of [section 23.2-28](#)  
628 or [section 23.2-29](#), the review authority, prior to recommending approval, or  
629 approving, as the case may be, of an administrative use or a conditional use for an  
630 automobile filling station or automobile service station shall find that the standards of  
631 this section and sections [23.2-30](#), [23.2-31](#) and [23.2-32](#) have been met. See [Article 3](#),  
632 permitted use table.

633 c) *Standards.*

634 1. *Vehicular related services.*

635 A. *Regulations and Standards.*

636 (2) Vehicle fueling/charging service ~~Vehicle filling~~ stations.

637 (a) *Purpose.* It is the purpose of this section to provide  
638 regulations and standards for the establishment of vehicle fueling/charging ~~automobile~~  
639 ~~filling stations and automobile~~ service stations within designated zoning districts.  
640 Vehicle fueling/charging ~~automobile filling stations~~ and ~~automobile~~ service stations are  
641 intended primarily to serve the fuel and service needs of motorists. Vehicle  
642 fueling/charging ~~automobile filling stations and automobile~~ service stations shall be  
643 approved through the appropriate decision making authority by conditional use  
644 procedures.

645 (b) *Use regulations.* Uses permissible at an vehicle  
646 ~~automobile~~ service station do not include any sales or mechanical work not specifically  
647 listed below, nor do they include body work, the straightening of frames or body parts,  
648 steam cleaning, painting, welding, storage of vehicles ~~automobiles~~ not in operating  
649 condition, provision of parking services, or other work involving noise, glare, fumes,  
650 smoke, traffic congestion or other characteristics to an extent greater than normally  
651 found in uses permitted by right or with special approval in the district where the  
652 facility is located. ~~Activities allowed as part of station and automobile service station~~  
653 ~~use:~~

654 ~~i. Provision of air for tires;~~

655 ~~ii. Sales of cold drinks, candies, tobacco products~~  
656 ~~and similar goods for service station customers, but only as accessory and incidental~~  
657 ~~to the principal business operation;~~

658 ~~iii. Provision of road maps and other informational~~  
659 ~~materials for customers;~~

660 ~~iv. Provision of restroom facilities;~~

661 ~~v. Fuel, oil, and grease sales;~~

662 ~~vi. Sales and servicing relating to spark plugs,~~  
663 ~~batteries, distributors and distributor parts;~~

664 ~~vii. Tire sales;~~

665 ~~viii. Tire servicing and repair, but not recapping or re-~~  
666 ~~grooving;~~

667 ~~ix. Replacement of water hoses, fan belts, brake~~  
668 ~~fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings,~~  
669 ~~mufflers, shock absorbers, mirrors and the like;~~

670 ~~x. Provision of water and supplements for radiator~~  
671 ~~fluids, and the like;~~

672 ~~xi. Washing and polishing, limited to facilities for~~  
673 ~~washing one (1) car at a time, and sale of automatic washing and polishing materials,~~  
674 ~~but not the operation of automobile washing establishments;~~

- 675 ~~xii. Providing and preparing fuel pumps and lines;~~
- 676 ~~xiii. Minor servicing and repair of carburetors;~~
- 677 ~~ixx. Minor servicing of air conditioners;~~
- 678 ~~xx. Automotive wiring repairs~~
- 679 ~~xxi. Brake repair;~~
- 680 ~~xxii. Motor repairs not involved in the removal of the~~
- 681 ~~head or crankcase;~~
- 682 ~~xxiii. Greasing and lubricating.~~

683 5. Single Destination Retail Uses including Stand Alone Retail and Single  
 684 Destination Commercial Uses. Convenience stores.

685 A. Purpose . It is the purpose of this section to provide regulations and  
 686 standards for single destination retail and single destination commercial convenience  
 687 store establishments within designated zoning districts. These uses~~Convenience~~  
 688 ~~stores~~ shall be approved through the appropriate decision making authority ~~by~~  
 689 ~~conditional use procedures.~~

690 B. Design and performance standards .

691 (1) Minimum site area: Ten thousand (10,000) square feet.

