



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MARCH 10, 2021 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [February 10, 2021 Regular Meeting Minutes](#)

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [HRPB Project Number 21-00100031: A Certificate of Appropriateness \(COA\) for the partial enclosure of a carport, construction of a new +/- 72 square foot carport extension, construction of a new +/- 90 addition, and window and door replacement for the single-family residence at 1209 North L Street; PCN #38-43-44-21-15-372-0140. The subject property is located within the Single-Family Residential \(SF-R\) Zoning District and is a contributing resource to the Northeast Lucerne Local Historic District.](#)
- B. [HRPB Project Number 21-00100034: Consideration of a Certificate of Appropriateness \(COA\) for retroactive exterior alterations and window replacement for the property located at 805 North Lakeside Drive; PCN#38-43-44-21-15-230-0150. The subject property is a contributing resource to the Northeast Lucerne Local Historic District and is located in the Single-Family \(SF-R\) Zoning District.](#)
- C. [HRPB Project Number 21-00100051: Consideration of a Certificate of Appropriateness \(COA\) for window and door replacement for the property located at 615 7th Avenue North; PCN #38-43-44-21-15-176-0160. The subject property is a contributing resource to the](#)

[Northeast Lucerne Local Historic District and is located in the Single-Family and Two-Family Residential \(SF-TF 14\) Zoning District.](#)

D. [PZB/HRPB 21-03100001 \(Ordinance 2021-01\): Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to allow for takeout establishments by zoning district and to clarify that only one \(1\) continuance is permitted for all affected parties to ensure that the City does not run afoul of development review time limitations for local governments as set forth in Florida law, and several minor amendments related to definitions and use review processes.](#)

PLANNING ISSUES:

- A. 2021 Election of Board Chair & Vice-Chair
- B. Conceptual Plan Review for the property located at **224 North L Street**; PCN #38-43-44-21-15-046-0130.
- C. Conceptual Plan Review for the property located at **122 South K Street**; PCN #38-43-44-21-15-047-0060.

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
BY TELECONFERENCE
WEDNESDAY, FEBRUARY 10, 2021 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present for the live quorum in the City Commission Chambers were: Bernard Guthrie, Judi Fox, William Feldkamp-Chairman; Geoff Harris and Steve Pickett. Board members present in virtual attendance: Robert D'Arinzo. Also present: Abraham Fogel, Preservation Planner; Jordan Hodges, Senior Preservation Coordinator; Erin Sita, Assistant Director for Community Sustainability; Peter Ringle, Building Official; Susan Garrett, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA The agenda was revised to include a Conceptual Review of 807 N Ocean Breeze under New Business Item C.

Motion: B. Guthrie moved to accept the agenda as re-ordered; J. Fox 2nd.

Vote: Ayes all, unanimous

APPROVAL OF MINUTES: None

CASES

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

PROOF OF PUBLICATION

- 1) 130 North Ocean Breeze – Provided in the meeting packet.

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS:

- A. **HRPB 20-00100227** Consideration of a Certificate of Appropriateness for the construction of a new ± 619 square foot accessory building for the single-family residence at **418 North Ocean Breeze**; PCN 38-43-44-21-15-104-0050. The subject property is located in the Single-Family Residential Zoning District (SF-R) and is a contributing resource within the Old Lucerne Local Historic District.

Staff: A. Fogel reminds all the Board made a motion to continue this item pending additional drawings to illustrate the scale, height and visibility of the proposed accessory structure in relation to the existing historic structure on the parcel.

Applicant: Scott Ehrenberg from Berg Design and Property Owner, Kristina MacLeod. There is no visual aspect to be seen from North Ocean Breeze. The only place where it could possibly be seen would be from the street at the far left (north) side. The pitch was chosen based upon the applicant's desire to accommodate a lofted storage space with nine (9) foot walls used by family members occupying the existing residence. Other amenities include an open living space, bedroom and kitchenette.

Board: G. Harris asks why the drawings do not show all the chords and pitches? B. D'Arinzo asks about the status of existing trees and vegetation. Are the trees going to be removed?

Response: The large front tree will remain as will the trees in the backyard. The pool will be placed so as not to remove the mature vegetation.

Public Comment: Gael and Howard Silverblatt-As adjacent homeowners at 414 N. Ocean Breeze, they agree with staff's recommendation to have the accessory structure equal to or lower than the primary structure.

Staff: There are continued concerns regarding the retention of the fan light, the accessory structure roof design and overall height and the door design. Staff is recommending a four light transom window as opposed to the fan light. A single French door is depicted however the applicant has selected a steel raised panel door with decorative leaded glass inserts. Other site improvements include a new driveway with alley access, pool and pool decking and walkways.

Board member J. Fox recuses herself from the vote as she was not present at the previous meeting when the item was heard in its entirety.

Board attorney: If the Board member feels she cannot properly evaluate the project based upon not having heard the previous testimony she may recuse herself but it is not required to do so.

Board: G. Harris states it is possible to have a different ceiling height and dormer pitch from the roof pitch. This would allow for the transom windows. Believes the arched window is out of place; it is fundamentally a good project but the window detracts from the overall appearance. If the dormer pitch is changed, the roof pitch could be 7/12 rather than 9/12 which he would support. B. Guthrie asks if it would still be higher than the primary structure? W. Feldkamp also believes it should be equal to or less than the primary, as it is suppose to be subordinate to the primary structure. B. Guthrie agrees and would like it to be subordinate, the neighbor is not looking at it from the street but rather from the side. R. D'Arinzo wouldn't be totally opposed to a compromise since it is in the rear and the landscaping isn't being altered (mature trees), agrees with G. Harris. Discussion of base flood elevation and what is required by Florida Building Code. A 5/12 pitch will allow a nine (9) foot height. The applicant wants a nine (9) foot wall height. The 18-inch transom light appears to be the best choice. S. Pickett due to the flood plain changes, believes it is important to get elements of the façade and the building to look right rather than be so concentrated on the pitch and getting the height equal to or lower than the primary. Base flood plus one foot is what is now proposed, this is the minimum required.

Mr. Ehrenberg has brought the floor level even with the existing level. The property owner chose the wall height over the finished floor height.

Motion: G. Harris motions to approve HRPB 20-00100277 with staff recommended conditions of approval including the following modifications to those conditions. Amend Condition #10 to read a 7/12 roof pitch resulting in an approximate maximum height difference of two (2) foot from the primary structure; S. Pickett 2nd.

Vote: Ayes 4, Nays 1 with W. Feldkamp dissenting. Motion carries.

NEW BUSINESS:

A. **Presentation on flood adaptation in the City's historic districts:** City staff will present base flood elevation requirements, adaptation strategies for existing historic structures, considerations for additions and new construction, and project examples.

Staff: E Sita presents a brief overview of upcoming changes to the flood maps. National Flood Insurance Program is administered by FEMA. Flood mapping is a large part of the Flood Insurance Program. The city reviews new construction and renovations for compliance with the program requirements. The city also participates in the Community Rating System (CRS) to gain discounts for all affected by the mapping and insurance. Currently the rating is 7 which allows a 15% discount. The lower the number the bigger the discount. Approximately 1,500 communities nationwide participate in the voluntary CRS. Activities include: reducing the exposure to flood damage (mitigation), strengthen and support the NFI program and foster improvements in floodplain management. In January 2020 the new maps, published although not yet officially adopted, are required to be utilized. The presentation will provide information regarding the base flood elevation, questions regarding when is it necessary to elevate, what is considered a substantial improvement, historic district impacts and exemptions and coastal resiliency.

Peter Ringle, Building Official, City Flood Plain Administrator – When the new maps are adopted, most every parcel east of Federal will be in the flood plain. A study between 2016 - 2020 produced wave data with wave heights and penetration into the Florida coastline. The result being the base flood elevation has been raised along the entire coastline of Florida. Changes have been made to the 100-year flood plain and the 500-year flood plain which now extends to Federal Hwy. On the northside of the City the flood plain now extends west to Ocean Breeze. On the southside the flood zone crosses Federal Hwy in several places. LIMWA (Limited Moderate Wave Action) boundaries will now prohibit shallow foundations in those areas. Two flood zone categories are: AE -standard flood zone and VE flood zone (with a 1-3 foot wave crest built in and still water). The difference- AE heights are referring to the finished floor, in the VE zone the elevation is referring to lowest structural member. There are significant insurance differences between below elevation, at elevation or above elevation. Generally, the City is between 5-7 feet of finished floor elevation along the intracoastal however even King tides can easily generate five (5) feet of water. A new home will have to be brought up to the current map requirement. **What is a substantial improvement and how is it determined?** FEMA states it is 50% of market value of the structure before the improvement. It will require the structure to be elevated when making improvements such as an addition; the primary structure will also be required to be elevated. Florida Building Code states it is anything exceeding 50 % of the building area. Appraisals can be obtained through an independent appraisal because the Property Appraiser is typically low. A pre-improvement market value of the structure can be had prior to the start of construction. Building Official recommends getting flood insurance policy prior to adoption of new maps. Anyone with an existing policy prior will be grandfathered and the fees will increase gradually until parity is reached. Otherwise if no policy is obtained, it will be classified as -1 and policy will be more expensive.

