



**AGENDA**  
**CITY OF LAKE WORTH BEACH**  
**HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**WEDNESDAY, NOVEMBER 18, 2020 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES**

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

- A. [October 14, 2020 Regular Meeting Minutes](#)

**CASES**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) [302 N. Lakeside Dr.](#)  
[LDR Amendments Round 20-05](#)

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A. [HRPB Project Number 20-00100205](#): A Certificate of Appropriateness for the construction of a ± 3,096 square foot single-family structure located at **302 North Lakeside Drive**, pursuant to but not limited to Sections 23.2-7, 23.3-7, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Single-Family Residential (SF-R) Zoning District and is located within the Old Lucerne Local Historic District.**
- B. [PZHP 20-03100008 \(Ordinance 2020-20\)](#): Consideration of an ordinance to Chapter 23 "Land Development Regulations" regarding changes to temporary uses, home occupations and several minor modifications related to development standards for parking and accessory dwelling units, and maintenance easements on zero lot line properties.**

**PLANNING ISSUES:**

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

**DEPARTMENT REPORTS:**

**BOARD MEMBER COMMENTS:**

**ADJOURNMENT**

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

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

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



**MINUTES  
CITY OF LAKE WORTH BEACH  
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING  
VIA TELECONFERENCE  
WEDNESDAY, OCTOBER 14, 2020 -- 6:00 PM**

**OATH OF OFFICE:** The Oath of Office was taken by newly appointed Board Member Geoffrey Harris prior to roll call.

**ROLL CALL and RECORDING OF ABSENCES:** Present were: William Feldkamp, Chairman; Robert D'Arinzo; Judith Fox; Bernard Guthrie; Ozzie Ona; Geoffrey Harris. Absent: Judith Just.

Also present were: Abraham Fogel, Preservation Planner; Jordan Hodges, Senior Preservation Coordinator; Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA:** None

**APPROVAL OF MINUTES:**

A. September 9, 2020 Regular Meeting Minutes

**Motion:** R. D'Arinzo moves to accept the minutes as presented; B. Guthrie 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:** Provided in the meeting packet.

- 1) LDR Amendments Round 04

**WITHDRAWALS / POSTPONEMENTS:** None

**CONSENT:** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:**

R. D'Arinzo and B. Guthrie have no disclosures; G. Harris, W. Feldkamp, and O. Ona each received many emails against the proposed amendment regarding artificial turf. J. Fox received a voicemail regarding the same issue.

**UNFINISHED BUSINESS:** None

## **NEW BUSINESS:**

- A. Consideration of a Completed Work Application for a Historic Preservation Ad Valorem Tax Exemption; and, the review and recommendation to the City Commission of a Historic Preservation Ad Valorem Tax Exemption for the subject property located at **631 Lucerne Avenue** (The Hummingbird); PCN# 38-43-44-21-15-509-0010 for the completed work. The subject property is a contributing resource to the Old Town Local Historic District and is located within the Downtown Zoning District.

**Staff:** J. Hodges reviews the restoration project, describing conditions before and after. The pre-renovation request for Historic Preservation Ad Valorem Tax Exemption was approved in 2017. It has been determined that all conditions have been met and staff recommends approval of the request. The property won a Historic Preservation Award in 2019 in the Rehabilitation category.

**Board:** W. Feldkamp points out the depth of the sills in the after photos and how they contribute to the building. J. Fox points out the small hummingbird on the front of the building.

**Motion:** R. D'Arinzo moves to recommend approval of HRPB 17-00100137, the completed Work Application, and to recommend to the City Commission the approval of a Historic Preservation Ad Valorem Tax Exemption; J. Fox 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

- B. Consideration of a Completed Work Application for a Historic Preservation Ad Valorem Tax Exemption; and, the review and recommendation to the City Commission of a Historic Preservation Ad Valorem Tax Exemption for the subject property located at **910 North M Street**; PCN#38-43-44-21-15-286-0030 for completed work. 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 reviews the restoration project, describing conditions before and after. The pre-renovation request for Historic Preservation Ad Valorem Tax Exemption was approved on March 11, 2020. It has been determined that all conditions have been met and staff recommends approval of the request.

**Board:** J. Fox inquires as to whether a window was added to the wraparound on the front. **Staff Response:** No; they were casements before. O. Ona states the landscaping is in need of maintenance and does not look complete. **Staff Response:** There are future plans for additional work. B. Guthrie asks about the white barrel tile roof as opposed to a flat cement tile. **Staff Response:** The original drawings indicate a white cement tile and the white barrel is acceptable according to Design Guidelines. The option was discussed at the previous Board meeting and the applicant opted for the barrel tile, instead of flat cement tile. W. Feldkamp states that had the pre-approval come before Board since the Design Guidelines have been implemented, the recommendation/requirement would most likely have been for flat cement tile. J. Fox asks if the applicant is required to move forward with landscape and painting and if another exemption can be applied for? **Staff Response:** The scope of this approval was only for roof and windows. Tax exemptions can be stacked. Not all improvements would qualify for an exemption, for example a pool addition only would not qualify, however it could be wrapped into the scope of work for a larger preservation/rehabilitation project.

**Motion:** R. D'Arinzo moves to recommend approval of HRPB 20-00100061, the completed Work Application, and to recommend approval for a Historic Preservation Ad Valorem Tax Exemption to the City Commission; B. Guthrie 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous

- C. Consideration of a Certificate of Appropriateness (COA) for accordion shutter installation for the condominium unit located at 31 South Golfview Road #13; 38-43- 44-27-36-001-0130.

**Staff:** J. Hodges presents case findings and historical analysis. Although there were two approvals for accordion shutters in 2000 and 2007, this was before the Design Guidelines were adopted. There are other product replacements (windows and shutters) in the Hampshire and the Statler Buildings. Permitting yet another shutter system that will not be used by all units will further exacerbate the piecemeal appearance. Should the Board set precedent by granting the request, it would provide/allow for future requests of accordion shutters to be granted administratively. The request is not consistent with the Comprehensive Plan due to the fact that they cannot be stored out of site when not in use in addition to being very intrusive. They are visible from the street and utilize permanent tracks which detract from the appearance of the structure's openings. Visual characteristics of the building would also be permanently altered. Other options include metal corrugated panels, clear lexan panels and fabric screens all of which can be removed when not in use. Depending upon structure style, impact colonial or Bahama shutters are more permanent options.

**Board:** G. Harris mentions the seven (7) story building with existing accordion shutters. **Staff response:** It is actually one of the few applications where it is acceptable due to the height and the large balcony size and it seems to be consistent. Even though the Statler and Hampshire are two-story structures, it's not different from putting up shutters on a two-story home. The original rolldown shutters are shown on advertising from the 50's and 60's. G. Harris queries why the HOA hasn't taken any action on recommendation, it's a shame to lose the charm and shade offered by the original roll-down shades. **Staff response:** HOA has requested that everyone either replace windows with the approved impact windows already on the building or seek an approvable shuttering system. J. Fox thinks the consistency is important. W. Feldkamp believes eventually the entire building will transition to impact windows. B. Guthrie asks if any applicant could receive administrative approval for the impact windows as already shown on the building. **Staff Response:** Although they were approved at different times, the product was the same. The Board approval provided a blanket approval for future impact window requests to be approved administratively rather than Board approval. O. Ona queries how Board could deny when some are already existing, it is sending a mixed message. W. Feldkamp believes Board has been consistent. **Staff Response:** This project began as a building permit, it doesn't meet current Design Guidelines and there are other options of which the applicant could avail themselves; it does not stop anyone from protecting the property, the particular product does not meet the objective of the Design Guidelines. B. D'Arinzo asks how many windows are in the unit. Discussion ensues regarding floorplan of the units and number of openings per unit.

**Motion:** B. Guthrie moves to deny HRPB 20-00100189 because the applicant has failed to establish by competent, substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; J. Fox 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

- D. Consideration of a Certificate of Appropriateness (COA) for exterior alterations for the property located at **224 North L Street**; PCN#38-43-44-21-15-046-0130. The subject property is a contributing resource to the Northeast Lucerne Local Historic District and is located in the Medium Density Multi-Family Residential (MF-30) Zoning District.

**Staff:** A. Fogel presents case findings and historical analysis of the property. The proposal would require the enlargement and reconfiguration of most of the original openings which goes against the City's Historical Ordinance and is contrary to the Design Guidelines. New windows could be approved according to staff recommended Conditions of Approval. As the proposal is for a partial replacement, staff has included Conditions that would regulate any future replacement of the remaining windows, when that occurs, to ensure visual compatibility and consistency. The west elevation would receive a new front door, 6-light divided light pattern and would be visually compatible. The east elevation replacement of the jalousie windows would be a pair of 10 light French door and a single hung 6 over 1 divided light pattern. The north elevation proposal includes a triangular gable window, three (3) enlarged openings for single-hung windows and the closure of one window. South elevation four jalousie window openings would be enlarged and replaced with single-hung windows and the one wood window would remain.

**Applicant:** Garrett Scheffler talks about possible construction history of structure. On the south façade one window is egress (bedroom) and the other is matching as he believes it would give an unbalanced appearance if the original opening size was retained.

