



**AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
BY TELECONFERENCE
WEDNESDAY, SEPTEMBER 09, 2020 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

A. [August 12, 2020 Regular Meeting Minutes](#)

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

1) [PZHP LDR 20-03100005 and 20-03100006 Proof](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

A. [Consideration of a Certificate of Appropriateness \(COA\) for roof replacement for the property located at 814 North Ocean Breeze; PCN#38-43-44-21-15-232-0040. The subject property is a noncontributing resource to the Northeast Lucerne Local Historic District and is located within the Single-Family \(SF-R\) Zoning District.](#)

B. [PZHP 20-03100006: Consideration of an ordinance \(Ordinance # 2020-14\) to amend Chapter 23 "Land Development Regulations" to update and clarify the quasi-judicial process for land use and zoning matters.](#)

C. [PZHP 20-03100005: Consideration of an ordinance \(Ordinance # 2020-13\) to amend Chapter 23 "Land Development Regulations" to provide consistency and clarity for time limitations related to development orders and building permits.](#)

PLANNING ISSUES:

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

-
PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

- A. [Consideration of candidates that have demonstrated outstanding achievements in historic preservation; 113 South Federal Highway, 407 South Lakeside Drive, 231 North Ocean Breeze, 330 North Palmway, and 1101 North Lakeside Drive.](#)

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.



**AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
BY TELECONFERENCE
WEDNESDAY, AUGUST 12, 2020 -- 6:03 PM**

ROLL CALL and RECORDING OF ABSENCES

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

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

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Motion: J. Just moved to accept the agenda; O. Ona 2nd

Vote: Ayes all, unanimous.

APPROVAL OF MINUTES:

A. July 8, 2020 Meeting Minutes

Motion: R. D'Arinzo moved to accept the minutes as presented; O. Ona 2nd.

Vote: Ayes all, unanimous.

CASES

SWEARING IN OF STAFF AND APPLICANTS

Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION: No items requiring legal noticing.

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: All Board members were contacted by Mr. John Szerdi

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Consideration of a request for mural installation for the contributing structure located at **717 Lake Avenue**; PCN#38-43-44-21-15-019-0121. The subject property is located in the Downtown (DT) Zoning District and the Old Town Local Historic District.

Staff: A. Fogel presents case findings and analysis providing a brief overview of the role of murals in the downtown district. Historically they were utilized to advertise products and add to the artistic beauty and interest of the area. Although not addressed within the Comprehensive Plan, murals, as related to the Cultural Arts and City Cultural Arts Overlay District do promote and encourage the arts in the Downtown zoning district. This mural for a Mexican restaurant pays tribute to Pancho Villa, Mexican revolutionary in his afterlife, Dia de las Muertas. The installation will be by Miami-based artist Ruben Ubiera. Although sparse in architectural detail the columns should be spared most of the installation. There are six (6) proposed conditions of approval:

Board: O. Ona asks of the applicant, Gustavo Gabriel, how it will improve Lake Worth Beach?

Response: The mural is for a nice Mexican restaurant. B. Guthrie mentions the Day of the Dead is a one-day celebration, not really for the other 364 days of the calendar year. **Response:** In the Mexican culture, it is celebrated 365 days, throughout the year. The depiction is of "Katrina".

Board: W. Feldkamp is pleased the pilasters are retained, untouched but has concerns. In light of other recent installations, regarding the extension of the mural around the corner (mostly due to the location of the front door). Inquired about location of the signage? **Response:** It may be over Pancho, over the door or on the awnings. Applicant is willing to work with staff on the placement. W. Feldkamp does not believe placing it over the depiction of Pancho would be the correct as the entire wall would become signage. **Staff:** Signage within the mural is prohibited; on the awnings or over the door would be appropriate. J. Just asks how the signage is approved? Staff states as a sign permit at staff level, to which J. Just believes the details of placement, should be resolved at that time.

Motion: O. Ona moves to approve HRPB 20-0000014 with staff recommended conditions based upon competent substantial evidence provided in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations; R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

- B. Consideration of a Certificate of Appropriateness (COA) for partial window replacement for the property located at **221 Princeton Drive**; PCN#38-43-44-15-06-011-4250. The subject property is a noncontributing resource to the College Park Local Historic District and is located within the Single-Family (SF-R) Zoning District.

Staff: A. Fogel presents case findings and analysis for the replacement of three (3) front windows with vinyl single-hung impact windows. With the ongoing survey, this property is eligible for reclassification as a contributing resource within the district. The proposed replacement windows do not match in design, color, texture and material. The property owner submitted a building permit without a Certificate of Appropriateness review for window replacement. As the windows were already purchased, the applicant chose to be heard by the Board rather than choosing the available options offered for administrative approval. Although the windows are among one of the most replaced features of a home, they are also one of the most character defining features as well. As the home is currently non-contributing, the City's approval matrix indicates on the front façade are being reviewed (exterior alterations visible from the street). The lack of divided light patterns and aluminum window frames are at issue. As aluminum frames are widely available, staff is recommending this alternative to the vinyl, the divided light pattern of the awning style should also be replicated. That configuration is consistent with the Comprehensive Plan, the

Historic Guidelines, Historic Ordinance and Secretary of the Interior Standards for Rehabilitation. Visual compatibility is also criteria that should be met.