Board questions to Building Official: Is FIRM map same as FEMA map? Yes, the information comes from FEMA.

If one is in a multi-story building (above first story), will it be a requirement to have a flood insurance policy? **Response:** Only if it is a federally backed mortgage.

Does an existing policy increase dramatically upon renewal? **Response:** The understanding is that an existing policy will increase incrementally (max annual 25%) until parity is reached.

How will the increased height of new structures affect drainage? **Response:** This will be looked at by staff.

Building Official: There will be a 90-day advance notice of publication of maps but the previous maps took two (2) years to roll out. Palm Beach County has challenged the data. The challenge was based upon the LIDAR elevation results and FEMA 2000 LIDAR data. Palm Beach County has better aerial elevations and data.

Will the public be made aware through Utility Bill inserts? Building Official would like to do a direct mailing.

Staff: Jordan Hodges-There are six (6) historic districts with approximately 2,700 parcels many located within flood zones. Within the districts structures are evaluated by criteria established by the National Park Service, Dept of the Interior. Structures can be designated as contributing (with local protections through ordinance to prevent adverse changes affecting historic significance) or non-contributing resources.

The most prevalent, but not sole criteria, to be considered contributing is to be a structure of more than 50 years in age. As most of the Districts were established in the late 1990's many of the homes surveyed at that time were not considered contributing. With recent State grant monies (@ \$200,000) funded surveys now show many more are eligible for contributing status. This is important as there are exemptions to the Florida Building Code for those contributing structures when making a substantial improvement or adding an addition. Structures outside of a district may seek individual designation if meeting eligibility requirements. Once a property becomes designated there are no mechanisms to remove that designation. Occasionally a renovation, when poorly done, will cause a structure to be de-designated. Typical requests for the exterior are window and door, roof, additions. The Historic Board would determine if the request is architecturally appropriate or compatible based upon the Historic Guidelines (adopted in 2018), historic ordinances and review matrix. The Building Code allows for the exemption if the program that designated the structure as contributing determines it will continue to be contributing after the proposed work is completed. The City Land Development Regulations also allows for property owners of contributing structures to apply for a variance to be issued which can allow the historic structure and improvement to remain at the current elevation. Homeowners may elect to elevate or utilize the variance option to maintain the elevation. Either would be subject to Historic Board review.

E. Sita shares that the City participates in several local and regional partnerships and the Southeast Florida Climate Compact as well as developing and adopting strategies taken from other communities.

B. HRPB 21-00100014, 21-01500002 and 21-01600001 A Certificate of Appropriateness for the conversion of an existing ± 404 garage into additional living space for the single-family residence, a historic waiver for the minimum required rear setback, and a variance from base flood elevation requirements of the Florida Building Code for the property located at 130 North Ocean Breeze; PCN #38-43-44-21-15-030-0080. The subject property is located

within the Multi-Family Residential (MF-20) Zoning District and is a contributing resource to the Old Lucerne Local Historic District.

Staff: A. Fogel presents case findings and analysis.

Board: There appear to be hurricane shutters over French Doors. **Response:** The hurricane shutters are custom engineered and are protecting the windows, which are not impact. The shutters will be impact rated according to the architect for the project, Geoff Harris. B. Guthrie – Is the rear setback for a garage (accessory structure) different as opposed to an accessory dwelling unit (ADU)? **Staff response:** Yes, there is an increased setback for accessory dwelling units. In MF-20 zoning the rear setback increases to ten feet from 5 feet. As it was a garage (accessory structure) it would be non-conforming by 5 feet. It will not have a kitchen. The minimum square footage requirement is 400 square feet but the livable space would be less. An Accessory Dwelling Unit (ADU) use is allowed but that is not being requested.

Motion: S. Pickett moves to approve with staff recommended Conditions of Approval; J. Fox 2nd.

Vote: Ayes all, unanimous (5/0) .

C. Conceptual Review for 807 N. Ocean Breeze

The applicant wishes to obtain guidance from the Board through preliminary review of the plans as to whether they would likely receive approval from the Board. The applicant is also open to suggestions. Only the front elevation would change, hoping to create more livable interior space. The floor elevation would need to meet the existing building code. Board consensus was in support of the location and size of proposed addition. The Board recommended the applicant select the preferred roof and front elevation with the preference being for a gable roof elevation. Also recommended was the front porch be extended to nine (9) feet.

PLANNING ISSUES:

A. **Historic Resources Preservation Board (HRPB) Training:** City staff will present a variety of topics including historic preservation in the United States, Lake Worth Beach's historic preservation program, the Certificate of Appropriateness approval process, and the HRPB's power and duties.

Staff: J. Hodges presents a collage, snapshots of restoration projects, places and times from Mt. Vernon to Penn Station to Savannah mansions which inspired and gave rise to Historic Preservation (in many ways) in the United States. The various states of dilapidation became a catalyst for what we know today as historic preservation and restoration. The Historic Preservation Act of 1966 led to the establishment of the Dept of the Interior, National Park Service standards for renovations. But real protection comes at the local level. Board members should follow the compatibility, significant character defining features and impact on the surrounding district criteria set forth by the Historic Design Guidelines and base decisions on these criteria.

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: The volume of applications received and processed through Planning Zoning Historic Preservation in 2020 as compared to 2019 has increased dramatically. Site Plan review increased 225%, Conditional Use reviews increased 129%. Total application intake increased 13 %

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 9:10 PM



MEMORANDUM DATE: March 3, 2020

AGENDA DATE: March 10, 2020

TO: Chair and Members of the Historic Resources Preservation Board

RE: **1209 North L Street**

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

TITLE: HRPB Project Number 21-00100031: A Certificate of Appropriateness (COA) for the partial enclosure of a carport, construction of a new +/- 72 square foot carport extension, construction of a new +/- 90 addition, and window and door replacement for the single-family residence at 1209 North L Street; PCN #38-43-44-21-15-372-0140. The subject property is located within the Single-Family Residential (SF-R) Zoning District and is a contributing resource to the Northeast Lucerne Local Historic District.

OWNER: Anthony Moran
1209 North L Street
Lake Worth Beach, FL 33460

PROJECT MANAGER: Martin Guethler
LynnAlan Construction

PROPERTY DEVELOPMENT HISTORY

Per documentation within the City's property files, the single-family structure at 1209 North L Street was designed by locally-renowned architect Edgar S. Wortman in a Mid-Century Modern architectural style. The 1950 original architectural drawings are included as **Attachment A**. The architectural drawings for the structure illustrate a single-story residence of masonry construction with a smooth stucco exterior finish, built-up shed and flat roofs, carport with exposed block columns, steel 8-light and 6-light casement windows, and jalousie doors. The entry features trapezoidal-shaped steps with a mirroring overhang and raised planter beds. City permit records indicate the building has had alterations over time, including permits for the installation of concrete slabs, roof replacement, fencing, and electrical upgrades. In 1959, eight (8) awning windows were installed. In 1992, a flat roof covering was installed over the concrete slab on the south side of the property. Photos of the existing property are included as **Attachment B**.

PROJECT DESCRIPTION

The property owner, Anthony Moran, is requesting approval for the partial enclosure of the carport to accommodate a new master suite, construction of a new +/- 72 square foot carport extension, construction of a new +/- 90 dining room addition, and window and door replacement for the single-family residence. The subject property is a 50' x 135' (6,750 square foot) platted lot of record located on the west side of North Ocean Breeze, between 12th Avenue North and 13th Avenue North Lake Worth

Beach. The subject property is located within the Single-Family Residential (SF-R) Zoning District and retains a Future Land Use (FLU) designation of Single-Family Residential (SFR).

The application will require the following approval:

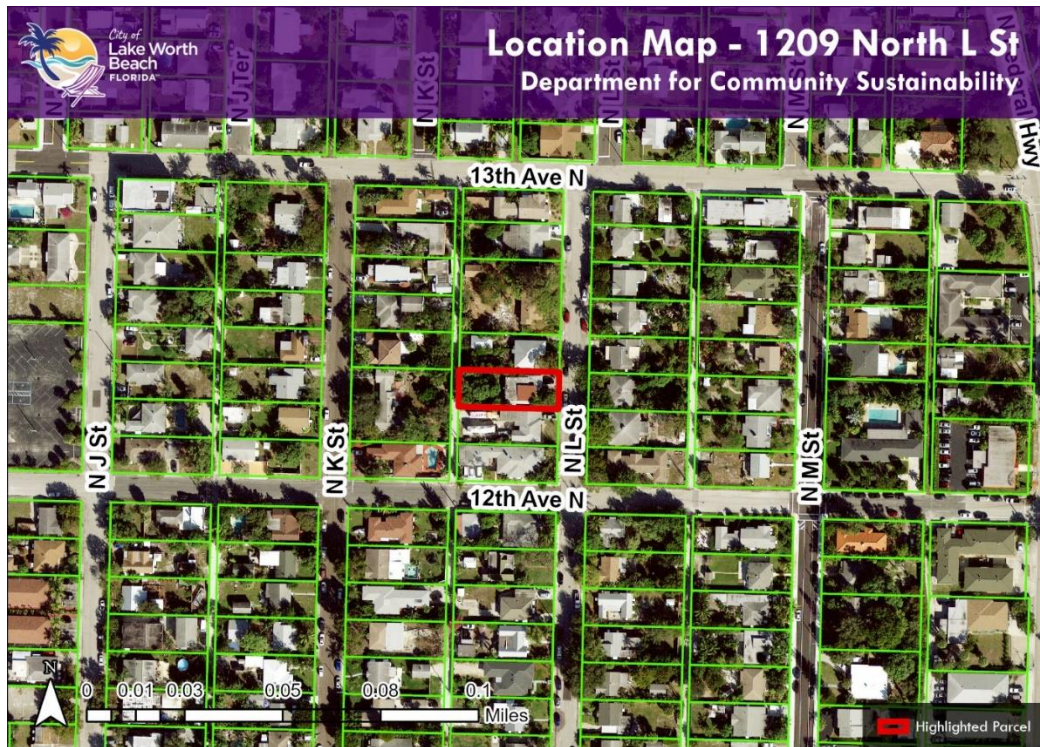
1. **Certificate of Appropriateness (COA)** for the partial enclosure of the carport, additions, and window and door replacement.