**Staff:** A. Fogel reviews the Conditions of Approval.

**Applicant:** The stud wall will need to be rebuilt to be structurally safe. In rebuilding, the trim will be replaced/replicated as staff recommends. The siding has damage and applicant is going to try to save what he can. He intends to replace with wood shiplap although this is tongue and groove.

**Board:** G. Harris dislikes the triangular window but does appreciate the two (2) existing clerestory windows. Favors the matching of the two (2) bedroom windows instead of one egress and smaller window. J. Fox asks if the replacement windows will be wood? **Staff Response:** No, only one wood double-hung window will remain; the jalousie windows are being replaced. R. D'Arinzo asks about the width of the lot. It may be a 25-foot wide lot. Since there is a privacy fence and not visible, would six over 1 (6/1) be acceptable as opposed to six over 6 (6/6)? **Staff Response:** yes that would be acceptable.

**Staff:** W. Waters points out the setbacks with regard to the wood siding may not meet fire code. It would have to be a fireproof product. The survey shows it to be one foot off the property line on the bedroom side of the house. The opening penetrations would also be a fire code issue.

**Applicant:** The building department already approved the plan.

**Board:** G. Harris states that although there may be room to walk that's not how the code works. Code states there needs to be separation from the property line, not just from the neighboring structure. Fire/life safety issues normally cannot be resolved with a variance. If the floor plan were to be flipped to have the living room on that side no penetrations would be allowed in the living area.

**Staff:** W. Waters, in consulting with the Building Official, has determined the siding has to be fire rated to be at a one-foot setback, the penetrations cannot be enlarged without fire rating and this item should be tabled to work with the applicant.

**Motion:** R. D'Arinzo moves to continue HRPB 20-00100186 to next meeting; G. Harris 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**Moderator** advises that there are several attendees who have joined the meeting. Staff advises the item for the second tax exemption has passed and there is no need for them to join or speak at this point in time.

- E. **PZHP 20-03100007**: Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to commercial vehicle parking, open air operations, temporary banner signage for new construction, landscaping requirements and artificial turf (Ordinance 20-15).

**Staff:** E. Sita reviews the proposed changes to the Land Development Regulations. Most of the changes were prioritized by the City Commission in early 2020 staff however the artificial turf is a proposal brought forth by the City Commission. As the latter is of the most interest, it will be heard first.

Exhibit G Article 6 Section 23.6-1- Landscape Regulations- subject to requirements related to location quality and installation. Staff research is displayed in a table showing pro’s and con’s. Reviewed best practices in adjacent cities.

**Locations proposed:** SFR and duplex rear yard only not visible from any street; ribbon parking strips in front yard of non-conforming properties (to be reviewed by DRO or Review Board) Rooftop terraces and part of a PDD recreation or amenity area. **How:** Landscape permit requirement, affidavit of maintenance, barrier between artificial turf and landscaping, crumb rubber not permitted and subsurface material specs. **What:** Minimum quality Standards; a 10 year warranty; drainage standards; appearance standards; and shall be disposable under normal conditions at any US landfill.

**Board:** Asks which surrounding cities that have allowed the application. **Response:** West Palm Beach, Delray Beach and Boca Raton, but not in the front yard. Delray Beach does allow for the ribbon strip parking in the front yard. It could be a potential solution for the many non-conforming front yard parking situations within the city.

**Board:** Questions about the jurisdiction of rooftop terraces. If one were to put carpet on the balcony that would be a maintenance issue and typically not visible to anyone. **Response:** Within a Planned Development. Outdoor carpet does not have a drainage component as does artificial turf. The litigation is related to crumb rubber.

**Board:** How would existing applications be addressed? **Response:** currently unpermitted applications would need to be removed. If it were to be allowed, it would be with a substantial number of restrictions. PZB voted to not make a recommendation on the subject.

**Board:** How does it relate to/impact impermeable surface requirements? **Response:** alternatives for the ribbon strip areas could be ground cover, turf or rocks.

**Board:** Why is this suddenly a topic? is there demand? Several properties have prominently installed it in the front yard. **Response:** It was not initiated nor is it connected to any City project; it was initiated by a City Commissioner. Within this ordinance it is not recommended in any public recreation areas or ballfields.

**Board:** Could it be placed beneath trees where grass does not grow and in a time of water conservation what are the benefits?

**Staff:** Crumb rubber was used on playgrounds years ago which was removed after a short time due to smell, black with rubber dust and being widely criticized by parents.

**Board:** Finds it ironic that a Board whose duty is to preserve, is considering something artificial, unnatural and counter to preservation. It is a lazy solution to problems. We should be setting a higher example. Other organic materials could be used. Consensus is that it is inappropriate for an entire lawn. This is doing nothing to reduce heat in the City. Eventually parking strips may not even be necessary for non-conforming properties.

**Board Attorney:** Planning & Zoning Board wanted to hear the Tree Board's thoughts on artificial turf.

**Staff:** The process for Land Development Regulation change is to gather information including public comments and advisory board comment; compile those comments/information into a staff report for City Commission consideration.

**Motion:** B. Guthrie moves to not recommend Exhibit G artificial turf; should City Commission decide to allow the use, a Certificate Of Appropriateness and Board approval should be required for all applications in the Historic Districts; J. Fox 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**Staff:** E. Sita reviews the balance of the proposed changes including parking and storage of commercial vehicles in non-residential areas; cemeteries, mausoleums and columbariums. Outdoor storage, open air operations and outdoor display such as propane tanks. Signage (larger grand opening signage) and Landscaping regulations for ground cover, inorganic mulch and prohibitions. The yards of rocks were addressed in the last LDR change with previous requirements and the minimum plant material.

**Board:** Why is Board concerned with hours of operation for cemeteries and could it be rewritten?

**Response:** It is a safety issue related to lighting.

**Motion:** R. D'Arinzo moves to recommend approval of 20-03100007 to City Commission with the exception of Exhibit G; O. Ona 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

### **PLANNING ISSUES:**

- A. Consideration of an amendment to the COA Approval Matrix that adds clear glazing standards and consolidates information for actions that impact the exterior appearance of properties located within the historic districts.

**Staff:** A. Fogel – On August 12, 2020 meeting a moratorium was placed on all glass types that are not clear. At the September 9, 2020 meeting the Board requested additional research comparing clear glass and clear glass with low-E, Visual Light Transmittance be revised to only account for the glazing to effectively review glass types. According to Design Guidelines clear glass is the most historically accurate glass type. With regard to current energy efficient design, it is important to recall that historical homes were designed with those green practices since they were built when energy and water efficiency were important. Walls (concrete block), porches, roof material (concrete tile), roof and attic vents, large overhangs, wood windows and doors (thermal properties) and foundation stem walls all help to cool and insulate.

Orientation in relation to the sun, shading, roof overhangs, curtains/blinds all influence how well glazing performs. Low-E is a non-reflective, non-tinted window film that reduces heat gain. With low-E the glass must have a minimum 70% VLT measured from the center of the glazing to be permissible in a historic structure. This refers to the amount of light passing through the glass, clear glass may typically have a rating of 80%. VLT is also determined by the thickness of the sash, grids/muntins, and frame. The Center Of Glass (COG) only measures that light passing



through the glass. Major manufacturer's offer low-E coatings that meet the 70% minimum VLT. At Board's discretion, tinted glass may be allowed that meets the 70% minimum. The COA matrix has been consolidated, and duplicitous information eliminated to more closely align with the Design Guidelines. Going forward all COA applications for window and door replacement will require a product quote showing VLT of the glazing.

**Public Comment:** Ron Heath-Max Guard Hurricane Windows-mentioned Cardinal Glass is discontinuing low-E270 and being replaced by low-E 366 the #1 selling tint in the U.S..

This glass does not meet the 70% threshold.

**Board:** B. Guthrie believes that if in the future it is determined that the 70% is not available, the threshold could be adjusted. Rather than using industry jargon, if Board states the minimum 70 % VLT, the homeowner will have to provide the rating through their supplier. R. D'Arinzo clarifies that PGT is one of the biggest manufacturer's.

**Motion:** B. Guthrie moves to approve changes to the COA matrix; R.D'Arinzo 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PUBLIC COMMENTS:** (3 minute limit): None

**DEPARTMENT REPORTS:**

Staff: The Gulfstream has been submitted and the hope is to have it before Board in December.

A. Presentation of award recipients that have demonstrated outstanding achievements in historic preservation:

- 113 South Federal Highway,
- 407 South Lakeside Drive,
- 231 North Ocean Breeze,
- 330 North Palmway, and
- 1101 North Lakeside Drive.

All recipients will receive a Bronze plaque for the structure.

**Board:** W. Feldkamp would like to see the awards featured in the Palm Beach Post and an insert in the City water utility bill.

**BOARD MEMBER COMMENTS:** O. Ona commends R.D'Arinzo's for the historic information provided on his business flyer/advertisement. B. Guthrie welcomes Geoffrey Harris.

**ADJOURNMENT:** Motion by B. Guthrie to adjourn; R. D'Arinzo 2<sup>nd</sup>.

9:23 PM

## Public Notice

Legal Notice No. 37601

PLEASE TAKE NOTICE that due to the Novel Coronavirus 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") with an in-person quorum of the HRPB. The meeting will be conducted on **Wednesday, November 18, 2020, at 8:00 p.m.** or as soon thereafter as possible.