Applicant: Edwin Ferree, explains the neighboring homes (windows) are built by the same builder believes the proposed windows to be attractive and of good quality. Only a few awning windows remain.

Board: J. Just asks if the other windows will be vinyl, impact, **Response:** yes. R. D'Arinzo is continually amazed by the number of window contractors not catching on to the fact that a great percentage of homes east of Dixie are in a historic district. B. Guthrie inquires as to how they decided to make a purchase, not knowing or investigating Historic Guidelines. **Response:** Was unaware an trying to duplicate what the neighbors had. B. Guthrie asks the difference between contributing and non-contributing property. **Staff response:** The adoption process with the finalization of the survey can include two pathways. A homeowner may request the contributing property be designated or they may wait until changes to the entire district are adopted. As the windows are already purchased, they could be utilized on other non-reviewed facades. According to the review matrix, non-contributing properties are only reviewed for the visible facades.

Board: B. Guthrie asks about the neighboring properties and possibility of future contributing properties (once designated) setting the standard for what is historic. Staff: A. Fogel explains the history is based upon the original structure, not a revised version, the drawings are in hand. J. Just inquires as to how many windows are scheduled to be replaced? **Applicant response:** Questions whether the existing windows were original, as they are replacing a total of 5 windows, does not want two (2) styles. J. Just is okay with the vinyl material but states the already ordered windows could be used elsewhere; the neighboring properties may have had a different code when their windows were replaced; there is a code to follow. Is there any wiggle room since it is not contributing? **Staff response:** The standard is only applied to the façade seen from the street. **Applicant response:** Wanted something that isn't so dated and ugly. Someone could break the window and open the door. J. Just mentions the appeal process if not happy with the decision. O. Ona: Do we have the authority to change the guidelines, we have so many issues with windows and doors. Chairman passes the gavel to the Vice-Chair since he missed a portion due to technical issues.

Staff: Reminds Board of Historic Preservation Design Guidelines and the need to explain the decision. **Board Attorney:** Advises that the Board and City is accountable to the State of Florida Dept of the Interior Historic Preservation. Re-iterates the review for non-contributing properties is limited to the visible façade, this was an item that many current members chose when determining the guidelines. There should be compliance with regulations even as they change. There is no sense in having guidelines if they are going to be violated. The Board and City have a fiduciary responsibility and hard decisions have to be made. **Staff:** Reminder that if these rules, according to the matrix, are violated there could very easily be a loss of Certified Local Government (CLG) status.

Board: B. Guthrie asks if the shutters would be removed? **Applicant response:** Intends to retain storm shutters. R. D'Arinzo mentions the reasoning or process is not what the 'neighbors have', Doesn't think the process is flawed, this lets residents and contractors know there are guidelines to be met.

Staff: Of the 300+ Certificate of Appropriateness applications processed 84 were for windows and 3 have come before the Board so the Guidelines are being utilized.

Public Comment: None

Motion: J. Fox moves to approve HRPB 20-00100129 with staff recommended Conditions of Approval based upon competent substantial evidence in the staff report pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements with the elimination of Condition #1 B. Guthrie amends the motion to also eliminate Condition #8; B. Guthrie 2nd.

Vote: Ayes all, unanimous.

- C. Consideration of a Certificate of Appropriateness (COA) for the utilization of grey glass for window replacement for the property located at **202 5th Avenue S**; PCN#38-43-44-21-15-163-0111. The subject property is a contributing resource to the South Palm Park Local Historic District and is located within the Low-Density Multi-Family Residential (MF-20) Zoning District.

Staff: J. Hodges presents case findings and analysis. The dual frontage lot has had substantial renovation over the years. The massing of the first floor, decorative chimney stucco application window opening sizes and wood double-hung windows has left staff with the belief that the original form was a single-story Mission or Mediterranean Revival despite sparse file documentation. The proposal does not meet Historic Preservation Design Guidelines with regard to the grey glass; clear glass is historically accurate.

Chronology: February 2020 – the applicant met with staff and discussed the windows at length. Several iterations of the exterior design plan were submitted to Historic staff prior to permitting. March 5, 2020 - the final preliminary design included the window schedule depicting “laminated, clear glass”. At this point staff advised to move forward with administrative Certificate of Appropriateness. June 11, 2020- staff failed the permit application partially to the absence of NOA’s. The resubmittal on June 23, 2020 indicated grey glass. Staff contacted the applicant to confirm the glass would be clear; the contractor responded stating the glass would be Grey low-E. A site visit on July 9, 2020 revealed the tint level was not correct, necessitating review by the Board. The windows were already manufactured. HRPB has set the precedent allowing Clear Low-E to be administratively approved. Prior to the adoption of the Guidelines, varying degrees of grey glass have been approved both by Board and administratively.

Agent for the owner: John Szerdi for Joseph Triangelo- there is confusion in the code over clear low-E is an option. The applicant did not want green hue. The manufacturer offered light grey to go with blue accents on the house. Suggests the light grey is more efficient than the clear low-E. Due to this being hurricane season and the lead time necessary for manufacturing, the windows were ordered. References the home across the street (with light grey windows) in the justification. Agrees manufacturers and suppliers should know the area and not confuse homeowners. Suggests that the light grey low-E option could be added as it is more efficient than clear and more color neutral.