STAFF RECOMMENDATION

Staff recommends **approval with conditions, provided on page 9**, based on the data and analysis in this report.

PROPERTY DESCRIPTION

Owner	Anthony Moran
General Location	West side of North Ocean Breeze, between 12 th Avenue North and 13 th Avenue North
PCN	38-43-44-21-15-372-0140
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single-Family Residential (SFR)



SITE ANALYSIS

Surrounding Properties

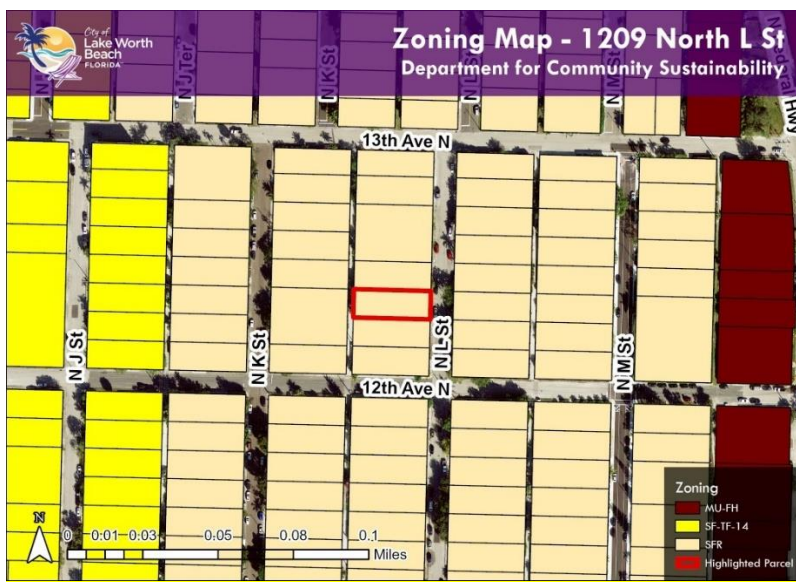
The site is surrounded by similar structures with similar Zoning and FLU designations, and thus, are found to be compatible with the existing and proposed residential use on the subject site. The following summarizes the nature of the surrounding properties adjacent to the subject site:

NORTH: Immediately north of the subject site is 1215 North L Street, a single-family residence. This area contains a FLU designation of SFR and a Zoning designation of SF-R. The structure located at 1215 North L Street is a contributing resource to the Northeast Lucerne Local Historic District.

SOUTH: Immediately south of the subject site is 1205 North L Street, a single-family residence. This area contains a FLU designation of SFR and a Zoning designation of SF-R. The structure located at 1205 North L Street is a non-contributing resource to the Northeast Lucerne Local Historic District.

EAST: East of the subject site across North L Street is 1212 North L Street, a single-family residence. This area contains a FLU designation of SFR and a Zoning designation of SF-R. The structure located at 1206 North K Street is a contributing resource to the Northeast Lucerne Local Historic District.

WEST: West of the subject site across the rear alley is 1206 North K Street, a single-family residence. This area contains a FLU designation of SFR and a Zoning designation of SF-R. The structure located at 1206 North K Street is a contributing resource to the Northeast Lucerne Local Historic District.



LAND DEVELOPMENT CODE REQUIREMENTS

Land Development Code Requirements		
Code References	23.3-7 (SF-R); 23.4-10 (Off street parking)	
	Required	Existing/Proposed
Lot Area	5,000 square feet	6,750 square feet
Lot Width	50'-0"	50'-0"
Building Height	30'-0" (2 stories)	12'-0" (1 story)
Setback - Front	20'-0"	20'-6"
Setback - Side	North: 5'-0" (10% of lot width) South: 5'-0" (10% of lot width)	North: 8'-0" South: 5'-0"
Setback - Rear	13'-6" (10% of lot depth)	65'-0"
Impermeable Surface Total ⁽¹⁾	55.0% total	42.30% (2,855 sf.)
Maximum Building Coverage ⁽¹⁾	35.0% maximum	19.05% (1,286 sf.)
Front Yard Impermeable	900 square feet or 75%	72.5% (725 sf.) Existing
Parking	Two (2) off-street spaces	Two (2) spaces

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

The proposed partial enclosure of the existing carport and additions are consistent with all site data requirements in the City’s Land Development Regulations. The application, as proposed, meets the minimum off-street parking requirements and complies with all impermeable surface requirements, building coverage allotments, and required building setbacks. The existing driveway in the front yard is non-conforming with the front yard impermeable surface limitation. This application does not propose any modifications to the existing driveway. The proposed site plan and architectural drawings are included in this report as **Attachment C**.

Parking

As depicted on the site plan, a new 9’x28’ driveway is proposed at the rear of the property with vehicular access from the alley to replace the parking space that is being removed in the carport conversion. Pursuant to LDR Section 23.4-10 (b)(1)(A), parking provided off of an alley shall maintain a 20’ back-out, which includes the width of the alley. As the existing alley is 10’ wide, the rear driveway was designed with a length of 28’ to provide the necessary backout. The existing driveway in the front yard of the property shall remain and can accommodate a 9’x18’ perpendicular parking space that meets the minimum dimensions required per LDR Section 23.4-10(j)(1).

HISTORIC PRESERVATION ANALYSIS

Certificate of Appropriateness

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

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

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

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

Staff Analysis: It is the analysis of staff that the partial enclosure of the existing carport for the single-family structure located at 1209 North L Street will result in an important change to the structure's appearance. However, the construction of a new +/- 72 square foot carport extension fronting North L Street mitigates the visual impacts of enclosing the original carport. The 1992 flat roof covering and masonry site wall on the south side of the property will be removed to accommodate a new +/- 90 dining room addition. The existing replacement windows (awning and single-hung) will be removed to accommodate new full-view aluminum impact casement and horizontal sliding windows. The existing exterior doors will be removed to accommodate new PVC impact French doors. A window opening will be expanded to accommodate a pair of PVC impact French doors on the rear (west) façade. In addition, a window opening on the south façade will be reduced to avoid conflict with the new kitchen countertop and cabinets that are proposed.

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

Staff Analysis: The proposed work will not have a direct visual effect on the surrounding properties within the district. It is staff's analysis that the proposal will not adversely affect the existing contributing resource or neighboring structures within the district.

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

Staff Analysis: The applicant is proposing work that will alter the appearance of the character-defining open carport, which was a common and prominent element of Mid-Century Modern structures built during this time period in Lake Worth Beach. The additions will obscure original window and door openings within the carport, however, the carport extension helps mitigate the visual impacts of the partial carport enclosure and the additions are designed to be compatible with the architectural style of the structure.

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

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

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

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

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

Staff Analysis: The design of the additions generally complies with the City of Lake Worth Beach Design Guidelines. The proposed French doors successfully replicate the jalousie doors shown in the original architectural drawings. However, the proposed full-view casement and horizontal sliding windows do not seek to replicate the original 8-light and 6-light casement windows or replacement awning windows that are appropriate for Mid-Century Modern architecture.

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

Staff Analysis: The proposal to alter the structure's character-defining carport into enclosed living space is a significant departure from its initial design, intended use, and historic visual qualities. The proposal will alter features, spaces, and spatial relationships of the carport. The applicant has taken consideration of these concerns into account and has worked closely with staff to arrive at the current design, which minimizes the visual impact of the proposal. The applicant proposes to construct a new carport extension with masonry columns, and a flat roof the same height as the existing carport. The proposal does not remove or destroy historic materials and the proposed additions could be reversed at a later date, returning the enclosed space back into a functioning carport. The structure no longer retains original windows; therefore, the window replacement does not require removal of original features.

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

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

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

Staff Analysis: No change is proposed for the use of property. The additions are proposed in conjunction with a new floor plan configuration that allows open-living space for the single-family residence.

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

Staff Analysis: The carport will be partially enclosed, a window opening on the rear (west) façade will be enlarged to accommodate a new pair of PVC impact French doors, and a window opening will be reduced to accommodate a new casement window on the south façade. The original masonry site wall with decorative breeze-block on the south side of the property will be removed entirely. A compatible carport extension fronting North L Street is proposed which will mitigate the visual impact of the changes to the character-defining feature. Also, the proposed French doors on the rear (west) façade and the casement window on the south façade are compatible with the architecture of the structure. The window replacement will not require removal of historic materials as the existing windows are replacement products.