692 (2) Minimum lot width: One hundred (100) feet.

693 ~~(3) Minimum distances. All convenience stores shall be located a~~  
 694 ~~minimum of one thousand (1,000) feet from any existing convenience store. Distance~~  
 695 ~~shall be measured from property line to property line, without regard to intervening~~  
 696 ~~structures or objects.~~

697 ~~(34)~~ Landscape requirements. The site must be provided with a  
 698 minimum five-foot-wide perimeter planting area. Site landscaping shall comply with  
 699 adopted landscape regulations.

700 ~~(45)~~ Buffering. A fence or wall shall be erected at a height of not less  
 701 than six (6) feet when the parking area(s), pay phones or other common area(s) is  
 702 within twenty-five (25) feet of a residential district, in addition to the landscaping  
 703 requirements outlined in subsection (5), above. All fences and walls shall be  
 704 constructed of concrete, masonry or metal. Metal fences shall be open weave chain  
 705 link, vinyl coated type combined with a shrub hedge or ornamental in nature. Walls  
 706 shall be finished with a graffiti-resistant paint.

707 ~~(56)~~ Pay telephones, ATMs and vending machines. Vending machines  
 708 or any facility dispensing cash or merchandise shall be confined to space built into the  
 709 building or enclosed in a separate structure compatible with the main building. Pay  
 710 phones must be attached to the building or within ten (10) feet of the main entrance.  
 711 Where appropriate and feasible, such facilities shall not be visible from a side street.

712 ~~(67) Variances for minimum site area and minimum distance separation~~  
713 ~~between convenience stores shall not be granted.~~

714 (7) Establishments must front one of the city's major thoroughfares.

715 (8) Outdoor display of more than three (3) individual items is strictly  
716 prohibited.

717 (9) Establishments must have at least twenty-five (25) percent clear  
718 glazing and fenestration along frontages and entrances clearly identifiable.

719 (10) Display windows must have engaging and pedestrian friendly  
720 vignettes. Covering of display windows with posters, paper, advertisements, written  
721 signs and similar shall be strictly prohibited. Vacant buildings shall have approved  
722 vignettes covering windows until an active business is established and operating.

723 (11) All sales transactions, except during city approved special events,  
724 shall take place within the building.

725 (12) Walk up sales windows shall be treated as a drive through facility  
726 and be regulated as such.

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EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

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Article 5, "Supplemental Regulations," Division 3 "NONCONFORMITIES"

Sec. 23.5-3. – Nonconformities.

d) Nonconforming buildings and structures . A nonconforming building or structure is a building or structure properly constructed according to the law existing at the time of permit but which does not presently conform to the property development regulations of these LDRs for minimum site area or dimensions, minimum setback requirements, maximum building or structure height, maximum lot coverage, minimum floor area, parking or loading or for other characteristics of buildings or structures regulated in these LDRs, or for its location on the lot. A nonconforming building or structure may continue to exist in a nonconforming state so long as it otherwise conforms to law, subject to the following provisions:

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.

2. Should the structure or building be deteriorated or destroyed ~~by any means~~ to an extent of more than fifty (50) percent of the assessed value of the structure or building as determined by the building official, it shall not be reconstructed except in conformity with the provisions of these LDRs.

3. Should the structure or building be deteriorated or destroyed ~~by any means~~ to an extent of less than fifty (50) percent but more than thirty-three (33) percent of its assessed value as determined by the building official, it may be restored only upon issuance of a variance pursuant to [section 23.2-26](#) for the particular building or structure nonconformity. A variance shall not supersede a condemnation order of the building official and such variance shall not obviate the necessity of obtaining other needed waivers or variances from the city.

4. Should such building or structure be moved to a new site, or to a new location on the same lot or site, it shall conform to the current land development regulations relevant at the time of the relocation.