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> to consider the following:

**HRPB#20-00100205:** A Certificate of Appropriateness for new construction of a ± 3,096 square foot single-family structure located at 302 North Lakeside Drive, pursuant to but not limited to Sections 23.2-7, 23.3-7, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Single-Family Residential (SF-R) Zoning District and is located within the Old Lucerne Local Historic District. PCN#: 38-43-44-21-15-430-0010.

Public comment will be accommodated prior to and during the meeting through the virtual meetings webpage. If you are unable to access the webpage during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the HRPB at 1900 2nd Avenue N, 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 participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the HRPB to consider a minimum of one (1) full business day prior to the date of the meeting. The affected party or applicant shall have the right to one (1) continuance provided the request is to address neighborhood concerns or new evidence, to hire legal counsel or a professional services consultant, or the applicant or affected party is unable to be represented at the hearing. For additional information, 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  
November 5, 2020

Legal Notice No. 37600

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 the **November / December 2020 Historic Resources Preservation Board and Planning & Zoning Board meetings** via Communication Media Technology ("CMT") with an in-person quorum at 7 North Dixie Highway, Lake Worth Beach.

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meetings/> to consider the following:

Public comment will be accommodated prior to and during the meetings through the City's virtual meetings webpage. If you are unable to access the webpage during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the PZB/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.

PLEASE TAKE NOTICE that the City of Lake Worth Beach **Historic Resources Preservation Board ("HRPB")**, acting as the local planning agency, will hold a public hearing on **Wednesday, November 18, 2020 at 6pm** or soon thereafter to consider the recommendation to the City Commission of an ordinance regarding amendments to the City's Code of Ordinances.

PLEASE TAKE NOTICE that the City of Lake Worth Beach **Planning & Zoning Board ("PZB")**, acting as the local planning agency, will hold a public hearing on **Wednesday, December 2, 2020 at 6pm** or soon thereafter to consider the recommendation to the City Commission of an ordinance regarding amendments to the City's Code of Ordinances.

- **PZHP 20-03100008 (Ordinance 2020-20) - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 18 "UTILITIES," ARTICLE 7 "STORMWATER UTILITY," SECTION 18-103. - "ON SITE DRAINAGE" BY REQUIRING MAINTENANCE EASEMENTS FOR ZERO LOT LINE LOTS; AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY CREATING A NEW SECTION 23.2-37. - "TEMPORARY USE PERMIT" TO CREATE AN APPROVAL PROCESS FOR TEMPORARY USES; AMENDING ARTICLE 3 "ZONING DISTRICTS," DIVISION 1 "GENERALLY," SECTION 23.3-6 "USE TABLES" TO ESTABLISH TEMPORARY USES PERMITTED BY ZONING DISTRICT; AMENDING ARTICLE 4, "DEVELOPMENT STANDARDS," SECTION 23.4-1. - "SECONDARY (ACCESSORY) DWELLING UNITS," SECTION 23.4-4. - "FENCES, WALLS AND GATES," SECTION 23.4-6. - "HOME OCCUPATIONS," SECTION 23.4-10. - "OFF-STREET PARKING" TO CLARIFY DEVELOPMENT STANDARDS RELATED TO FENCING, ACCESSORY DWELLING UNITS, AND PARKING AS WELL AS PROVIDE ADDITIONAL FLEXIBILITY FOR HOME OCCUPATION USES IN MIXED USE DISTRICTS, AND CREATING A NEW SECTION 23.4-22 - "TEMPORARY USES" TO ESTABLISH DEVELOPMENT REVIEW STANDARDS FOR TEMPORARY USES; AND AMENDING ARTICLE 5 "SUPPLEMENTARY REGULATIONS" SECTION 23.5-7 - "CONCURRENCY MANAGEMENT AND PUBLIC FACILITY CAPACITY" TO REQUIRE MAINTENANCE EASEMENTS ON ZERO LOT LINE LOTS, AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.**

**For additional information, 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 assistance is required.**

Publish: The Lake Worth Herald  
November 5, 2020



**MEMORANDUM DATE:** November 10, 2020

**AGENDA DATE:** November 18, 2020

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

**RE:** **302 North Lakeside Drive**

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

**TITLE:** **HRPB Project Number 20-00100205:** A Certificate of Appropriateness for the construction of a ± 3,096 square foot single-family structure located at **302 North Lakeside Drive**, pursuant to but not limited to Sections 23.2-7, 23.3-7, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Single-Family Residential (SF-R) Zoning District and is located within the Old Lucerne Local Historic District.

**OWNER:** 302 LAKESIDE LLC  
Gustavo Moro  
1035 S. State Road 7 Ste. 315  
Wellington, FL 33414

**PROJECT DESCRIPTION:**

The property owner of 302 North Lakeside Drive, Mr. Gustavo Moro, is requesting approval for the construction of a new single-family residence. The property is located within the Old Lucerne Local Historic District at the northeast corner of the intersection of North Lakeside Drive and 3rd Avenue North, and has public frontage to the west on North Lakeside Drive and on the Lake Worth Beach Municipal Golf Course to the east. The property has 70' of linear frontage along North Lakeside Drive, which includes a vacant 50' x 135' platted lot of record and the north 20' of the abandoned 3<sup>rd</sup> Avenue North between North Lakeside Drive and the municipal golf course. The earliest information available in the property file indicates that this property has been a vacant lot since the property appraiser's inspection in 1956. In addition, Sanborn Maps from 1928 (Book 1, Page 15) also show the property as vacant. The HRPB has reviewed two (2) previous proposals for new construction for the vacant lot. The new single-family residences were approved by the Board in 2012 and 2015, respectively, but were never constructed. 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 +/- 3,096 square foot residence. The proposed building is designed in a contemporary architectural style. The application will require the following approval:

1. **Certificate of Appropriateness (COA)** for the new construction of a  $\pm$  3,096 square foot single-family structure at 302 North Lakeside Drive.

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

**PROPERTY DESCRIPTION**

Owner	302 LAKESIDE LLC (Gustavo Moro)
General Location	Northeast intersection of North Lakeside Drive and 3rd Avenue North
PCN	38-43-44-21-15-430-0010
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Vacant
Future Land Use Designation	Single Family Residential (SFR)





**LAND DEVELOPMENT REQUIREMENTS**

<b>Land Development Code Requirements</b>		
<b>Code References</b>	<b>23.3-7 (SF-R); 23.4-10 (Off-street parking); FEMA</b>	
	<b>Required</b>	<b>Proposed</b>
Lot Area	5,000 square feet	9,450 square feet
Lot Width	50'-0"	70'-0"
Building Height	30'-0" (2 stories)	14'-0"
Setback - Front	20'-0"	20'-0"
Setback - Side	7'-0" (10% of lot width)	7'-6" (north) 20'-0" (south)
Setback - Rear	13'-6" (10% of lot depth)	20'-0"
Setback – Rear (Accessory Structure)	5'-0"	5'-0"
Impermeable Surface Total <sup>(1)</sup>	55.0% total	41.8%
Front Yard Impermeable Surface Total	250 square foot maximum (75 % of the front yard area)	150 square feet (50% credit for pavers over sand) <sup>(3)</sup>
Maximum Building Coverage <sup>(1)</sup>	30.0% maximum 35% with Sustainable Bonus <sup>(2)</sup>	<b>32.8%</b> <sup>(2)</sup>
Density/Number of Units	1 dwelling unit	1 dwelling unit (single-family residence)
Floor Area Ratio <sup>(1)</sup>	0.45 maximum	0.40
Living Area	800 square feet	3,096 square feet
Parking	2 spaces	2 spaces
Parking Dimensions	9'x18' perpendicular or angled	9'x18' perpendicular
Base Flood Elevation* <small>*Determined by the City's Floodplain Administrator based on FEMA maps and requirements</small>	Required BFE with 12" of freeboard: 10'-0"	Proposed:10'-0"

- (1) Large lot (Lots over 7,500 square feet).
- (2) Medium and large lots, may qualify for an additional five (5) percent impermeable surface for all structures with the construction of a single family, single story house not to exceed 15'-0" in height and must include the incorporation of additional sustainable features or improvements including but not limited to those listed under section 23.2-33, City of Lake Worth Sustainable Bonus Incentive Program.
- (3) Semi-pervious surface: A surface covered by materials with a percolation rate of at least fifty (50) percent relative to the ground percolation rate. Semi-pervious surface may include but are not limited to permeable paving material and other semi-pervious materials such as gravel, small stone, and other substantially similar materials. For semi-pervious surfaces, 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 regulations. The semi-pervious surface credit shall not reduce the required open space and landscape area requirements.

The proposed new construction project is consistent with all site data requirements in the City's Zoning Code. The maximum building lot coverage is allowed to exceed 30%, per LDR Sec. 23.3-7(c)(6), as the project is a single-story house that does not exceed 15'-0" in height and incorporates sustainable features and improvements. The Applicant has provided a justification statement that outlines the sustainable features of the project, included as **Attachment D**. It is Staff's analysis that the project qualifies for an additional 2.8% building lot coverage above the 30% allowed by the base zoning and will be able to provide the additional \$1,320 in sustainable features as outlined in LDR Section 23.2-33(d)(1):

- (d) Higher quality or additional open space beyond the requirements of the code.
- (e) Higher quality or additional landscaping beyond the requirements of the code.