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

Staff Analysis: The proposed carport extension will maintain the vehicular access to the property from North L Street, where it was historically located. The proposed additions are visually compatible with neighboring properties in the Northeast Lucerne Local Historic District.

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

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

Staff Analysis: The applicant is proposing a new opening size on the rear (west) façade to accommodate a new pair of PVC impact French doors. A new opening size is also proposed on the south façade to accommodate a casement window. The other windows and doors will be replaced within original opening sizes. The window openings on the additions are appropriately sized and compatible.

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

Staff Analysis: Staff defers to Applicant.

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

Staff Analysis: The proposed PVC impact French doors seek to replicate the original jalousie doors. However, the proposed window replacement with full-view casement and horizontal sliding windows do not seek to replicate the original 8-light or 6-light casement windows or replacement awning windows.

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

Staff Analysis: Not applicable, the applicant is not requesting to be availed of this paragraph.

Historic Preservation Design Guidelines Analysis

Per the Historic Preservation Design Guidelines, the six historic districts in Lake Worth Beach boast a total of 10 primary historic architectural styles. Chapter 5; Architectural Styles, illustrates and describes the elements that define each style. In addition to defining the physical characteristics of each primary style, a narrative is provided that chronicles the history and context of each style. The Mid-Century Modern architectural style section is included as **Attachment D**.

Partial Carport Enclosure and Carport Extension

Staff Analysis: The partial enclosure of the existing will result in an important change to the structure's appearance. However, the construction of a new +/- 72 square foot carport extension fronting North L Street mitigates the visual impacts of enclosing the original carport. The new carport extension with masonry columns, and a flat roof the same height as the existing carport. An appropriately-sized horizontal sliding window is proposed on the east wall of the enclosed carport, fronting North L Street, and a new full French door is proposed on the north façade. The design of the newly enclosed space and carport extension are generally compatible with the structure's Mid-Century Modern architectural style.

Dining Room Addition

Staff Analysis: The proposed dining room addition will be setback 6" from the front façade of the structure to differentiate the old from the new, as recommended by the Secretary of the Interior's Standards for Rehabilitation. A flat roof is proposed that will create differentiation from the shed roof

over the main massing of the structure. An appropriately-sized casement window is proposed on the east and west wall of the addition. A vertical wood-screen feature is proposed on the east wall of the addition, a common character-defining feature for Mid-Century Modern structures. The existing masonry site wall with a decorative breeze-block header course will be demolished.

Window and Door Replacement

Staff Analysis: The proposed window replacement includes full-view aluminum impact casement and horizontal sliding windows. As proposed, the products do not successfully replicate the original 8-light and 6-light windows or the replacement awning windows. Staff has included a recommended window replacement plan as **Attachment E**. The proposed door replacement includes PVC impact full-view French doors that successfully replicate the original jalousie doors. The proposed product information is included as **Attachment F**.

Site Modifications

Staff Analysis: As depicted on the site plan, a new 9'x28' driveway is proposed at the rear of the property with vehicular access from the alley to replace the parking space that is being removed in the carport conversion. The new parking space location is appropriately located on the least visible portion of the property.

PUBLIC COMMENT

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

CONCLUSION

The proposed application, as conditioned, is consistent with the City's Land Development Regulations, Historic Preservation Ordinance, and the Lake Worth Beach Historic Preservation Design Guidelines. Therefore, staff recommends approval with the conditions listed below to allow the partial enclosure of the carport, additions, and window and door replacement.

Conditions of Approval:

1. The windows and doors shall be wood, wood-clad, aluminum, vinyl, or fiberglass subject to staff review at permitting.
2. The windows shall be recessed in the walls to the same depth as the existing windows and shall not utilize a sill as illustrated in the elevation drawings.
3. All glazing shall be clear, non-reflective, and without tint. Low-E (low emissivity) is allowed but the glass shall 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. The windows and doors shall be replaced in their original openings, and the openings shall not be made smaller by building in the framing or made larger by expanding the opening, unless otherwise stated in the proposed plans and approved by the HRPB.
5. The full view French doors shall utilize clear, frosted, or obscure glass, or glass with a clear Low-E coating that has a minimum 70% visible light transmittance (VLT). Tinted, highly reflective, etched, or leaded glass shall not be used. Alternate exterior door designs shall be subject to staff review at permitting.

6. The stucco utilized on the additions shall match the smooth texture on the existing structure, subject to staff review during construction.
7. Detailed drawings shall be submitted for the vertical wood-screen feature, subject to staff review at permitting.
8. The rear driveway shall maintain a minimum 1-foot setback from side property lines.
9. The site data table shall be revised with required, existing, and proposed columns to demonstrate how development standards have been satisfied.
10. Staff recommends that the windows utilize divided lights patterns to replicate 8-light and 6-light casements or 4-light and 3-light awning windows, subject to staff review at permitting. All divided light patterns shall be created utilizing exterior raised applied muntins. External flat muntins or “grills between the glass” shall not be permitted.

POTENTIAL MOTION

I MOVE TO **APPROVE** HRPB Project Number 21-00100031, with staff recommended conditions for a Certificate of Appropriateness (COA) for the partial enclosure of the carport, construction of a new +/- 72 square foot carport extension, construction of a new +/- 90 dining room addition, and window and door replacement for the single-family residence at **1209 North L Street**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 21-00100031, with staff recommended conditions for a Certificate of Appropriateness (COA) for the partial enclosure of the carport, construction of a new +/- 72 square foot carport extension, construction of a new +/- 90 dining room addition, and window and door replacement for the single-family residence at 1209 North L Street, because the applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS

- A. Property File Documentation
- B. Current Photos
- C. Proposed Architectural Plans
- D. LWB HP Design Guidelines Section: Mid-Century Modern
- E. Staff Recommended Window Replacement Plan
- F. Proposed Product Information



MEMORANDUM DATE: March 3, 2021

AGENDA DATE: March 10, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **805 North Lakeside Drive**

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

TITLE: **HRPB Project Number 21-00100034:** Consideration of a Certificate of Appropriateness (COA) for retroactive exterior alterations and window replacement for the property located at **805 North Lakeside Drive**; PCN#38-43-44-21-15-230-0150. The subject property is a contributing resource to the Northeast Lucerne Local Historic District and is located in the Single-Family (SF-R) Zoning District.

OWNER: Charlene C. Rector, Trust
820 North Lakeside Drive
Lake Worth Beach, FL 33460

AGENT: Wes Blackman, CWB Associates
241 Columbia Drive
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY:

Documentation available in the structure's property file indicate that the building was constructed in 1925 in a Mission Revival architectural style. Although the original architectural drawings are not available, a property card from 1943, included as **Attachment A**, indicates that the structure was designed with a stucco exterior, flat roof, wood windows and doors, and an enclosed front porch. Photos of the structure prior to window replacement, included as **Attachment B**, indicate that the front enclosed porch consisted of two triplets of 6/6 double-hung windows on the east façade and a pair of 6/6 double-hung windows on the north façade. The entry door to the structure occupies on the south façade of the porch. Additionally, the windows on the front façade feature decorative stone masonry window surrounds. Photos of the remaining facades prior to window replacement were not submitted as part of this request. City permit records indicate the structure has received minor site and mechanical alterations over time, and prior to window replacement, maintained a high degree of integrity of setting, materials, design, location, workmanship, feeling, and association.

PROJECT HISTORY:

On June 17, 2020, Historic Preservation staff received building permit application #20-1771 for retroactive window replacement. Staff reviewed the application and disapproved the request on June 26, 2020, as the permit application did not include a Certificate of Appropriateness application or photos of the property. In January of 2021, the Applicant’s agent, Wes Blackman, contacted historic preservation staff and submitted additional documentation. Once the documentation was received, staff recommended that the project be reviewed by the HRPB, as the request could not be approved administratively.

PROJECT DESCRIPTION:

The property owner, Charlene Rector, is requesting a retroactive Certificate of Appropriateness for window replacement performed at 805 North Lakeside Drive without an approved COA or building permit. The subject property is located on the west side of North Lakeside Drive between 8th Avenue North and 9th Avenue North. 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 retroactively allow the replacement of the original wood double-hung windows with new American Craftsman “Silver Line” impact vinyl single-hung windows with internal muntins and glass with a Low-E coating. Additionally, the application proposes to enclose one window on the rear west façade, although site conditions provide evidence that multiple window openings have been removed and enclosed, either over time or during the recent unpermitted work. As a result of window replacement, the original window surrounds were removed and replaced with patchwork stucco that does not replicate the appearance of the removed surrounds. Photos of the property after the window replacement are included in this report as **Attachment C**. The Applicant’s submittal packet and Justification Statement are provided as **Attachment D**.

The application will require the following approval:

1. **Certificate of Appropriateness (COA) for retroactive** exterior alterations and window replacement

STAFF RECOMMENDATION:

Staff recommends denial of the application as submitted for the reasons outlined on page 9, including that the proposed replacement windows are not compatible with the considerations for window replacement per the City’s Historic Preservation Design Guidelines.