Board: R. D’Arinzo- It is clear what was presented to staff, explain the mix-up. **Agent for the owner:** Owner did not want greenish hue of clear Low-E so he chose the grey.

J. Just states either is ok with her and would be flexible and Board has approved other grey windows. **Staff:** Staff only recommends clear or Clear Low-E gives a greenish hue. J. Fox asks if the manufacturer made the change from clear low-E to grey? **Staff response:** With the preliminary review finalized showing (clear low-E) the applicant was told to submit for permitting, when the permit came for review, it stated grey. Ask the applicant when the change occurred. **Agent for the owner:** J. Szerdi states the contractor R.J. Hunt was privy to all staff emails.

Board: O. Ona- perhaps guidelines could be revisited for a change for efficiency. Questions how to avoid this confusion in the future. W. Feldkamp asks about value of the windows including

doors which are clear. **Agent for the owner** confirms \$70 K and the doors are clear. W. Feldkamp asks who's at fault for the ordering of the windows with wrong color glass. **Owner** states R.J. Hunt, RQ Building Supplies in Delray Beach (contractor) stated 'grey is better is not seeing anything unjust with what you are asking for in this Historic area.' Chairman asks if the owner is stating Board is irrelevant or is claiming responsibility?

W. Feldkamp: Inquires about (VT) Visual Transmittance (between 0-1) green has a higher VT than grey. J. Just: Does building code currently require VT? Response: No- Clear low-E glass without color has recently become available.

B. Guthrie: In the photos depicting both types, does the documentation also state Low-E grey.

Public Comment: Eight letters of support.

Wendy Rosten- 1101 S. Palmway

Kerri G.- previous resident of 330 S. Palmway

Shayne Regan - 535 S. Palmway

Jonathan Stewart -116 5th Ave South

Kim Lingle -1615 N Lakeside Dr

Ed Johnson - 802 S Palmway

Bryant Park Neighborhood Association

Board: O. Ona wonders about changing guidelines.

Staff: J. Hodges reminds all of State Guidelines; arrived at the sole recommendation of clear low-E as a result of a state reviewer making the recommendation. Many local historic districts regulate the VT level to a set rate (the possibility of looking at more types of glass).

Board: W. Feldkamp-codes change over time and we are required to conform to what is in effect now. J. Fox -There are rules and we need to stick to them, the owner did everything right, must decide if we want to change the guidelines. J. Just asks how the house across street received the grey glass? **Staff:** J. Hodges states nothing in permitting stated grey. The windows do not look grey. B. Guthrie: Is glad the property is being restored to its original glory. Low-E going forward is going to be happening more frequently. In this case every other detail has been met. J. Just agrees there is confusion about the color, it says clear low-E. As a consumer why would anyone question if it were green hue or grey?

J. Hodges states the initial conversation was clear glass, not clear low-E or grey low-E. The topic was never again broached. Green is the standard for "clear low-E".

W. Feldkamp: dislikes indulgence rather than permission.

Board Attorney: Advises Board they are on firm ground to deny the application. That R.J. Hunt, contractor, is the negligent elephant in the room. Reads from the Design Guidelines are to help, not confuse. It is clear, they were to use clear glass. Board is being asked to forgive or indulge with total disregard for process. Board does not have to forgive. Need to tighten up regulations even more. We know the applicant is not a novice in the historic restoration field. R.J. Hunt who said he knew but likes the look.

Board: J. Fox: Is precedent being set?

Board Attorney: yes, the problem with changing the rules is getting the State of Florida to agree to more tint. They may be open to a tightening of the rules.

Staff: E. Sita states the City of Delray has allowed a VT rating of 20%

Board: J. Just: amend the code – timeline.

Staff: J. Hodges- compile research- to make the language clearer to avoid this type of problem.

Board: Chairman states RJ Hunt is clearly at fault, not present and if he were the owner there would be some legal issues. Dislikes the muddled look of clear doors and grey windows.

Motion: J. Just moves to approve HRPB 20-00100164 based on the fact that the Guidelines are somewhat unclear as to what clear low-E means, clarifying the Visual Transmittance (VT) reading and the applicant's testimony, not upon the staff report; B. Guthrie 2nd.

Vote: 4/2 motion passes; J. Fox and W. Feldkamp dissenting.

Motion: B. Guthrie moves that a moratorium shall exist on future Board cases determining anything other than clear glass approvals. The moratorium shall exist until such time as Board can establish a performance standard for light transmittance that can be incorporated within the approval matrix. R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: The 2021 budget has been submitted with the same level of service as the 2020 year. Restoration St. Louis will soon be making another presentation to the residents. There have been 3 submittals for the L& M Street site. On-line payments will be phased in with PZHP being the last unit sometime in January 2021. Code Compliance Nov-Dec Compassionate Magistrate.