According to the Applicant, the landscaping is beyond the requirements of the code through the utilization of a large number of plant materials (mostly native to the state of Florida), the incorporation of large specimen-quality trees, the construction of a vertical garden on the fences fronting North Lakeside Drive, and the implementation of two (2) large bamboo groves along the north and south property lines. The landscaping will be evaluated at permitting to ensure that the proposal meets and exceeds the city's landscape requirements in accordance with the Sustainable Bonus Incentive. Additional open space is provided beyond the requirements of the code as the project proposes an impermeable surface total of 41.8%, whereas 55% is allowed for a large lot in the SF-R Zoning District. Additionally, the building may meet the qualifying standards for a Florida Green Building Coalition (FGBC) certification to meet the requirement. The total value of qualifying improvement shall be reviewed by staff prior to the issuance of a building permit.

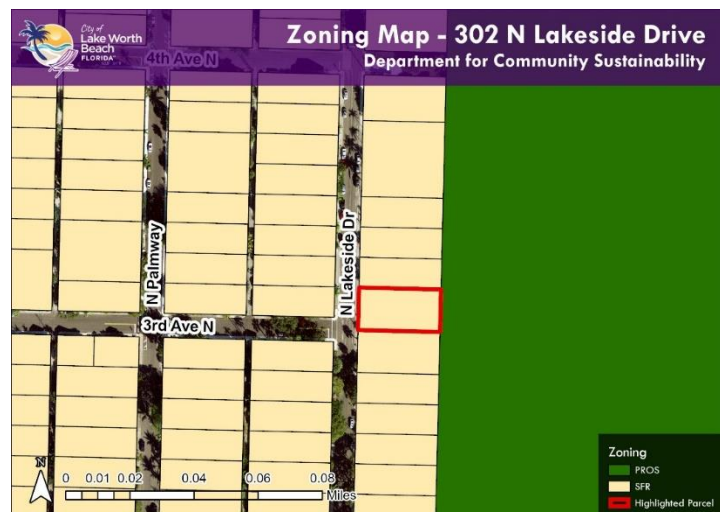
## SITE ANALYSIS

### Surrounding Properties

The site is surrounded by single-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 single-family structure. This area contains a FLU designation of SF-R and a Zoning designation of SFR.

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



**EAST:** East of the subject site is the Lake Worth Beach Municipal Golf Course. This area contains a FLU designation of PROS (Public Recreation and Open Space) and a Zoning designation of PROS (Public Recreation and Open Space).

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

The applicant is requesting approval of a new +/- 3,096 square foot single-family residence. The design of the proposed single-family residence is contemporary, utilizing four (4) rectangular volumes at staggered heights, large outswing glass doors and slender vertical windows, a smooth stucco exterior finish, and accents in natural coral stone. Site features for the property include an above-ground pool, raised rear deck, wood fences with vertical garden features, paver walkways and driveways, and a hidden carport beneath one of the structure's rectangular volumes. The site plan, elevations, and renderings are included as **Attachment C**.

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

The subject is located in the Single Family Residential Future Land Use (FLU) designation. Per Policy 1.1.1.2 in the City's Comprehensive, the FLU designation allows for a maximum density of 7 dwelling units per acre. The purpose for the Single-Family Residential designation is to permit the development of single-family structures designed for occupancy by one family or household. As the proposed structure is a single-family residence and has a proposed density of less than 7 units per acre, it is consistent with the intent of the Single-Family Residential designation.

The proposed single-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 will provide additional housing and utilizes a contemporary 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.

**Staff Analysis:** The building utilizes concrete block construction with a smooth stucco finish, flat roofs, large outswing glass doors and slender vertical windows, and natural coral stone accents. The structure is broken into four rectangular massing components at staggered heights. The unique design accommodates a carport beneath one of the rectangular volumes and gives the structure a single-story appearance.

As proposed, the design is contemporary in style and massing and utilizes natural materials, layered setbacks, and integrated landscaping. New construction in the City's historic districts is not limited to any particular architectural style, but staff always recommends that the design professional design solely within one architectural style. It is the analysis of Staff that the new construction project, as proposed, is generally compatible with the regulations set forth in the historic preservation ordinance, and that the design of the structure displays architectural features and materials that are consistent with contemporary architecture. Adding contemporary structures into historic districts creates an architectural record for present styles, which can add to the unique character and to the chronology of building styles constructed throughout the city's history.

Recent increases in FEMA base flood elevation requirements have impacted residential neighborhoods and residential historic districts along Florida's southeast low-lying coastal cities. The required base flood elevation (BFE) for this property is 10 feet, including 12" of freeboard required by the City as determined by the City's floodplain administrator based on FEMA maps and requirements. New construction must comply with current flood elevation requirements, which results in structures that are built substantially higher than their historic counterparts. The proposed single-family residence responds to this challenge with a volumetric design that attempts to conceal the overall height of the structure and places covered parking where it is least visible from the street. While soil is mounded on the parcel to minimize the visual impacts of the FEMA elevation requirements, the site will be reviewed for drainage during the building permit process to ensure water is retained on the property. It is Staff's analysis that the proposal responds adequately to the lot size, shape, and configuration, development pattern in the district.

Staff does have remaining concerns regarding several long, unbroken facades that lack windows and doors on the north and south elevation. The following section provides a detailed review of the project's compliance with visual compatibility standards provided in LDR Section 23.5-4(k)(3). Staff has included a condition of approval to help create a consistent rhythm of solids to voids.

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

- A. In approving or denying applications for certificates of appropriateness for new construction and additions (as applicable), 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 required base flood elevation (BFE) for this property is 10 feet. The proposed single-family residence responds to this challenge with a volumetric design that attempts to conceal the overall height of the structure. The resulting design 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) 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 windows and doors create a pattern that largely avoids large expanses of blank façade. There are large outswing glass doors and slender vertical windows on the proposed structure that are of different proportions than neighboring contributing resources.

- (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 north and south elevation have volumes with long, unbroken facades. To satisfy this requirement, Staff has included a condition of approval that additional windows or exterior finishes be installed 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 wood fences with vertical garden features, which generally obscure human entrances to the structure. While atypical for most properties within the Old Lucerne Historic District, obscure entryways are common in more contemporary forms of residential architecture.

- (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 historic district.

**Staff Analysis:** The building will be constructed of concrete block and finished with smooth stucco and natural coral stone accents, which are common siding and accent materials within the city's 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 proposed structure utilizes a series of flat roofs. Due to FEMA requirements, the structure is required to be constructed with a required base flood elevation (BFE) of 10 feet. The flat roof design helps conceal the overall height of the structure and ensures visual compatibility with other single-story buildings surrounding the property.

- (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 with vertical garden features create 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 structure is broken into four (4) massing components at staggered heights. The unique design allows a carport to be accommodate beneath one of the rectangular volumes and gives the structure a one-story appearance.

- (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 on either side of it. The building's height and massing are visually compatible with other residential structures on the North Lakeside Drive.

(12) The architectural style of a building shall be visually compatible with other buildings to which it is related in the historic district, but does not necessarily have to be in the same style of buildings in the district. New construction or additions to a building are encouraged to be appropriate to the style of the period in which it is created and not attempt to create a false sense of history.

**Staff Analysis:** The design of the structure displays architectural features and materials that are consistent with contemporary architecture. Adding contemporary structures into historic districts creates an architectural record for present styles, which can add to the unique character and to the chronology of building styles constructed throughout time.

(13) 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 in the backyard behind a fence, not visible from North Lakeside Drive.

(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 and will not be visible from the street.

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

**Staff Analysis:** The proposed new construction project is consistent with all site data requirements in the City's Zoning Code. The maximum building lot coverage is allowed to exceed 30% as the project is a single-story house that does not exceed 15'-0" in height and incorporates sustainable features and improvements. Parking is provided in a carport beneath one (1) of the structure's rectangular volumes. A preliminary landscape plan is included in **Attachment C**. 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 Lakeside Drive.

#### 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 contemporary architectural style and the Historic Preservation Ordinance. Therefore, staff recommends approval with conditions, listed below, to allow construction of a new ± 3,096 square foot single-family structure.

#### **Conditions of Approval:**

- 1) The windows and doors shall be wood, wood-clad, aluminum, or fiberglass, subject to Staff review at permitting. All proposed exterior entry doors shall be compatible with the contemporary architectural style, and shall be subject to Staff review at permitting.
- 2) The windows shall be recessed a minimum of three inches (3") as measured from the finished face of the exterior wall to the glass. Windows shall not be installed flush with the exterior wall.
- 3) All glazing shall be clear, non-reflective and without tint. Low-E (low emissivity) is allowed but the glass must have a minimum 70% visible light transmittance (VLT) measured from the center of glazing. Glass tints or any other glass treatments shall not be combined with the Low-E coating to further diminish the VLT of the glass.
- 4) Staff *recommends* that additional windows or exterior finishes such as "wood-look" screening or natural stone be installed on the north and south elevations to avoid long expanses of blank façade.