PROPERTY DESCRIPTION:

Owner	Charlene C. Rector, Trust
General Location	West side of North Lakeside Drive between 8 th Avenue North and 9 th Avenue North
PCN	38-43-44-21-15-230-150
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single-Family Residence
Future Land Use Designation	Single-Family Residential (SFR)



Consistency with the Comprehensive Plan

The proposed project is not consistent with Goal 1.4 of the Comprehensive Plan, which encourages preservation and rehabilitation of historic resources. Policy 3.4.2.1 insists that properties of special value for historic, architectural, cultural, or aesthetic reasons be restored and preserved through the enforcement of the City's Historic Preservation Ordinance to the extent feasible. Per the City's Historic Preservation Ordinance (LDR Sec. 23.5-4), the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation, the replacement of missing features should be substantiated by documentary, physical, or pictorial evidence. The pictorial evidence provided illustrates that the unapproved window replacement does not seek to preserve historic architectural elements and does not seek to adequately replicate the historic materials that were removed.

HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines

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

Although the City's Design Guidelines allow for the replacement of historic materials; specifically, windows, doors, and roofs, due to severe weather-related events associated with South Florida's climate, replacement features must replicate original features and the replacement process should take into consideration the historic detailing and craftsmanship that historic structures inherently possess.

Page 198 of the City's Historic Preservation Design Guidelines, included as **Attachment E**, provides a guide for the special considerations that should be reviewed when replacing historic windows. Below please find the criteria and staff's responses.

1. Replacement windows should be installed in the original window openings, and the openings should not be altered in size or made smaller by building in the framing.

Staff Response: As detailed in the application, the applicant is requesting approval for the enclosure of a window opening on the rear façade. Per the photos provided in the application and from photos taken during staff's site visit, several window openings have been enclosed, specifically on the south and rear façades, either as a result of the current unpermitted work, or work performed on the property overtime. The difference in stucco texture evident on enclosed openings suggest that some windows have been enclosed more recently than others. Additionally, the historic window surrounds, trim, and sills have been removed as a result of window replacement, which could have resulted in changes to opening sizes.

2. Replacement windows should be installed to the same depth in the jamb as the existing windows, and should not be installed flush with the exterior of the wall.

Staff Response: The historic windows have been removed without permits. Photos of the building prior to window replacement illustrate that the historic windows were recessed in the window jambs, as typical amongst building of this style and period of construction. The replacement windows are installed recessed in the jambs.

3. The original wood window trim, window sills, and mullions should be retained when replacing windows. Where original trim and surrounds needs to be replaced due to severe deterioration, the replacement elements should match what is being removed in profile, design, shape, size, configuration, and location.

Staff Response: As evident in the photo of the building prior to window replacement, Staff can substantiate that that aside from the front of the enclosed porch, which utilizes decorative stone window surrounds, the building also utilized wood surrounds, which was typical for double-hung window openings on Mission Revival structures from the 1920s. The historic window surrounds, sills, and mullions were removed during the window installation process and replaced with inappropriate patchwork stucco surrounds that do not seek to replicate the historic materials that were removed.

4. If decorative divided lights are appropriate and compatible for your replacement windows, they should be created by utilizing exterior raised applied triangular muntins. Exterior flat muntins or “grills between the glass” should not be utilized. When utilizing a divided light pattern, monolithic glass is recommended over insulated glass, as the additional glass width associated with insulated products removes the exterior space in the window sash needed to accommodate exterior muntins.

Staff Response: Photos of the wood windows on the enclosed porch illustrate double-hung windows with a 6/6 divided light pattern that utilized a historic raised profile muntin. The replacement windows utilize a combination of 6/1, 4/1, and full-view replacement windows where the divided light patterns are sandwiched between two sheets of glass. Windows that utilize “grills between the glass” have a flat, one-dimensional appearance that do not successfully replicate the appearance of historic windows. They are not appropriate for historic structures within historic districts and are not allowed administratively. Additionally, there is no confirmed way to remove the “grills between the glass” so that exterior raised applied muntins could be retrofitted.

5. Windows historically utilized clear glass, and therefore clear glass is the most compatible type for historic districts. Windows with Low-E or Solarban coatings, applied tint, and mirror finishes are not recommended.

Staff Response: The HRPB has further clarified the clear glass requirement, with the additional language added the COA Approval Matrix, “All glazing shall be clear, non-reflective and without tint. Low-E (low emissivity) is allowed, but the glass shall maintain 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.” Per

documentation provided by the Applicant as part of this application, the visual transmittance of the Low-E coating is 39%. A VLT measurement from center of glazing was not provided.

6. It is important to verify with your contractor or design professional that your existing window openings and framing will support your desired replacement window product. Often, additional or reinforced structural support is needed to accommodate impact products. This may require all internal trim and wall space abutting your current windows to be demolished, which may remove original materials, increase the cost of the project, and result in additional construction time.

Staff Response: Additional bucking and framing is typically required when replacing historic wood double-hung windows. This is typically accomplished by reframing the windows from the interior of the structure, leaving the exterior window surrounds in place. The original window mullions have been removed and have been replaced with masonry surrounds.

Review

The windows that were installed without permits cannot be approved administratively for the criteria-based reasons provided in the section above. The replacement windows do not successfully replicate the historic windows per the regulations set forth in the Historic Preservation Design Guidelines. Additionally, per the COA Approval Matrix, changes to and the removal of opening sizes, opening locations, and historic detailing must be reviewed by the HRPB for contributing resources, regardless of an opening's visibility.

Although staff was not provided with photos of the structure aside from the front enclosed porch, due to the opening sizes, window locations, and architectural style of the structure, the remainder of the window types were likely also double-hung windows with varying divided light patterns based on the size of the opening. Staff can administratively review and issue Certificates of Appropriateness which accurately replicate the historic window types as outlined in the Historic Preservation Design Guidelines.

Additionally, the original window surrounds, sills, and mullions are character-defining features which should be retained and preserved. These architectural details are important features that are directly tied to integrity of the historic building's materials, design, and workmanship. Window surrounds, mullions, and sills on Mission Revival structures are significant, as these are generally simple buildings void of additional embellishments. A recent example of window replacement for a Mission Revival structure is the property located at 231 North Ocean Breeze. As evident in the photos provided in **Attachment F**, the original wood window surrounds, mullions, and sills were retained and preserved while new impact products that successfully replicated the original windows were installed. The structure is also diagramed within the Historic Preservation Design Guidelines chapter on Mission Revival structures, included in this report at **Attachment G**.

Certificate of Appropriateness

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

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

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

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

Staff Analysis: The proposed window replacement with new American Craftsman “Silver Line” impact vinyl single-hung windows with internal muntins and glass with a Low-E coating (unverified VLT measured from center of glazing) do not successfully replicate the historic wood double-hung windows that were removed without approvals. The removal of the historic detailing and window openings severely alters the appearance of the historic resource.

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

Staff Analysis: The proposed window replacement will have no direct physical effect on any surrounding properties within the Northeast Lucerne Local Historic District, although the products and construction methods utilized on this proposal may detract from the district’s visual significance as a whole.

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

Staff Analysis: The proposed replacement windows do not replicate the historic windows that were removed without approvals. The removal of the historic window surrounds and the replacement of these features with incompatible fenestration detailing directly detracts from the contributing resource’s architectural style, design, arrangement, texture and materials.

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

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

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

Staff Analysis: The applicant’s plans have already been implemented without approvals.

- F. Are the plans (i) consistent with the city's design guidelines, once adopted, or (ii) in the event the design guidelines are not adopted or do not address the relevant issue, consistent

as reasonably possible with the applicable portions of the United States Secretary of the Interior's Standards for Rehabilitation then in effect?

Staff Analysis: The City's Historic Preservation Design Guidelines places significant importance on successful window and door replacement. The proposal is not in compliance with the Design Guidelines as the replacement products do not seek to replicate the original design and utilize incompatible materials. The proposed windows and replacement surrounds also do not comply with the Secretary of the Interior's Standards for Rehabilitation or the City's Land Development Regulations, Historic Preservation Ordinance, §23.5-4(k).

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

Staff Analysis: The structure is designated as a contributing resource within a local historic district. The resource is a Mission Revival building, which has a distinct set of architectural characteristics. The removal of the original windows and the window surrounds and their replacement with incompatible materials cause significant adverse effects to the structure that should be corrected, as the work performed was done so illegally without approvals.

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

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

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

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

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

Staff Analysis: Distinguishing original qualities that characterize the building were removed and destroyed without approvals.

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

Staff Analysis: No. Windows with internal muntins and glass with a Low-E coating (unverified VLT measured from center of glazing) are not approved within the historic districts per the Historic Preservation Design Guidelines. Neighboring structures largely retain their original

windows or have replacement windows that were approved with a Certificate of Appropriateness.

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

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

Staff Analysis: No, the proposed window and door replacement would not conform to original openings.

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

Staff Analysis: The windows were installed illegally without permits. A proposal illustrating the cost of window replacement with an administratively approvable option has not been submitted.