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: Historic Awards program to occur in October with nominations in September. Different options are being explored for the ceremony itself. The two (2) State grants are nearly complete with 600 resources surveyed in Old Lucerne and SE Lucerne. Many previously non-contributing properties are expected to become contributing properties. The digitization grant will have archived one of the largest known architectural file collections. Both grants will close out on September 11, 2020. The Historic Division is the envy of many with the Historic guidelines. In addition to the Board cases, the planners also review a high volume of Certificate of Appropriateness applications that do not come before the Board. Their time is also spent reviewing building permits with Historic elements, zoning in the Historic districts as well as consulting with the homeowners, contractors and architects. As relates to becoming a contributing property, the flood maps have shown a three (3) foot increase. Only contributing properties are eligible for a waiver to the base flood elevation when building an addition or with a substantial renovation. This is why the surveys are so important. Non-contributing properties are not eligible for the waiver. The hope is to create a GIS story map depicting the differences and effect on flood insurance.

BOARD MEMBER COMMENTS: J. Fox asks if the Gulf Stream has completed their financing. W. Waters states it will be finalized after the entitlements are received.

ADJOURNMENT: 8:51 PM

LEGAL NOTICE

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) and Federal, State and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct the **September 2020 Planning & Zoning Board and Historic Resources Preservation Board meetings** via Communication Media Technology ("CMT").

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

Public comment will be accommodated prior to and during the meetings through the City's virtual meetings webpage. If you are unable to access the webpage during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the PZB/HRPB at 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

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

PLEASE TAKE NOTICE that the City of Lake Worth Beach **Historic Resources Preservation Board ("HRPB")**, acting as the local planning agency, will hold a public hearing via CMT on **Wednesday, September 9, 2020 at 6pm** or soon thereafter to consider the recommendation to the City Commission of two (2) ordinances regarding amendments to the City's Code of Ordinances.

- **PZHP 20-0310000** Consideration of an ordinance (Ordinance # 2020-13) addressing development orders and building permits for clarity and consistency as follows: AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 2, "ADMINISTRATION", DIVISION 3 "PERMITS" BY ADDING A NEW SECTION "EXPIRATION OF DEVELOPMENT ORDERS" TO PROVIDE FINALTY TO APPROVALS AND CONSTRUCTION PROJECTS; AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 1 "GENERALLY," SECTION 23.1-11 "TIME LIMITATIONS OF APPROVALS," TO PROVIDE UNIFORM TIME LIMITATIONS ON BUILDING PERMITS FOR ALL USES IN THE LAND DEVELOPMENT REGULATIONS AND AMENDING THE SPECIFIC REGULATIONS TO REFLECT THE UNIFORMITY; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.
- **PZHP 20-03100006** Consideration of an ordinance (Ordinance # 2020-14) clarifying and consolidating language regarding quasi-judicial hearings and appeals processes relating to land use and zoning matters as follows: AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 2, "ADMINISTRATION", DIVISION 2 "PROCEDURES," SECTION 23.2-16 "QUASIJUDICIAL PROCEDURES" AND SECTION 23.2-17 "APPEALS" TO UPDATE AND CLARIFY THE QUASI-JUDICIAL PROCESS FOR LAND USE AND ZONING MATTERS; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-687 no later than five (5) days before the hearing if assistance is required.

Sherie Coale
Planning Zoning and Historic Preservation
Ph: 561.586.1687

WP-000590654-01

PROOF O.K. BY: _____ O.K. WITH CORRECTIONS BY: _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

WP-000590654-01 (100%)

ADVERTISER: CITY OF LAKE WORTH BEACH

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PUBLICATION: WP-PALM BEACH POST



MEMORANDUM DATE: September 2, 2020

AGENDA DATE: September 9, 2020

TO: Chair and Members of the Historic Resources Preservation Board

RE: **814 North Ocean Breeze**

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

TITLE: **HRPB Project Number 20-00100171:** Consideration of a Certificate of Appropriateness (COA) for roof replacement for the property located at **814 North Ocean Breeze**; PCN#38-43-44-21-15-232-0040. The subject property is a noncontributing resource to the Northeast Lucerne Local Historic District and is located within the Single-Family (SF-R) Zoning District.

OWNER: Hillary Broder
814 North Ocean Breeze
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY:

The structure was constructed c. 1947 in a Masonry Minimal Traditional architectural style. The original architectural drawings are located within the City's property files and are included in this report as **Attachment A**. The plans, produced by General Contractor F.F. Menninger, illustrate conflicting conditions. The plan and section drawings depict a building of masonry construction, while the elevation drawings feature elements more commonly utilized in stick framed buildings; such as wood lap siding, wood frame window surrounds, and a metal shingle roof with decorative rounded ridge caps. As evident in the current photos included as **Attachment F**, the building was erected using masonry construction and the plan was flipped to where the projecting front bay is located on the south end of the structure. During the immediate post-war era, it was relatively common for buildings to be constructed based on the availability of construction materials. The architectural plans were likely purposefully arranged to accommodate either frame or masonry construction.

In 1951, a carport was constructed on the north side of the property. The carport was later enclosed in 1988 to create a garage. A Property Card from 1955 indicates the exterior finish as stucco and the roofing material is listed as tile. In 1967, a building permit was approved to replace the roof with the current cement tile. City permit records indicate the structure had alterations over time, including permits for rear additions, installation of a swimming pool, electrical upgrades, and fencing.