#### **POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number 20-00100205 with staff recommended conditions for a Certificate of Appropriateness (COA) for the new construction of a ± 3,096 square foot single-family structure at **302 North Lakeside Drive**, based upon the competent substantial evidence in the staff report

and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 20-00100205 for a Certificate of Appropriateness (COA) for the new construction of a ± 3,096 square foot single-family structure at **302 North Lakeside Drive**, because the Applicant has not established by competent substantial evidence that the application is consistent with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

**ATTACHMENTS:**

- A. Property File Documentation
- B. Current Photos
- C. Proposed Architectural Plans
- D. Applicant Justification Statement



DATE: November 10, 2020

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

FROM: William Waters, Director Community Sustainability

MEETING: November 18, 2020

SUBJECT: **PZHP 20-03100008 (Ordinance 2020-20)**: Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to temporary uses, home occupations and several minor modifications related to development standards for parking and accessory dwelling units, and maintenance easements on zero lot line properties.

---

**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 the third tier of prioritized items identified at the March meeting. These include changes related to temporary uses and home occupations. In addition, several minor modifications related to parking, accessory dwelling units, and maintenance easements on zero lot line properties are included. 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 amendments for and the following sections of the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 2, [NEW SECTION] Section 23.2-37. – Temporary Use Permit
- Article 3, Section 23-3.6 – Use Tables
- Article 4, Section 23.4-1. - Secondary (accessory) dwelling unit.
- Article 4, Section 23.4-6. – Home Occupations
- Article 4, Section 23.4-10. – Off-street parking
- Article 4, [NEW SECTION] Section 23.4-22 – Temporary uses
- Article 5, Section 23.5-7. - Concurrency management and public facility capacity

There also are a few changes to Chapter 18, Sec. 18-103 related to easements on zero lot line properties, which are also located in Chapter 23, Section 23.5-7.

**Zero Lot Line Maintenance Easements:** The proposed amendments will provide clarity related to access easement requirements on zero lot line properties.

**Temporary Uses:** The proposed amendments create a temporary use permit process, development standards for temporary uses and add temporary uses to the permitted use table. These temporary uses include temporary parking, construction related facilities and seasonal product sales.

**Accessory Dwelling Units:** The proposed amendments will clarify size and construction standards for accessory dwelling units.

**Home Occupations:** The proposed amendments will to allow for additional flexibility for professional home occupations office uses in mixed use districts.

**Parking:** The proposed amendments will clarify the parking requirement for accessory dwelling units and that the parking in-lieu fee is available only in the City's core area.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt PZB/HRPB Project Number 20-03100008 (Ordinance 2020-20).

**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 20-03100008 (Ordinance 2020-20).

Attachments

- A. Draft Ordinance 2020-20



1  
2  
3 **ORDINANCE 2020-20 - AN ORDINANCE OF THE CITY OF LAKE**  
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 18 “UTILITIES,”**  
5 **ARTICLE 7 “STORMWATER UTILITY”, SECTION 18-103. – “ON SITE**  
6 **DRAINAGE” BY REQUIRING MAINTENANCE EASEMENTS FOR ZERO**  
7 **LOT LINE LOTS; AMENDING CHAPTER 23 “LAND DEVELOPMENT**  
8 **REGULATIONS, BY ADDING A NEW SECTION 23.2-37. –**  
9 **“TEMPORARY USE PERMIT” TO CREATE AN APPROVAL PROCESS**  
10 **FOR TEMPORARY USES; AMENDING ARTICLE 3 “ZONING**  
11 **DISTRICTS,” DIVISION 1 “GENERALLY,” SECTION 23.3-6 “USE**  
12 **TABLES” TO ESTABLISH TEMPORARY USES PERMITTED BY**  
13 **ZONING DISTRICT; AMENDING ARTICLE 4, “DEVELOPMENT**  
14 **STANDARDS,” SECTION. 23.4-1. – “SECONDARY (ACCESSORY)**  
15 **DWELLING UNITS,” SECTION 23.4-6. – “HOME OCCUPATIONS,”**  
16 **SECTION 23.4-10. – “OFF-STREET PARKING” TO CLARIFY**  
17 **DEVELOPMENT STANDARDS RELATED TO ACCESSORY DWELLING**  
18 **UNITS AND PARKING AS WELL AS PROVIDE ADDITIONAL**  
19 **FLEXIBILITY FOR HOME OCCUPATION USES IN MIXED USE**  
20 **DISTRICTS, AND ADDING A NEW SECTION 23.4-22 – “TEMPORARY**  
21 **USES” TO ESTABLISH DEVELOPMENT REVIEW STANDARDS FOR**  
22 **TEMPORARY USES; BY AMENDING ARTICLE 5 “SUPPLEMENTARY**  
23 **REGULATIONS” SECTION 23.5-7. – “CONCURRENCY MANAGEMENT**  
24 **AND PUBLIC FACILITY CAPACITY” TO REQUIRE MAINTENANCE**  
25 **EASEMENTS ON ZERO LOT LINE LOTS; AND PROVIDING FOR**  
26 **SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE**  
27 **DATE.**

28  
29  
30 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State  
31 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the  
32 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct  
33 municipal government, perform municipal functions, and render municipal services, and  
34 may exercise any power for municipal purposes, except as expressly prohibited by law;  
35 and

36  
37 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing  
38 body of each municipality in the state has the power to enact legislation concerning any  
39 subject matter upon which the state legislature may act, except when expressly prohibited  
40 by law; and

41  
42 **WHEREAS**, the City wishes to amend Chapter 18 “Utilities,” Article 7 “Stormwater  
43 Utility”, Section 18-103. – On site drainage, to provide clarity related to access easement  
44 requirements; and

45  
46 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration  
47 Division” 3, “Permits,” by adding a NEW Section 23.2-37. – Temporary Use Permit; to  
48 create a new temporary use review permit process and review standards; and  
49

50           **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,”  
51 Division 1 “Generally,” Section 23.3-6 Use Tables to establish permitted temporary uses  
52 by zoning district; and

53  
54           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
55 Standards,” Section 23.4-1. – Secondary (Accessory) Dwelling Unit, to clarify size and  
56 construction standards for accessory dwelling units; and

57  
58           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
59 Standards,” Section 23.4-6. – Home Occupations to allow for additional flexibility for home  
60 occupations office uses in mixed use districts; and

61  
62           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
63 Standards,” Section 23.4-10. – Off-street parking to clarify the parking for accessory  
64 dwelling units and that the parking in-lieu fee is available only in the City’s core area; and

65  
66           **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development  
67 Standards,” to establish a new section, Section 23.4-22 – Temporary uses to establish  
68 supplementary development standards for temporary uses; and

69  
70           **WHEREAS**, the City wishes to amend Chapter 23, Article 5 “Supplementary  
71 Regulations” Sec. 23.5-7. - Concurrency management and public facility capacity to  
72 provide clarity related to access easement requirements; and

73  
74           **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning  
75 agency, considered the proposed amendments at a duly advertised public hearing; and

76  
77           **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local  
78 planning agency, considered the proposed amendments at a duly advertised public  
79 hearing; and

80  
81           **WHEREAS**, the City Commission has reviewed the proposed amendments and  
82 has determined that it is in the best interest of the public health, safety, and general  
83 welfare of the City to adopt this ordinance.

84  
85           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
86 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

87  
88           **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as  
89 being true and correct and are made a specific part of this Ordinance as if set forth herein.

90  
91           **Section 2:** Chapter 18 “Utilities,” Article 7 “Stormwater Utility”, Section 18-103.  
92 – On site drainage of the City’s Code of Ordinances, is hereby amended by adding the  
93 words shown in underlined type and deleting the words ~~struck through~~ as indicated in  
94 **Exhibit A.**

95  
96           **Section 3:** Chapter 23 Land Development Regulations,” Article 2  
97 “Administration Division” 3, “Permits,” NEW Section 23.2-37. – Temporary Use Permit

98 related to temporary use permits is hereby amended by adding the words shown in  
99 underlined type and deleting the words ~~struck through~~ as indicated in **Exhibit B**.

100  
101 **Section 4:** Chapter 23 Land Development Regulations,” Article 3 “Zoning  
102 Districts,” Division 1 “Generally,” Section 23.3-6 Use Tables related to permitted  
103 temporary uses by zoning district; is hereby amended by adding the words shown in  
104 underlined type and deleting the words ~~struck through~~ as indicated in **Exhibit C**.

105  
106 **Section 5:** Chapter 23 Land Development Regulations,” Article 4 “Development  
107 Standards,” Section 23.4-1. – Secondary (Accessory) Dwelling Unit related to accessory  
108 dwelling units is hereby amended by adding the words shown in underlined type and  
109 deleting the words ~~struck through~~ as indicated in **Exhibit D**.

110  
111 **Section 6:** Chapter 23 “Land Development Regulations,” Article 4  
112 “Development Standards,” Section 23.4-6. – Home Occupations related to home  
113 occupations are hereby amended by adding the words shown in underlined type and  
114 deleting the words ~~struck through~~ as indicated in **Exhibit E**.