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

Staff Analysis: The replacement windows do not match the old in design, color (glass), texture, or materials, nor are they considered compatible alternatives per the Historic Preservation Design Guidelines.

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

Staff Analysis: Staff defers to Applicant. The evidence presented within this report illustrate that the replacement products used and methods of construction are not historically accurate or compatible.

PUBLIC COMMENT:

Staff has received public comment for this item. Public comments will be read into the record at the March 10, 2021 meeting.

CONCLUSION:

The proposed window replacement with new American Craftsman “Silver Line” impact vinyl single-hung windows with internal muntins and glass with a Low-E coating (unverified VLT measured from center of glazing) result in a substantial and detrimental change to the structure’s appearance. The removal of the original window surrounds that characterize the Mission Revival structure have caused direct adverse effects to the contributing resource’s architectural integrity. **The window replacement proposal is inconsistent with the Comprehensive Plan, Historic Preservation Ordinance, Historic Preservation Design Guidelines, and Secretary of Interior Standards for Rehabilitation.** Staff recommends denial of the application, and that the applicant submit a revised application with new window products that can be approved administratively. Staff also recommends that the original window surrounds be reconstructed based off of pictorial evidence, as they were removed without approval and replaced with incompatible alternatives.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 21-00100034 for a Certificate of Appropriateness (COA) for retroactive window replacement and exterior alterations for the property located at **805 North Lakeside Drive**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 21-00100034 for a Certificate of Appropriateness (COA) for retroactive window replacement and exterior alterations for the property located at **805 North Lakeside Drive**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- A. Property File Documentation – 1943 Property Appraiser’s Card
- B. Photos Prior to Window Replacement and Exterior Alterations
- C. Photos After Window Replacement and Exterior Alterations
- D. Applicant Submittal Packet and Justification Statement
- E. Historic Preservation Design Guidelines – Window Replacement Special Considerations, pg. 198
- F. Successful Window Replacement – 231 N Ocean Breeze – Mission Revival
- G. Historic Preservation Design Guidelines – Mission Revival



MEMORANDUM DATE: March 3, 2021

AGENDA DATE: March 10, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **615 7th Avenue North**

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

TITLE: **HRPB Project Number 21-00100051:** Consideration of a Certificate of Appropriateness (COA) for window and door replacement for the property located at **615 7th Avenue North**; PCN #38-43-44-21-15-176-0160. The subject property is a contributing resource to the Northeast Lucerne Local Historic District and is located in the Single-Family and Two-Family Residential (SF-TF 14) Zoning District.

OWNER: Frederick Lummis
615 7th Avenue North
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY:

Documentation available in the structure's property file indicate that the building was constructed in 1924 in a Mission Revival architectural style. Although the original architectural drawings are not available, a property card from 1943, included as **Attachment A**, indicates that the structure is frame construction with a stucco exterior and features a flat roof, jalousie windows (early replacement products), and a chimney. In 1994, a large addition was constructed to the west side of the property. The addition was designed with a flat roof, smooth stucco exterior finish, and single-hung windows that marked a departure from the Mission Revival architectural style of the historic portion of the structure. In 2001, window openings were enclosed on the front façade, fronting 7th Avenue North, to create a pair of windows on each side of the front door. City permit records indicate the structure has had additional alterations over time, including window and door replacement, roof replacement, storm shutter installation, fencing, and mechanical and electrical upgrades. Due to the substantial and insensitive alterations over time, the structure has a moderate to low degree of integrity of setting, materials, design, location, workmanship, feeling, and association. Photos of the existing property are included as **Attachment B**.

PROJECT HISTORY:

On November 16, 2020, Historic Preservation staff received building permit application #20-3507 for window and door replacement. Staff reviewed the application and disapproved the request on November 30, 2020, as the permit application did not include a Certificate of Appropriateness application, photos, a window and door replacement plan, and glass specifications. The subsequent resubmittal was also failed by staff as the window and door replacement did not meet historic preservation requirements as

outlined in this report. Staff recommended that the project be reviewed by the HRPB, as the request could not be approved administratively. The permit submittal packet is included as **Attachment C**. The project contractor has indicated that the proposed windows and doors have already been purchased by the Applicant.

PROJECT DESCRIPTION:

The property owner, Frederick Lummis, is requesting a Certificate of Appropriateness for window and door replacement for the property located at 615 7th Avenue North. The subject property is located on the southeast corner of 7th Avenue North and North K Street, in Lake Worth Beach. The subject property is located within the Single-Family and Two-Family Residential (SF-TF 14) Zoning District and retains a Future Land Use (FLU) designation of Medium Density Residential (MDR).

If approved, the subject application would allow the replacement of the existing windows and doors with new CGI aluminum impact single-hung and horizontal sliding windows, a pair of Plastpro fiberglass impact French doors, a Plastpro fiberglass impact raised panel door with glass insert, and a new Plastpro fiberglass impact panel door. The windows are proposed with exterior-raised divided-light patterns and grey-tinted glass.

The application will require the following approval:

1. **Certificate of Appropriateness (COA)** for window replacement and door replacement.

STAFF RECOMMENDATION:

Staff recommends denial of the application as submitted as outlined on page 8, including that the proposed replacement window glass is not compliant with current regulations and that the horizontal roller configuration for the front two windows and the replacement front and rear doors are not compatible with the City’s Historic Preservation Design Guidelines.

PROPERTY DESCRIPTION:

Owner	Frederick Lummis
General Location	Southeast corner of 7 th Avenue North and North K Street
PCN	38-43-44-21-15-176-0160
Zoning	Single-Family and Two-Family Residential (SF-TF 14)
Existing Land Use	Single Family Residence
Future Land Use Designation	Medium Density Residential (MDR)



Consistency with the Comprehensive Plan

The proposed project is not consistent with Goal 1.4 of the Comprehensive Plan, which encourages preservation and rehabilitation of historic resources. Policy 3.4.2.1 insists that properties of special value for historic, architectural, cultural, or aesthetic reasons be restored and preserved through the enforcement of the City's Historic Preservation Ordinance to the extent feasible. Per the City's Historic Preservation Ordinance (LDR Sec. 23.5-4), the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation, the replacement of missing features should be substantiated by documentary, physical, or pictorial evidence. The current proposal is not substantiated by evidence that the products proposed are compatible with the architectural style of the structure or current regulations.

HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines

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

Windows

The subject property has seen many architecturally insensitive alterations throughout the property's existence. Per documentation in the structure's property file, the window opening sizes and locations have been altered over the years and documentation substantiating the structure's original materials and location of openings has not been discovered. The applicant is proposing to replace the building's eight (8) windows in their existing openings, although the openings will likely have to be reframed due to water infiltration and deterioration. Per the Historic Preservation Design Guidelines section on replacement windows for Mission Revival structures, hung windows and casement windows were the most prominent types of windows for this architectural style.

The applicant is also proposing to utilize windows with grey glass, which is not an administratively approvable option. Although the structure currently has windows with grey glass, a full window replacement proposal requires compliance with current regulations. Per the applicant's submittal packet, the proposed windows have a VT of 35%. A measurement of the VLT from center of glazing was not submitted, but the requested grey glass is not compliant with the current regulation of a 70% VLT as measured from center of glazing.

The applicant has proposed in-kind replacement of six of the eight windows (west, south, and east facades), utilizing new impact single-hung products with matching divided light patterns. Aside from the grey glass, these window types and the proposed divided light patterns can be approved administratively. The applicant is proposing to change the design of the two front windows facing 7th Avenue North from paired single-hung windows to a single horizontal slider window per opening. Staff is unable to administratively permit the change in design of the front two windows, as the proposed horizontal slider windows do not replicate a historic window type compatible with the Mission Revival architectural style as outlined in the Design Guidelines. Administratively, staff could approve an in-kind replacement, with a pair of single-hung windows per opening. Alternately, staff could approve a 1/3-1/3-1/3 horizontal slider in each opening, which proportionally, could replicate the appearance of a triplet of eight-light wood casement windows, which per the Design Guidelines, is a compatible replacement option when original features no longer remain for Mission Revival structures. Staff's recommended window and door replacement options are included as **Attachment D**.

The window surrounds, sills, and mullions were removed at this property when the original windows were removed and substantial exterior alterations occurred. Staff recommends utilizing a historically compatible window surround treatment when the windows are replaced.

Doors

The request also includes replacing three exterior doors on the structure. The applicant is requesting an in-kind replacement of the front door, which features four raised panels and a horizontal window at the top, inset with decorative glass. The door's design does not resemble a compatible replacement option within the Mission Revival section of replacement doors within the Design Guidelines. Per City permitting records, the current door was never permitted, and therefore an in-kind replacement would not be granted administratively. Staff recommends utilizing an impact vertical plank door or similar design as illustrated in the Design Guidelines.

Additionally, the applicant is requesting to replace the permitted full-view French doors on the west façade of the property with new impact full-view French doors. An in-kind replacement can be permitted. Additionally, French doors with divided lights could also be an approvable option, per the Design Guidelines section on replacement doors for Mission Revival Structures.

The back door of the structure is currently a raised six panel door. The applicant is requesting to replace this door with a new impact raised six panel door. Raised panel doors are generally excluded as replacement options for structures within the historic districts, as recessed panel doors are more appropriate.