HISTORIC CLASSIFICATION:

The 2002 Designation Report for the Northeast Local Historic District classifies the property as a noncontributing resource. In 2017, Northeast Lucerne was resurveyed utilizing a Florida Department of State Historic Preservation Small-Matching Grant, grant number S1729. After the completion of this survey, the property located at 814 North Ocean Breeze was deemed as eligible for reclassification as a contributing resource. Changing the design of a character-defining feature such as the flat white concrete tiles may jeopardize the structure’s eligibility to be reclassified as a contributing resource.

Incentives for Contributing Resources

The City, in conjunction with Palm Beach County, offers a 10-year Ad Valorem Property Tax Abatement, which applies to qualifying rehabilitation projects for contributing historic properties. The Florida Building Code also offers flexible provisions for contributing historic structures when permitting modifications. Contributing resources are also eligible for an exception from the Florida Building Code that allows substantial improvements and/or alterations to not meet the current flood-resistant construction requirements. The property located at 814 North Ocean Breeze, currently has a required Base Flood Elevation (BFE) of 9 feet. As a noncontributing resource, future additions and substantial improvements must comply with the current BFE requirements.

PROJECT DESCRIPTION:

The property owner, Hillary Broder, is requesting a Certificate of Appropriateness to replace the existing flat white concrete tile roof with new concrete tiles in a simulated barrel tile profile with a terracotta finish. The subject property is located on the east side of North Ocean Breeze, 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).

The application will require the following approval:

1. **Certificate of Appropriateness (COA)** for roof replacement.

STAFF RECOMMENDATION:

As the request is not in compliance with the Lake Worth Beach Historic Preservation Design Guidelines criteria on roof replacement for historic structures, Staff is not recommending approval of the application as submitted. The HRPB, as tasked in the LDR Sec. 23.2-7(C)(7), shall review the request and supporting exhibits to determine if a Certificate of Appropriateness for roof replacement to the noncontributing resource may be granted.

PROPERTY DESCRIPTION

Owner	Hillary Broder
General Location	East side of North Ocean Breeze, between 8 th Avenue North and 9 th Avenue North
PCN	38-43-44-21-15-232-0040
Zoning	Single-Family Residential (SF-R)

Existing Land Use	Single-Family
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, since the character-defining flat white concrete tile roof will be removed and replaced with alternate concrete tiles in a simulated barrel tile profile with a terracotta finish. The proposed project is also not in compliance with Policy 3.4.2.1 requires 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 features should be substantiated by documentary, physical, or pictorial evidence. The existing flat white concrete tile roof can be replicated utilizing modern roofing materials that match its appearance.



Existing Roof
 Flat White Concrete Tile



Proposed Roof
 Simulated Concrete
 Barrel Tiles in Terracotta

HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines

The City's Historic Preservation Design Guidelines provide a guide for compatible roof replacement for historic structures within the historic districts. Replacement products for historic structures should match the original features in design, color, texture, and other visual qualities and, where possible, materials. Pages 205 and 206 of the City's Historic Preservation Design Guidelines, included as **Attachment B**, provide a guide for roof replacement. Examples are provided of *successful, less successful, and unsuccessful* replacement:



Review

The National Park Service and Secretary of the Interior's Standards have specific criteria regarding replacement of historic materials. Specifically, Standards 2, 3, 5, and 6 apply in this situation:

Standard 2 - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard 3 - Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Standard 5 - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Standard 6 - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

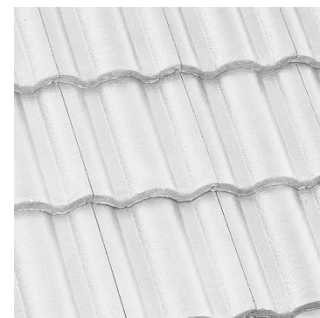
According to the Secretary of the Interior's Standards and the City of Lake Worth Beach Design Guidelines, distinctive materials that characterize a property shall be preserved, or replaced in-kind. If a distinctive feature must be replaced, the new feature should match the old in design, color, texture, and materials where possible. The roof material is an important character-defining feature of a historic property. Flat white concrete tiles that replicate historic tile profiles and dimensions are still in production today, and could be utilized as the replacement roofing material.

It is the analysis of Staff that the proposed change to a simulated barrel tile in terracotta could negatively affect the character-defining feature of the property. The Masonry Minimal Traditional style of architecture primarily used flat white concrete tiles as a roofing material, and occasionally used an asbestos shingle, asphalt shingle, or rolled roofing. The Historic Preservation Architectural Style Section for Minimal Traditional Structures is included as **Attachment C**. Utilizing concrete simulated barrel tiles in terracotta on a Masonry Minimal Traditional structure is a significant departure in profile, design, and color. Masonry residential structures throughout Lake Worth Beach were designed with an emphasis placed on horizontality. The buildings are typically linear in appearance, often one story, and utilized horizontal details in windows and doors. The roofing materials for these buildings continued this theme, with thick concrete tiles laid in horizontal rows creating a visually stepped appearance towards the high point of the roof. The proposed concrete tiles in terracotta have a profile, color, and design that replicates barrel tiles which are appropriate for Mission Revival and Mediterranean Revival structures.