115  
116 **Section 7:** Chapter 23 “Land Development Regulations,” Article 4  
117 “Development Standards,” Section 23.4-10. – Off-street parking related to parking  
118 requirements for accessory dwelling units and the parking in-lieu fee is hereby amended  
119 by adding the words shown in underlined type and deleting the ~~words struck~~ through as  
120 indicated in **Exhibit F**.

121  
122 **Section 8:** Chapter 23 “Land Development Regulations,” Article 4  
123 “Development Standards,” related to the establishment of a new section, Section 23.4-22  
124 – Temporary uses, is hereby amended by adding the words shown in underlined type and  
125 deleting the ~~words struck~~ through as indicated in **Exhibit G**.

126  
127 **Section 9:** Chapter 23 “Land Development Regulations,” Chapter 23, Article 5  
128 “Supplementary Regulations” Sec. 23.5-7. - Concurrency management and public facility  
129 capacity related to access easement requirements is hereby amended by adding the  
130 words shown in underlined type and deleting the ~~words struck~~ through as indicated in  
131 **Exhibit H**.

132  
133 **Section 10:** Severability. If any section, subsection, sentence, clause, phrase or  
134 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of  
135 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
136 independent provision, and such holding shall not affect the validity of the remaining  
137 portions thereof.

138  
139 **Section 11:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in  
140 conflict herewith are hereby repealed to the extent of such conflict.

141  
142 **Section 12:** Codification. The sections of the ordinance may be made a part of  
143 the City Code of Laws and ordinances and may be re-numbered or re-lettered to  
144 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or  
145 any other appropriate word.

147 **Section 13:** Effective Date. This ordinance shall become effective 10 days after  
148 passage.

149  
150

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

154

- 155 Mayor Pam Triolo
- 156 Vice Mayor Andy Amoroso
- 157 Commissioner Scott Maxwell
- 158 Commissioner Herman Robinson

159

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

162

163

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

167

- 168 Mayor Pam Triolo
- 169 Vice Mayor Andy Amoroso
- 170 Commissioner Scott Maxwell
- 171 Commissioner Herman Robinson

172

173

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

176

177

LAKE WORTH BEACH CITY COMMISSION

178

179

180

By: \_\_\_\_\_

181

Pam Triolo, Mayor

182

183

ATTEST:

184

185

186

187

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

188

**EXHIBIT A**

**Chapter 18**

**CODE OF ORDINANCES ARTICLE 7 "STORMWATER UTILITY"**

\*\*\*

**Sec. 18-103. - On site drainage.**

Prior to the issuance of a building permit for construction on property, a site drainage plan and drainage computations shall be submitted for approval by the director or designee. The drainage plan must indicate facilities which will totally contain on-site a three-year one-hour storm event and such facilities must be constructed prior to final inspection by the city. For zero lot line lots, a three (3) foot maintenance easement shall be provided on the non-zero side of each zero-lot-line lot to allow for maintenance of the adjoining property and whenever feasible on existing non-conforming lots as determined by the city engineer and the development review official.

\*\*\*

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Division 3 Permits

**[NEW SECTION] Section 23.2-37. – Temporary Use Permit**

- a. Applicability. The following temporary uses may not be commenced until the applicant obtains a Temporary Use Permit from the development review official. The permit specifies the specific use, the period of time for which it is approved, and any special conditions attached to the site-specific approval. The following uses may be permitted, subject to the issuance of a Temporary Use Permit:
1. Temporary uses identified and consistent with the supplementary standards in Section 23.4-22, including but not limited to: sales offices, construction field offices, off-site construction staging, temporary parking lots, and private farmer's markets.
  2. Pumpkins, Christmas trees, and other seasonal product sales or temporary farmer's market. No permit shall be required for seasonal product sales operated as part of a school or place of worship.
  3. Temporary storage or other uses related to emergency management. Such uses shall be operated by a governmental entity or organization engaged in recovery or emergency management efforts.
  4. Similar temporary uses which, in the opinion of the development review official, are compatible with the district and surrounding land uses.
- b. Approval authority. The development review official, in accordance with the procedures, standards and limitations of this section, shall approve or deny an application for a temporary use permit after review and comment by the site plan review team (if applicable). The development review official's decision on a temporary use permit is final, but may be appealed to the appropriate regulatory board by the applicant or affected party, pursuant to section 23.2-17. Special events shall require a special event permit and shall not require a temporary use permit unless otherwise specified herein.
- c. Review Process. A Temporary Use Permit application shall be reviewed administratively for consistency with the supplementary standards in Section 23.4-22 and the approval criteria in this section. The development review official may determine that the proposed temporary use has substantial impacts on adjacent properties in the vicinity of the temporary use, which would warrant review by the appropriate review board at a public meeting.
- d. General procedures. An application for a temporary use permit shall be made in writing upon an application form approved by the Department for Community Sustainability, and shall be accompanied by applicable fees. The Department for Community Sustainability shall review the application in accordance with these LDRs and prepare a result letter that summarizes the application and the effect of the proposed use, compliance with the review criteria and supplementary standards, conditions of approve if applicable, and approve or deny the application as submitted.
- e. Additional requirements. Prior to approving any administrative use permit, the development review official shall ensure that the following requirements have been met:
1. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.
  2. Any previously imposed conditions of approval at the site have been met, if applicable.
  3. All buildings and structures used for a temporary use shall have an active applicable rental business license with the appropriate use and occupancy approval for the propose temporary use.
  4. A business license and registration of individual vendors with the City shall be required, if applicable and as determined by the development review official.

- 259 f. Approval Criteria. The development review official shall review temporary uses for consistency with  
 260 the following standards:
- 261 1. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of the  
 262 City's land development regulations and the zoning district in which it will be located except when  
 263 the use is related to temporary construction activity or emergency management. The temporary  
 264 use shall not impair the normal, safe, and effective operation of a permanent use on the same site.  
 265 The temporary use shall not endanger or be materially detrimental to the public health, safety, or  
 266 welfare or injurious to property or improvements in the vicinity of the temporary use, given the  
 267 nature of the activity, its location on the site, and its relationship to parking and access points.
  - 268 2. Compliance with Other Regulations. A building permit or temporary certificate of occupancy may  
 269 be required, as determined by the building official before any structure used in conjunction with the  
 270 temporary use is constructed or modified. All structures and the site as a whole shall meet  
 271 applicable building and fire code standards as well as any provisions of this code for such temporary  
 272 use. Upon cessation of the temporary use, any structures associated with the temporary use shall  
 273 be promptly removed and the site shall be returned to its previous condition (including the removal  
 274 of all trash, debris, signage or other evidence of the temporary use).
  - 275 3. Duration. The duration of the temporary use shall be established at the time of approval of the  
 276 Temporary Use Permit. In the event no time limit is established, the duration shall be for a period  
 277 not to exceed ninety (90) days.
  - 278 4. Traffic Circulation. The temporary use shall not cause undue traffic congestion or accident  
 279 potential, as determined by the city engineer, given anticipated attendance and the design of  
 280 adjacent streets, intersections, and traffic controls.
  - 281 5. Off-Street Parking. Off-street parking shall be provided in accordance with the City's land  
 282 development requirements, and it shall not create a parking shortage for any of the other existing  
 283 uses on the site.
  - 284 6. Public Conveniences and Litter Control. Adequate on-site rest room facilities may be required.  
 285 Adequate on-site solid waste containers may also be required. The applicant shall provide a written  
 286 guarantee that all litter generated by the event or use shall be removed at no expense to the City.
  - 287 7. Appearance and Nuisances. The temporary use shall be compatible in intensity, appearance, and  
 288 operation with surrounding land uses in the area, and it shall not unduly impair the usefulness,  
 289 enjoyment, or value of adjacent properties due to the generation of excessive noise, dust, smoke,  
 290 glare, spillover lighting or other forms of environmental or visual pollution. A mitigation plan for  
 291 temporary uses, related to construction, emergency management, or for other temporary uses as  
 292 determined by the development review official, shall be required prior to the issuance of a  
 293 Temporary Use Permit when the use is in and/or adjacent to residential districts, in an effort to  
 294 minimize compatibility issues.
  - 295 8. Signs. The development review official shall review all signage in conjunction with the issuance of  
 296 the Temporary Use Permit. Such signage shall be in accordance with the requirements of this code.
  - 297 9. Other Conditions. The development review official may establish any additional conditions deemed  
 298 necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby  
 299 uses, including, but not limited to, restrictions on hours of operation, temporary arrangements for  
 300 parking and traffic circulation, requirements for screening/buffering, and guarantees for site  
 301 restoration and cleanup following the temporary use.
- 302
- 303 g. Revocation. The development review official or building official may revoke a Temporary Use  
 304 Permit due to nuisance concerns, land use compatibility or life-safety issues, or for the following  
 305 reasons:
- 306 1. The applicant has misrepresented any material fact on its application or supporting materials.
  - 307 2. The temporary use fails or ceases to comply with applicable standards or criteria for issuance  
 308 of a permit.
  - 309 3. The operation of the temporary use violates any statute, law ordinance, or regulation.
  - 310 4. The operation of the temporary use constitutes a nuisance or poses a real or potential threat  
 311 to the health, safety, or welfare of the public.
- 312

**EXHIBIT C**

313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

*Division 1 "Generally"*

\*\*\*

**Sec. 23-3.6 – Use Tables.**

*Under separate cover*



**EXHIBIT D**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-1. - Secondary (accessory) dwelling unit.

\*\*\*

b) Design standards. All secondary dwelling units shall conform to the following standards:

- 1. Existing development on lot. A single-family dwelling must currently exist on the lot or will be constructed in conjunction with the secondary unit.
- 2. Number of secondary units per parcel. Only one (1) secondary dwelling unit shall be allowed for each parcel.
- 3. Unit size. The habitable floor area for secondary units shall not exceed sixty (60) percent of the habitable floor area of the primary residence and shall be a minimum of 400 square feet.