The typical windows and doors for Mission Revival structures are diagramed within the Historic Preservation Design Guidelines, included as **Attachment E**.

Certificate of Appropriateness

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

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

1. *In general.* In approving or denying applications for certificates of appropriateness, the city shall, at a minimum, consider the following general guidelines:
 - A. What is the effect of the proposed work on the landmark or the property upon which such work is to be done?

Staff Analysis: The proposed window and door replacement with new CGI aluminum horizontal sliding windows with grey-tinted glass on the front façade and new Plastpro fiberglass impact panel doors on the front and rear facades does not successfully replicate historic windows and doors.
 - B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

Staff Analysis: The proposed window and door replacement will have no direct physical effect on any surrounding properties within the Northeast Lucerne Local Historic District, although the products utilized on this proposal may detract from the district's visual significance as a whole.
 - C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

Staff Analysis: The structure no longer retains its original windows and doors. The replacement windows successfully replicate the historic windows per the regulations set forth in the Historic Preservation Design Guidelines, with the exception of the horizontal sliders fronting 7th Avenue North. The proposed front door utilizes decorative glass and raised panels that is not appropriate for the structure's period of construction.

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

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

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

Staff Analysis: Yes, the applicants plans are feasible and capable of being carried out in a reasonable time.

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

Staff Analysis: The City's Historic Preservation Design Guidelines places significant importance on successful window and door replacement. The proposal, as a whole, is not in compliance with the Design Guidelines, Secretary of the Interior's Standards for Rehabilitation, or the City's Land Development Regulations, Historic Preservation Ordinance, §23.5-4 due to the changes in window type, grey-tinted glass, and door design.

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

Staff Analysis: The structure is designated as a contributing resource within a local historic district. The resource is a Mission Revival building, which has a distinct set of architectural characteristics. Although incompatible changes have taken place, such as the alteration of original window sizes and locations, the City has enacted Historic Preservation Design Guidelines that outline requirements that would prevent the perpetuation of these incompatible changes in replacement products in order to bring the property into further compliance.

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

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

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

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

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

Staff Analysis: Distinguishing original qualities that characterize the building are not being removed. The structure does not retain any of its original windows and doors.

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

Staff Analysis: The proposed, grey-tinted glass, raised panel doors, and window design for the openings fronting 7th Avenue North are not allowed within the historic districts per the Historic Preservation Design Guidelines. Therefore, the new windows and doors are not visually compatible with neighboring properties.

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

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

Staff Analysis: Yes, the proposed window and door replacement will conform to the existing opening sizes.

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

Staff Analysis: Staff defers to Applicant.

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

Staff Analysis: Several openings are proposed with products that do not match the old in design, color (glass), texture, or materials, nor are they considered compatible alternatives per the Historic Preservation Design Guidelines.

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

Staff Analysis: Staff defers to applicant. The evidence presented within this report illustrate that some of the replacement products are not historically accurate or compatible.

PUBLIC COMMENT:

Staff has received public comment for this item. Public comments will be read into the record at the March 10, 2021 meeting.

CONCLUSION:

The window and door replacement proposal is not entirely in compliance with current regulation. The proposed change in design of the two front windows cannot be approved administratively. Staff has recommended two alternate replacement options for these openings to bring the property into further compliance with the Design Guidelines. Additionally, the glass proposed for the windows is not in compliance with current regulation regarding the visual light transmittance. The proposed front door and rear door designs are also not in compliance with the Design Guidelines section on compatible Mission Revival door types. Staff recommends that the Applicant select alternate door designs for these openings. **The current request for window and door replacement is inconsistent with the Comprehensive Plan, Historic Preservation Ordinance, Historic Preservation Design Guidelines, and Secretary of Interior Standards for Rehabilitation.** Staff recommends denial of the application as submitted, and that the applicant submit a revised application with new window and door products that can be approved administratively.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 21-00100052 for a Certificate of Appropriateness (COA) for window and door replacement for the property located at **615 7th Avenue North**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 21-00100052 for a Certificate of Appropriateness (COA) for window and door replacement for the property located at **615 7th Avenue North**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- A. Property File Documentation
- B. Current Property Photos
- C. Permit Submittal Packet

- D. Staff Recommended and Door Replacement Plan
- E. Historic Preservation Design Guidelines – Mission Revival



DATE: February 22, 2021

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

FROM: William Waters, Director Community Sustainability

MEETING: March 3, 2021 & March 10, 2021

SUBJECT: **PZB/HRPB 21-03100001 (Ordinance 2021-01)**: Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to allow for takeout establishments by zoning district and to clarify that only one (1) continuance is permitted for all affected parties to ensure that the City does not run afoul of development review time limitations for local governments as set forth in Florida law, and several minor amendments related to definitions and use review processes.

BACKGROUND/ PROPOSAL:

The subject amendments to the City’s Land Development Regulations (LDR) were drafted to respond to changing market conditions related to an increased demand for take-out services during the Covid-19 emergency and to address several minor amendments to definitions and use review processes. The amendments also include changes related to a new continuance for affected parties that was adopted in 2020 to allow an affected party time to hire legal counsel or a professional services consultant, and as related to neighborhood concerns and new evidence. Per Florida Statute 166.033, local governments have 180 days to actively process applications for development. Therefore, the subject amendments clarify that the intent of Ordinance 20202-14 was to allow only one (1) continuance for all affected parties as consistent with time limitations set forth in Florida law and not one (1) continuance per each affected party.

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 1, Section 23.1-12 - Definitions
- Article 2, Section 23.2-16 Quasi-judicial Procedures
- Article 3, Section 23-3.6 – Use Tables
- Article 4, [NEW SECTION] Section 23.4-23 – Take Out Establishments

Take-out Establishment Use: The proposed amendments will create new definitions and development standards related to take-out uses and to identify where such uses are allowed by zoning district in the use table.

Quasi-judicial Procedures (Continuances): The proposed amendments will provide clarity on the maximum number of continuances for affected parties as consistent with time limitations set forth in Florida law.

Minor Amendments: The proposed amendment are related to the modification and addition of new and existing definitions for heavy equipment rental, truck rental and medical office uses for clarity, and to update review processes for uses in the use table related to museums, art schools, and art and photography galleries, and to clarify in the use table that residential uses over 7,500 sf are conditional uses.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt PZB/HRPB 21-03100001 (Ordinance 2021-01).

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB/HRPB 21-03100001 (Ordinance 2021-01)

Attachments

- A. Draft Ordinance 2021-01

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2
3 **ORDINANCE 2021-01 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 1, “GENERAL**
6 **PROVISIONS,” DIVISION 2 “DEFINITIONS,” SECTION 23.1.12**
7 **“DEFINITIONS” TO ADD AND CLARIFY USE DEFINITIONS; ARTICLE**
8 **2, “ADMINISTRATION”, DIVISION 2 “PROCEDURES,” SECTION 23.2-**
9 **16 “QUASI-JUDICIAL PROCEDURES” TO UPDATE AND CLARIFY**
10 **PROVISIONS RELATED TO AFFECTED PARTIES; AND AMENDING**
11 **DIVISION 1 “GENERALLY,” SECTION 23.3-6 “USE TABLES” TO**
12 **ALLOW FOR TAKE OUT ESTABLISHMENTS BY ZONING DISTRICT**
13 **AND TO MODIFY THE ZONING DISTRICT AND REVIEW PROCESS FOR**
14 **SEVERAL USES; AND ADDING A NEW SECTION 23.4-23 – “TAKE OUT**
15 **ESTABLISHMENTS” TO CREATE DEVELOPMENT REVIEW**
16 **STANDARDS FOR TAKE OUT ESTABLISHMENT USES; AND**
17 **PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN**
18 **CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.**
19

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

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

32 **WHEREAS**, the City wishes to amend Chapter 23 Land Development
33 Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1.12
34 definitions, to add and modify definitions related to clarify several existing uses and to
35 define the new use, “Take-out Establishments;” and
36

37 **WHEREAS**, the City wishes to amend Chapter 23 Land Development
38 Regulations,” Article 2 “Administration,” Division 2 “Procedures,” Section 23.2-16 Quasi-
39 judicial Procedures, to clarify that only one continuance is permitted for all affected parties
40 to ensure that the City does not run afoul of development review time limitations for local
41 governments as set forth in Florida law; and
42

43 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,”
44 Division 1 “Generally,” Section 23.3-6 Use Tables to allow for take-out by zoning district
45 and modify required review process by zoning district for severale; and
46

47 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
48 Standards,” to establish a new section, Section 23.4-23 – Take-out Establishments to
49 establish supplementary development standards for these uses; and
50

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

53
54 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
55 planning agency, considered the proposed amendments at a duly advertised public
56 hearing; and

57
58 **WHEREAS**, the City Commission has reviewed the proposed amendments and
59 has determined that it is in the best interest of the public health, safety, and general
60 welfare of the City to adopt this ordinance.

61
62 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
63 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

64
65 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
66 being true and correct and are made a specific part of this Ordinance as if set forth herein.