The National Park Service Preservation Brief #4 *“Roofing for Historic Buildings”* has been included as **Attachment D**. This Brief discusses the issues and options for the repair and replacement of historic roofing materials. Under the “Alternative Materials” section of the Brief, Staff would like to draw special attention to this paragraph:

“In a rehabilitation project, there may be valid reasons for replacing the roof with a material other than the original. The historic roofing may no longer be available, or the cost of obtaining specially fabricated materials may be prohibitive. But **the decision to use an alternative material should be weighed carefully against the primary concern to keep the historic character of the building**. If the roof is flat and is not visible from any elevation of the building, and if there are advantages to substituting a modern built-up composition roof for what might have been a flat metal roof, then it may make better economic and construction sense to use a modern roofing method. But **if the roof is readily visible, the alternative material should match as closely as possible the scale, texture, and coloration of the historic roofing material.**”

Although the structure is not documented as ever having a barrel tile roof, true white-glazed barrel tiles were occasionally utilized on Masonry Minimal Traditional style structures in Lake Worth Beach. The proposed tile roof in white would be a closer representation of white-glazed barrel tiles and may be considered an architecturally compatible alternative to the flat white concrete tile.



Example Roof
Simulated Concrete
Barrel Tile in White

Example: 628 North Ocean Breeze
Masonry Minimal Traditional structure with white-glazed barrel tiles

As indicated in National Park Service Preservation Brief #4 “*Roofing for Historic Buildings*”, the decision to use an alternative material should be weighed carefully against the primary concern to keep the historic character of the building. The Applicant’s Justification Statement is included as **Attachment E**. Flat white concrete tiles that replicate historic tile profiles and dimensions are still in production today, and could be utilized as the replacement roofing material. Product information for the requested “Malibu” profile tiles has also been included as **Attachment G**.

Certificate of Appropriateness

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 concrete tiles in a simulated barrel profile in the color terracotta will result in a substantial change to the structure’s appearance. The proposal is *unsuccessful* in replicating the existing flat white concrete tiles and may jeopardize the structure’s eligibility to be reclassified as a contributing 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 roof replacement will have no direct physical effect on any surrounding properties within the surrounding Northeast Lucerne Local Historic 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 proposed simulated barrel tiles in terracotta are *unsuccessful* in replicating the appearance of the existing flat white concrete tiles.

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

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

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

Staff Analysis: Yes, the roof replacement is 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 City's Historic Preservation Design Guidelines place significant importance on *successful* roof replacement. The proposal is not in compliance with the Design Guidelines as the replacement product does not seek to replicate the existing roof. The proposed tiles in terracotta does 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's existing flat white concrete tiles will be removed to allow installation of new roofing tiles. The proposed roof replacement utilizes a product that is incompatible in profile, design, and color. The least possible adverse effect would be to maintain the existing roof or propose replacement with a product that replicates the existing roof.

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

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

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

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

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

Staff Analysis: The proposed roof replacement requires removal of the existing flat white concrete tiles. Replicating the appearance of the existing roof can help maintain original qualities or character of the structure.

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

Staff Analysis: No, the proposed concrete tiles in terracotta are not compatible with neighboring Masonry Minimal Traditional properties. However, true white-glazed barrel tiles were occasionally utilized on Masonry Minimal Traditional style structures in Lake Worth Beach. The proposed concrete tile roof in white would be a closer representation of white-glazed barrel tiles and may be considered an architecturally compatible alternative to the flat white concrete tile.

- 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: Not applicable to this project.

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

Staff Analysis: Not applicable to this project.

- (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: Not applicable to this project.

- (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 to this project.

PUBLIC COMMENT:

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

CONCLUSION:

As the request is not in compliance with the Lake Worth Beach Historic Preservation Design Guidelines criteria roof replacement for historic structures, staff is not recommending approval of the application as submitted. The HRPB, as tasked in LDR Sec. 23.2-7(c)(7), shall review the application and supporting exhibits to determine if a Certificate of Appropriateness for roof replacement to the noncontributing resource may be granted.

POTENTIAL MOTIONS:

I MOVE TO **APPROVE** HRPB Project Number 20-00100171 for a Certificate of Appropriateness (COA) for roof replacement with new concrete simulated barrel tiles with a terracotta finish for the property located at **814 North Ocean Breeze**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 20-00100129 for a Certificate of Appropriateness (COA) roof replacement with new concrete simulated barrel tiles with a terracotta finish for the property located at **814 North Ocean Breeze**, because the Applicant has not established by competent substantial evidence that the request is consistent with the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

ATTACHMENTS:

- A. Property File Documentation
- B. Historic Preservation Design Guidelines – Minimal Traditional (Excerpt)
- C. Historic Preservation Design Guidelines – Roof Replacement (Excerpt)
- D. The National Park Service Preservation Brief #4 *“Roofing for Historic Buildings”*
- E. Applicant Justification Statement
- F. Current Photos
- G. Proposed Product Information



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

DATE: August 26, 2020

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

FROM: William Waters, Director Community Sustainability

MEETING: September 2, 2020 and September 9, 2020

SUBJECT: **PZHP 20-03100006**: Consideration of an ordinance (Ordinance # 2020-14) to amend Chapter 23 “Land Development Regulations” to update and clarify the quasi-judicial process for land use and zoning matters.