\*\*\*

5. *Design.* The design of the secondary unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch, and shall be compatible in architectural style.

6. *Minimum Housing Code.* All secondary dwelling units shall meet the City’s established minimum housing code requirements.

**EXHIBIT E**

**Chapter 23**

**LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”**

**Sec. 23.4-6. - Home occupations.**

- a) *Purpose.* It is the purpose of this section to provide for the orderly use of residential premises for certain customary home occupations and professional offices allowed as home occupations. This provision allows for a portion of a residential unit to support a home office space or professional office space that generates income for the owner/tenant. It is further the purpose to assure that none of the residential ambiance of a neighborhood or of a building is modified or in any way diminished by the presence of said home occupation.
- b) *Class I - Design and performance standards- customary home occupations.*
1. *Limited use.* The home occupation shall be conducted within the residential premises and only by the person who is licensed to do so and is a resident(s) of the premises. The individual(s) so licensed shall not engage any employees to assist in the home occupation.
  2. *Pedestrian and automobile traffic.* The home occupation shall not generate pedestrian or automobile traffic beyond what would normally be expected in a residential district.
  3. *Maximum area of use.* No individual home occupation shall occupy more space than twenty (20) percent of the total floor area of a residence exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided however, in no event shall such all home occupations occupy more than forty (40) percent of the total floor area of the residence or one thousand (1,000) square feet, whichever is less.
  4. *No signs or advertisements.* No signs, banners or flyers shall be permitted to advertise the accessory use of the premises for an occupational purpose.
  5. *Limited equipment.* No chemical, electrical or mechanical equipment shall be used except that which is normally used for domestic, household or home office purposes. No electrical or mechanical equipment which causes outside interference may be installed or used. No equipment or process shall be used in a home occupation which creates fumes, glare, noise, odors, vibration, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence.
  6. *Stock in trade.* No goods shall be sold on or from the building site. Stock or inventory is permitted inasmuch as will fit within the allowable area of the residence being utilized as a home occupation and does not create a health or safety hazard. No outdoor storage of materials or equipment related to the home occupation shall be permitted on the premises. Deliveries may not exceed that which would be utilized by a private residence and shall not be disruptive to the immediate neighborhood
  7. *Parking.* The vehicle used for the home occupation is limited to a passenger car, van, or pickup truck. The vehicle may not be more than twenty (20) feet in overall length and not more than seven (7) feet in overall height. Any vehicles used solely in connection with such home occupation must have separate off-street parking facilities in addition to those provided for the residence, except as otherwise regulated by city ordinances.
  8. *Residential character.* There shall be no alteration in the residential character or appearance of the premises in connection with such home occupation.
  9. *Neighborhood impact.* A home occupation shall not create any nuisance, hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors, or other noxious emissions. Electrical or mechanical equipment that causes fluctuations in line voltage, creates

- 405 any interference in audio or video reception, or causes any perceivable vibration on adjacent  
406 properties is not permitted.
- 407 10. *Three (3) home occupations per residence.* No more than three (3) home occupations shall be  
408 permitted at any given residence at one (1) time. Each home occupation must maintain the  
409 required applicable business tax receipts and use and occupancy certificates.
- 410 c) Class II - Design and performance standards – professional office home occupations.
- 411 1. Limited use. The professional home office occupation shall be conducted within the residential  
412 premises and only by the person, who is licensed to do so and is a resident(s) of the premises.  
413 The individual(s) so licensed may engage employees to assist in the professional home  
414 occupation based on specific parameters. Professional home office occupations may only be  
415 established within mixed-use districts as an office use excluding medical and personal/grooming  
416 services. Stock in trade accessory to office is permitted for online sales and off-premise sales as  
417 limited herein.
- 418 2. Pedestrian and automobile traffic. The professional home office occupation may generate  
419 pedestrian or automobile traffic commensurate and routinely experienced within a mixed-use  
420 district and that of a traditional professional office.
- 421 3. Maximum area of use. No individual professional home occupation shall occupy more space than  
422 fifty (50) percent of the total floor area of a residence exclusive of any open porch, attached  
423 garage, or similar space not suited for or intended to be occupied as living quarters.
- 424 4. No signs or advertisements. No signs, banners or flyers shall be permitted to advertise the  
425 professional home occupation on the premises for any purpose.
- 426 5. Limited equipment. No chemical, electrical or mechanical equipment shall be used except that  
427 which is normally used for professional office purposes. No electrical or mechanical equipment  
428 which causes outside interference may be installed or used. No equipment or process shall be  
429 used in the professional home occupation which creates fumes, glare, noise, odors, vibration, or  
430 electrical interference detectable to the normal senses off the lot, if the occupation is conducted  
431 in a single-family residence or outside the dwelling unit if conducted in other than a single-family  
432 residence.
- 433 6. Stock in trade. The sale of goods within the residential premises is permitted only as accessory  
434 to the principal professional home office occupation use. Stock or inventory is permitted inasmuch  
435 as will fit within the allowable area of the residence being utilized as a professional home  
436 occupation and does not create a health or safety hazard. No outdoor storage of materials or  
437 equipment related to the professional home occupation shall be permitted on the premises.  
438 Deliveries may not exceed that which would be utilized by a private residence and shall not be  
439 disruptive to the immediate neighborhood.
- 440 7. Parking. The vehicle used for the professional home office occupation is limited to a passenger  
441 car, van, or pickup truck. The vehicle may not be more than twenty (20) feet in overall length and  
442 not more than seven (7) feet in overall height. Any vehicles used solely in connection with such  
443 professional home occupation must have separate off-street parking facilities in addition to those  
444 provided for the residence, except as otherwise regulated by city ordinances. Professional home  
445 office occupation uses that are permitted to accommodate more than two (2) employees and/or  
446 more than one (1) customer at a time shall be required to provide additional parking or have  
447 access to public or guest parking within two hundred (200) feet of building or residence used for  
448 such purpose.
- 449 8. Residential character. There shall be no alteration in the residential character or appearance of  
450 the premises in connection with such professional home occupation.
- 451 9. Neighborhood impact. A professional home office occupation shall not create any nuisance,  
452 hazard, or other offensive condition, such as that resulting from noise, smoke, fumes, dust, odors,  
453 or other noxious emissions. Use of electrical or mechanical equipment that causes fluctuations in  
454 line voltage, creates any interference in audio or video reception, or causes any perceivable  
455 vibration on adjacent properties is not permitted.
- 456 10. Three (3) professional home office occupations per residence. No more than three (3)  
457 professional home office occupations shall be permitted at any given residence at one (1) time.

458 Each professional home office occupation must maintain the required applicable business tax  
459 receipts and use and occupancy certificates.

460 11. Hours of Operation. A professional home office occupation may be conducted between the hours  
461 of 8 am to 6 pm, Monday through Saturday.

462 12. Employees. The number of employees including the owner/licensee is limited to one (1) for the  
463 first three hundred (300) sq. ft. of space allocated for the professional home office occupation and  
464 one hundred fifty (150) sq. ft of space allocated for each additional employee.

465 13. Clients/Customers. The professional home office occupation may not have more than one (1)  
466 client, customer and/or visitor at a time for each three hundred (300) sq. ft. of space allocated for  
467 the professional home occupation.

468 14. Office Area. Professional home office occupation owner/license must provide a drawing to scale  
469 that demarcates the area of residence for the use.

470 15. Level of Review. A professional home office occupation shall be approved either as an  
471 administrative use or conditional use depending on size and other applicable review criteria.

472 16. Authorization Requirements. Each professional home office occupation application must be  
473 accompanied by a lease, if applicable, and a notarized letter of approval from the governing  
474 homeowner's association or similar entity, if within a multi-tenant building.

475 17. Homeowner Associations. These provisions shall not supersede the requirements of a  
476 homeowner's or condominium association's rules if those rules are more restrictive. However, in  
477 the event the association rules are less restrictive, they shall not supersede the provisions of this  
478 section.

479 18. Conditions of Approval. Appropriate conditions of approval may be placed on all professional  
480 home office occupations to ensure the peaceful enjoyment of other residents living near the use  
481 or within the same building and to maintain the overall residential character of the property.