67
68 **Section 2:** Chapter 23 Land Development Regulations,” Article 1 “General
69 Provisions,” Division 2 “Definitions,” Section 23.1.12 definitions related to new and
70 existing uses is hereby amended by adding the words shown in underlined type and
71 deleting the words ~~struck through~~ as indicated in **Exhibit A**.

72
73 **Section 2:** Chapter 23 Land Development Regulations,” Article 2
74 “Administration,” Division 2 “Procedures,” Section 23.2-16 Quasi-judicial Procedures
75 related to affected parties, is hereby amended by adding the words shown in underlined
76 type and deleting the words ~~struck through~~ as indicated in **Exhibit B**.

77
78 **Section 4:** Chapter 23 Land Development Regulations,” Article 3 “Zoning
79 Districts,” Division 1 “Generally,” Section 23.3-6 Use Tables related to review process by
80 zoning district for take-out establishments and several existing uses, including truck/van
81 rentals, museums, school of the arts, and art and photography gallery; is hereby amended
82 by adding the words shown in underlined type and deleting the words ~~struck through~~ as
83 indicated in **Exhibit C**.

84
85 **Section 8:** Chapter 23 “Land Development Regulations,” Article 4
86 “Development Standards,” related to the establishment of a new section, Section 23.4-23
87 – Take Out Establishments, is hereby amended by adding the words shown in underlined
88 type and deleting the words ~~struck through~~ as indicated in **Exhibit D**.

89
90 **Section 10:** Severability. If any section, subsection, sentence, clause, phrase or
91 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
92 competent jurisdiction, such portion shall be deemed a separate, distinct, and
93 independent provision, and such holding shall not affect the validity of the remaining
94 portions thereof.

95
96 **Section 11:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
97 conflict herewith are hereby repealed to the extent of such conflict.

98

99 **Section 12: Codification.** The sections of the ordinance may be made a part of
100 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
101 accomplish such, and the word "ordinance" may be changed to "section", "division", or
102 any other appropriate word.

103
104 **Section 13: Effective Date.** This ordinance shall become effective 10 days after
105 passage.

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107
108 The passage of this ordinance on first reading was moved by
109 _____, seconded by _____, and upon
110 being put to a vote, the vote was as follows:

- 111
- 112 Mayor Pam Triolo
- 113 Vice Mayor Andy Amoroso
- 114 Commissioner Scott Maxwell
- 115 Commissioner Carla Blockson
- 116 Commissioner Herman Robinson

117
118 The Mayor thereupon declared this ordinance duly passed on first reading on the
119 _____ day of _____, 2021.

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121
122 The passage of this ordinance on second reading was moved by
123 _____, seconded by _____, and upon being put to a vote,
124 the vote was as follows:

- 125
- 126 Mayor Pam Triolo
- 127 Vice Mayor Andy Amoroso
- 128 Commissioner Scott Maxwell
- 129 Commissioner Carla Blockson
- 130 Commissioner Herman Robinson

131
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133 The Mayor thereupon declared this ordinance duly passed on the _____ day of
134 _____, 2021.

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136 LAKE WORTH BEACH CITY COMMISSION

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139 By: _____
140 Pam Triolo, Mayor

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142 ATTEST:

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145 _____
146 Deborah Andrea, CMC, City Clerk
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EXHIBIT A

Chapter 23

CODE OF ORDINANCES ARTICLE 1 "GENERAL PROVISIONS"

Division 2 - Definitions

Sec. 23.1-12. - Definitions.

Equipment Rental and Leasing: A business that involves the leasing and rental of medium and heavy duty equipment, medium and heavy duty construction equipment, and medium and heavy duty commercial and construction vehicles.

Medical office: A facility operated by one or more licensed practitioners that provides a single category of services including but not limited to general and specialty medical care, dental care, chiropractic care, and vision care, psychotherapy or related care, and medical care related to the treatment of disabilities under the Americans with Disabilities Act (ADA), and shall not include bed patient care or overnight accommodations.

Restaurants – Take-out: A full service restaurant with indoor dining where both the “take-out” or “pick-up” use area is greater than 25% and less than 50% of the use area accessible to customers, and where the waiting area is located indoors only. Take-out restaurants with a “take-out” or pick-up” use area greater than 50% shall be classified as a take-out establishment.

Take-out establishments: A food service or retail business with a dedicated “take-out” or “pick-up” use area that is greater than 25% of the total use area accessible to customers, and/or where the designate waiting area is located outdoors.

Truck/Van Rentals: A vehicle rental/leasing business that includes the rental of moving vans and trucks, or commercial trucks or vans considered commercial business or service vehicles less than 8,000 lbs to consumers. Rental stock of trucks and van rentals shall be not be considered to be the parking, storing or keeping commercial vehicles.

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EXHIBIT B

Chapter 18

CODE OF ORDINANCES ARTICLE 2 "ADMINISTRATION"

Division 2 - Procedures

Sec. 23.2-16. - Quasi-judicial procedures.

- e) *Affected parties.* Affected parties, as defined in section 23.1-12 (Definitions), (1) shall be allowed to present evidence, to produced witnesses, and to cross-examine witnesses produced by others; (2) may appeal final decisions of staff, HRPB, planning and zoning board, or city commission; and (3) may file suit to enforce the provisions of this article should the city fail or decline to do so. Notwithstanding the foregoing; however, in any suit brought by an affected party, the applicable circuit court shall determine whether the affected party has the requisite standing to bring suit. An affected party who wishes to participate as a party in the quasi-judicial hearing must fill out a city form and deliver it to the Department of Community Sustainability at least five (5) days before the hearing. Failure to follow the process shall be deemed a waiver and the affected party will not be allowed to participate in the quasi-judicial hearing.
- f) *Deliberation.* After the presentations, and at the conclusion of any continuances, the decisionmaking body shall deliberate on the application. Once the decisionmaking body begins its deliberations no further presentations or testimony shall be permitted except at the sole discretion of the decisionmaking body. The decisionmaking body's decisions must be based upon competent substantial evidence in the record.
- g) *Continuance.* The decisionmaking body may, on its own motion continue the hearing to a fixed date, time and place. Also, the applicant ~~or affected party~~ shall have the right to one (1) continuance. Affected parties, whether individually or collectively, shall have the right to request one continuance and irrespective of the number of affected parties, only one (1) continuance may be granted. The continuance can be for no longer than thirty-one (31) days, provided the request is to address neighborhood concerns or new evidence, to hire legal counsel or a professional services consultant, or the applicant or affected party is unable to be represented at the hearing. No more than one (1) continuance may be granted for all affected parties. If the continuance is granted, t The decisionmaking body will continue the hearing to a fixed date, time and place. However, all subsequent continuances shall be granted at the sole discretion of the decisionmaking body. Notwithstanding the foregoing, a continuance shall not be granted if to do so would delay a decision on an appeal from the HRPB regarding a certificate of appropriateness beyond the ninety-day requirement specified in section 23.2-17.

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EXHIBIT C

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”

[New Section] Sec. 23.4-23. -Take Out Establishments

a) The following development standards shall apply to take-out establishments, take-out restaurants or establishments with a “take-out” or “pick-up” window or outdoor waiting area. “Take-out” establishments located in the Downtown (DT) zoning district are not permitted to be located in the portion of buildings with frontage or access (window or door) onto Lake Avenue or Lucerne Avenue. The location requirement in the DT zoning district shall not apply to full service restaurants with indoor dining provided that both the “take-out” or “pick-up” use area is less than 25% of the total use area accessible to customer and the designated waiting area is located inside.

b) Take-out establishments shall not be movable such as a mobile stand, food truck or kiosk.

c) “Take-out” or “pick-up” windows or service openings to the exterior, excluding entrance doors into the business, shall not be located on a building facade that faces a public right-of-way, unless they are designed in a manner consistent with the building’s architectural style and to be an aesthetic asset to the building and neighborhood.

d) Designated customer waiting areas, located outside of a take-out establishment and within a public right-of-way, shall require a right-of-way permit from the appropriate authority and shall not impact ADA accessibility. Waiting areas shall not extend beyond the façade width of the take-out establishment in the public right-of-way as permitted or shall not extend beyond the site’s property lines.

e) Exterior covered/lidded refuse bin/s shall be provided in a designated location/s that is screened from the public right-of-way and adjacent properties in so far as feasible. The refuse bins shall be available outside of the take-out establishment during hours of operation and shall be removed when the business is closed unless otherwise approved by the Development Review Official.

Section 23.3-6 Use tables. Note: amended text is shown below as underlined for new text and stricken text for delete text. Uses or sections with modified text are also highlighted.

TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review). All residential uses except for single family and two-family greater than 7,500 sf shall require a conditional use approval.

RESIDENTIAL

TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review).

Commercial

Medium Intensity Specialty Uses - Use less than 7,500 sq. ft and/or medium intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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Take-out Establishments																								
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Truck/Van Rentals																								
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Low Intensity Specialty Uses - Use area less than 2,500 sq. ft and low intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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Take-out Establishments																								
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TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review).

INSTITUTIONAL

High Intensity Institutional Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses.

Museums																								
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School of the Arts																								
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TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review).

CULTURAL & ARTISANAL ARTS

High Intensity Artisanal Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses.

Art or Photography Gallery																								
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