BACKGROUND/ PROPOSAL:

On March 5, 2020, the City Commission held a workshop on the prioritization of amendments to the City’s Land Development Regulations (LDR) that were previously identified by staff and the Commission. The subject LDR amendments address the third series of prioritized items identified at the March meeting. These include changes to update and clarify the quasi-judicial process for land use and zoning matters including appeals. The proposed amendments to the Land Development Regulations have been reviewed by staff for consistency with the City’s Comprehensive Plan.

The proposed LDR amendments for Chapter 23 will modify the following sections of the City’s Code of Ordinances:

- Sec. 23.2-16. - Quasi-judicial procedures
- Sec. 23.2-17. - Appeals

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2020-14 (PZB / HRPB Project Number PZHP 20-03100006).

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB / HRPB Project Number 20-03100006 (Ordinance 2020-14).

Attachments

- A. Draft Ordinance 2020-14

1
2
3 **ORDINANCE 2020-14 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 2, “ADMINISTRATION”,**
6 **DIVISION 2 “PROCEDURES,” SECTION 23.2-16 “QUASI-JUDICIAL**
7 **PROCEDURES” AND SECTION 23.2-17 “APPEALS” TO UPDATE AND**
8 **CLARIFY THE QUASI-JUDICIAL PROCESS FOR LAND USE AND**
9 **ZONING MATTERS; PROVIDING FOR SEVERABILITY, THE REPEAL**
10 **OF LAWS IN CONFLICT, CODIFICATION; AND PROVIDING AN**
11 **EFFECTIVE DATE.**

12
13 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
14 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
15 “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary
16 powers necessary to conduct municipal government, perform municipal functions, and
17 render municipal services, and may exercise any power for municipal purposes, except
18 as expressly prohibited by law; and

19
20 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
21 body of each municipality in the state has the power to enact legislation concerning any
22 subject matter upon which the state legislature may act, except when expressly prohibited
23 by law; and

24
25 **WHEREAS**, the City wishes to amend its regulations pertaining to quasi-judicial
26 procedures and appeals to provide clarity to the processes; and

27
28 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
29 agency, considered the proposed amendments at a duly advertised public hearing; and

30
31 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
32 planning agency, considered the proposed amendments at a duly advertised public
33 hearing; and

34
35 **WHEREAS**, the City Commission has reviewed the proposed amendments and
36 has determined that it is in the best interest of the public health, safety, and general
37 welfare of the City to adopt this ordinance.

38
39 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
40 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

41
42 **Section 1.** The foregoing “WHEREAS” clauses are ratified and confirmed as
43 being true and correct and are made a specific part of this Ordinance as if set forth herein.

44
45 **Section 2.** Chapter 23 “Land Development Regulations,” Article 2,
46 “Administration,” Divisions 2 “Procedures,” Section 23.2-16 “Quasi-Judicial Procedures”
47 of the City’s Code of Ordinances, is hereby amended by adding the words shown in
48 underlined type and deleting the words as ~~struck through~~.

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

52
53 a) *In general*. ~~Except in the case of appeals,~~ The provisions of this section apply
54 to all quasi-judicial hearings held pursuant to these LDRs. Quasi-judicial hearings
55 shall be conducted generally in accordance with the following order of
56 presentation:

- 57 1. Disclosure of ex parte communications and personal investigations
58 pursuant to subsection h below.
- 59 2. Presentation by city staff.
- 60 3. Presentation by the applicant.
- 61 4. Presentation by affected party, if applicable.
- 62 ~~45.~~ Public comment.
- 63 ~~56.~~ Cross-examination by city staff.
- 64 ~~67.~~ Cross-examination by the applicant.
- 65 8. Cross-examination by affected party, if applicable.
- 66 ~~79.~~ ~~Cross-examination~~ Questions by the decisionmaking body.
- 67 ~~810.~~ Rebuttal or closing argument by the applicant.
- 68 ~~911.~~ Closing of the public hearing.
- 69 ~~4012.~~ Deliberation by the decisionmaking body. ~~Motion by the decisionmaking~~
70 ~~body with explanation.~~
- 71 ~~11.~~ ~~Discussion among members of the decisionmaking body.~~
- 72 12. Action by the decisionmaking body making reference to and entry of
73 specific findings. In the case of denials a citation(s) shall be provided
74 referencing to the legal authority (e.g., code citation) forming the basis
75 of the denial.

76 The chairperson, upon motion or by consensus of the decisionmaking body, may
77 change the order of presentation. Each party shall have the right to call and examine
78 witnesses, to introduce evidence/exhibits into the record, to cross-examine opposing
79 witnesses on any relevant matter, subject to the rules contained herein, and to rebut
80 evidence.

81 b) *Sworn testimony.* The applicant, staff, and all participants requesting to speak shall
82 be collectively sworn by oath or affirmation.