482

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

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

\*\*\*

e) ~~Drainage. All off-street parking facilities shall be drained so as not to cause any nuisance to adjacent private or public property~~ Drainage systems for off-street parking facilities shall be designed and installed in a manner acceptable to the city engineer. When necessary, walls, swales, planting areas, or other mitigation measures as determined by the city engineer shall be installed to protect adjoining properties and their occupants from any nuisance. Paved parking surfaces, including but not limited to driveways and parking lots, shall have a one (1) foot setback from the side property line and rear property if not alley accessed.

f) *Minimum parking space requirements by use category.*

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

A. *Residential uses:*

- Single-family detached on lot less than fifty (50) ft wide - 1 space per unit.
- Single-family detached on lot greater than fifty (50) ft wide - 2 spaces per unit.
- Accessory dwelling unit - 1 space in addition to that required for the primary dwelling.

\*\*\*

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

A. Location. Only properties located in the core area are eligible to utilize the fee-in-lieu of parking option. The core area is more particularly described as: Those properties which are bounded on the west by "A" Street and on the east by Golfview Road, and on the north by 2nd Avenue North, and on the south by 1st Avenue South.

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

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

\*\*\*

## EXHIBIT G

### Chapter 23

#### LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

##### **[NEW SECTION] Section 23.4-22 - TEMPORARY USES**

Temporary uses have characteristics that require certain restrictions in order to ensure compatibility with other uses in the zoning district in which they are proposed. All temporary uses are required to obtain a temporary use permit pursuant to the procedures of Section 23.2-37. Temporary uses are subject to the corresponding standards and limitations of this section. Renewal of a Temporary Use Permit, as allowed within this section, is subject to approval by the development review official. It shall be the responsibility of the applicant to demonstrate that the conditions of the original approval still exist.

a. Temporary Uses by District.

Section 23.3-6 Use Tables depicts the temporary uses permitted in each zoning districts in accordance with all standards and regulations in the City's code.

b. Temporary Use Requirements.

All temporary uses shall meet all applicable provisions of the City Code of Ordinances, in addition to the following requirements.

1. Business Offices, Temporary. A temporary building for use as a business office is permitted on a 90-day basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. All temporary business offices shall be shown on the Site Plan for approval of the permanent facility. Any temporary parking associated with the temporary business office shall follow procedures of the temporary parking lot use herein.
2. Construction Field Offices. A temporary building for use as a construction field office is permitted on a 12-month basis unless it is renewed by the respective business. Renewals may be requested and considered in association with an active building permit.
  - A. One temporary building per construction site shall be permitted if associated with an active building permit. A site plan shall be required as part of a temporary use permit application to ensure the proposed field office is located to minimize impacts on adjacent properties owners, including addressing traffic, parking and drainage issues.
  - B. Any temporary parking associated with the construction field office shall follow the standards and procedures of the temporary parking lot use herein.
3. Construction Staging, Off-Site. This section applies to the temporary use of property outside of the right-of-way for activities related to the construction of public and private improvements. Temporary facilities allowed in conjunction with a staging site may include a construction field office, portable restroom facilities, vehicle or equipment storage, layout yards, contractor parking, storage of construction materials or product, and other uses as approved by the development review official. Off-site construction staging facilities may be located in all zoning districts where they are directly associated with construction of public and private improvements in the area, subject to the following requirements and limitations:
  - A. Off-site construction staging facilities are permitted on a 12-month basis. The applicant may request to renew such approval upon its expiration if the conditions of approval still exist. An unlimited number of renewals may be applied for and considered.
  - B. Such facilities shall be located within 1,500 feet of the boundary of the construction project.
  - C. At the expense of the agency or contractor, notification to all property owners within 200 feet of the subject site shall be required 15 days prior to any action by the development review official.
  - D. Stormwater and Driveway Permits must be obtained from the applicable City departments. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud onto public rights-of-way.

- 586 E. A minimum of a five (5) foot landscaped buffer shall be required adjacent to residential properties.  
587 Screening from non-residential properties and rights-of-way shall be adequate to prevent the  
588 blowing of dust onto adjacent properties and rights-of-way, reduce noise, and to substantially block  
589 the views of site and equipment.
- 590 G. Hours of operation shall be consistent with the construction hours of operation as otherwise  
591 established by City ordinance or herein.
- 592 H. Any temporary parking or construction field offices associated with the construction staging area  
593 shall follow the respective standards of the temporary parking lot use below. Outdoor storage of  
594 commercial vehicles greater than 8,000 lbs shall be permitted upon issuance of an associated  
595 temporary use permit and building permit. Such parking and storage of large vehicles and shall  
596 be adequately screened as generally consistent with the outdoor storage requirements of this  
597 code as determined by the development review official.
- 598 I. Following completion of the associated project, the site must be returned to its pre-construction or  
599 better state as determined by the development review official. All buildings, driveway access, curb  
600 and gutter, debris, and product must be removed, and the area must be sodded with grass or  
601 Florida friendly ground cover as approved the development review official within forty-five (45)  
602 days of removal.
- 603
- 604 4. Parking Lot, Temporary. A temporary parking lot may be approved, for a period not to exceed twelve  
605 (12) months, when parking in excess of what was installed when a facility first opened is necessary  
606 to accommodate business or unanticipated patronage. A temporary parking lot required as part of  
607 another Temporary Use Permit may be approved in accordance with the period of time established  
608 for such temporary use. All temporary parking lots are subject to the following requirements and  
609 limitations:
- 610 A. Location. Temporary parking lot are permitted in any zoning district, except Single Family  
611 Residential and are not permitted fronting the major thoroughfares of Lake Avenue and Lucerne  
612 Avenue.
- 613 B. Site Plan of proposed parking configuration, buffers and screening, on-site circulation and right-  
614 of-way access shall be required.
- 615 C. Stormwater and Driveway Permits shall be required and approved by both the building official  
616 and the city engineer. The stormwater water permit application shall include the surface material  
617 of the parking lot and demonstrate compliance with NPDES requirements for construction parking  
618 facilities. Curbs, gutters, or other improvements may be required where necessary to comply  
619 with drainage regulations. The stormwater permit and driveway permit should address the  
620 prevention of dust blowing onto adjacent properties and the tracking of sediments and mud onto  
621 public rights-of-way.
- 622 D. Entrance to the lot from any public right-of-way shall be pursuant to standard safe driveway  
623 separation requirements in this code or shall be approved by the city engineer to ensure public  
624 safety. The entrances of the lot from a public right-of-way shall be paved with an all-weather  
625 surface and/or NPDES compliance surface as approved by the city engineer to mitigate  
626 stormwater runoff pollutants and to prevent the blowing of dust onto adjacent properties and the  
627 tracking of sediments and mud onto public rights-of-way.
- 628 E. At the end of the permit approval period, the area shall meet the following:
- 629 a. The area shall no longer be used for the parking of vehicles, except as permitted below.  
630 All paving material, driveway access, and curb and gutter must be removed, and the area  
631 must be sodded with grass or Florida Friendly ground cover as approved by the  
632 development review official within forty-five (45) days of removal.
- 633 b. A temporary parking lot approved for the purposes of accommodating unanticipated  
634 patronage may be retained if brought up to full compliance with all standards of the City's  
635 Code of Ordinances. If no site plan is approved within two months of the expiration of the  
636 temporary approval, the temporary parking lot shall be removed in accordance with the  
637 standards above.
- 638
- 639 5. Residential Sales Offices and Model Homes. A temporary residential sales office or model home must  
640 be located within the legal subdivision for which lots are being sold or on the subject property. In  
641 addition, the following standards and requirements shall be met:

- 642        A. A Temporary Use Permit with a conditional Certificate of Occupancy to operate the model home /  
643        sales office will expire after twelve (12) months unless it is renewed by the builder, upon which the  
644        burden shall fall to demonstrate to the development review official that the conditions of approval  
645        still exist. An unlimited number of applications to renew the Temporary Use Permit may be applied  
646        for and considered.
- 647        B. The design and construction of the model home or sales office must be consistent with the  
648        character of the subject neighborhood. A model home or temporary sales office may construct a  
649        monument sign no larger than sixteen (16) square feet and no taller than four feet in height, subject  
650        to the requirements of this code.
- 651        C. The model home shall be constructed in such a manner that it can be converted, without structural  
652        changes, to a single-family, two-family, or multi-family residence (as allowed by the zoning district).  
653        Such conversion shall occur no later than after the issuance of certificates of occupancy to 80  
654        percent (80%) of the associated residential units or when use as a sales office or model home has  
655        ceased.
- 656        D. A temporary building for use as a sales office is permitted on a six-month basis only if a model  
657        home has not been constructed. The temporary sales office is subject to the renewal policy outlined  
658        for model homes but shall be removed once the model home has been constructed.
- 659
- 660        6. Seasonal Product Sales or a Temporary Farmer's Market shall require a business license and  
661        registration of individual vendors with the City.



**EXHIBIT H**

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTARY  
REGULATIONS"

662  
663  
664  
665  
666  
667  
668

669 **Sec. 23.5-7. - Concurrency management and public facility capacity.**

- 670 1. Drainage. Adequately accommodate run-off from a three-year frequency one-hour storm duration,  
671 as recorded in the FDOT Rainfall Intensity Curves in use in 1970. For zero lot line lots, a three (3)  
672 foot maintenance easement shall be provided on the non-zero side of each zero-lot-line lot to  
673 allow for maintenance of the adjoining property and whenever feasible on existing non-  
674 conforming lots as determined by the city engineer and the development review official.