83 c) *Waiver by applicant.* The applicant may waive its right to an evidentiary hearing if it
84 agrees with the staff recommendation ~~and no one from the audience wishes to speak~~
85 ~~for or against the application.~~ The decisionmaking body may then take public
86 comment and vote on the item, based upon the staff report and any other materials
87 entered by staff from the official file into the record of the hearing.

88 d) *Decorum.* The chair shall keep order, and without requiring an objection, may direct
89 a party conducting cross-examination to stop a particular line of questioning that
90 merely harasses, intimidates or embarrasses the individual being cross-examined; is
91 unduly repetitious and not relevant; or is beyond the scope of the testimony by the
92 individual being cross-examined. If the party conducting the cross-examination
93 continuously violates directions from the chair to end a line of questioning deemed

- 94 irrelevant and merely designed to harass, intimidate or embarrass the individual, the
95 chair may terminate the cross-examination.
- 96 e) *Affected parties.* Affected parties, as defined in section 23.1-12 (Definitions), (1) shall
97 be allowed to present evidence, to produced witnesses, and to cross-examine
98 witnesses produced by others; (2) may appeal final decisions of staff, HRPB, planning
99 and zoning board, or city commission; and (3) may file suit to enforce the provisions
100 of this article should the city fail or decline to do so. Notwithstanding the foregoing;
101 however, in any suit brought by an affected party, the applicable circuit court shall
102 determine whether the affected party has the requisite standing to bring suit. An
103 affected party who wishes to participate as a party in the quasi-judicial hearing must
104 fill out a city form and deliver it, along with documentary evidence, to the Department
105 of Community Sustainability at least ten (10) days before the hearing. Failure to
106 follow the process shall be deemed a waiver and the affected party will not be allowed
107 to participate in the quasi-judicial hearing.
- 108 f) *Deliberation.* After the presentations, and at the conclusion of any continuances, the
109 decisionmaking body shall deliberate on the application ~~or appeal, as the case may~~
110 ~~be.~~ Once the decisionmaking body begins its deliberations no further presentations
111 or testimony shall be permitted except at the sole discretion of the decisionmaking
112 body. The decisionmaking body's decisions must be based upon competent
113 substantial evidence in the record.
- 114 g) *Continuance.* The decisionmaking body may, on its own motion or at the request of
115 an applicant, continue the hearing to a fixed date, time and place. The applicant shall
116 have the right to one (1) continuance; however, all subsequent continuances shall be
117 granted at the sole discretion of the decisionmaking body. Notwithstanding the
118 foregoing, a continuance shall not be granted if to do so would delay a decision on
119 an appeal from the HRPB regarding a certificate of appropriateness beyond the
120 ninety-day requirement specified in section 23.2-17.
- 121 h) *Ex parte communications.* Members of the decisionmaking body shall disclose on the
122 record any ex parte communications and personal investigations regarding pending
123 quasi-judicial decisions in accordance with applicable Florida law.
- 124 1. Members of the decision-making body shall disclose on the record any ex parte
125 communications, site visits, expert opinions sought, and personal investigations
126 regarding pending quasi-judicial decisions prior to any final action on the matter.
 - 127 2. The substance of any ex parte communication shall be disclosed including the
128 subject of the communication and the identity of the person, group, or entity with
129 whom the communication took place.
 - 130 3. Any written communication shall be made part of the record.
 - 131 4. Any site visit, personal investigation or expert opinions received shall be
132 disclosed and made part of the record.
 - 133 5. Pursuant to section 286.0115(1), Florida Statutes, the foregoing process
134 removes the presumption of prejudice from ex parte communications.
- 135 i) *Official file.* All written communication received by a decisionmaking body or staff
136 concerning an application, the staff report on the application, any petitions or other
137 submissions from the public, and all other documents pertaining to the application
138 upon receipt shall be filed in the official file for the application, which shall be

139 maintained by staff. The comprehensive plan and the City Code of Ordinances shall
140 be deemed to be part of the official file. The official file shall be available for inspection
141 during normal business hours.

142 j) *Record of the hearing.* All evidence admitted into the record at the hearing, and the
143 adopted development order of the decisionmaking body shall be maintained by the
144 city in a hearing file available for public review for a period of at least forty-five (45)
145 days from the rendering of the decision.

146 k) *First Reading.* For all quasi-judicial matters which require more than one (1) reading,
147 the first reading shall constitute the quasi-judicial hearing. If a decision is rendered to
148 grant or grant with conditions the relief sought by the applicant, then the second
149 reading shall be procedural in nature with the quasi-judicial body ratifying and
150 affirming its prior decision. If new evidence is introduced which, if brought to the
151 attention of the quasi-judicial body at the first reading, would have had a material
152 impact on its decision, the quasi-judicial body may reopen the quasi-judicial hearing
153 and give all parties the opportunity to address the new evidence.

154
155 **Section 3.** Chapter 23 “Land Development Regulations,” Article 2,
156 “Administration,” Division 2 “Procedures,” Section 23.2-17 “Appeals” of the City’s Code of
157 Ordinances, is hereby amended by adding the words shown in underlined type and
158 ~~deleting~~ the words as struck through.

159
160 Sec. 23.2-17. - Appeals.

161
162 a) *To planning and zoning board and historic resources preservation board.* An
163 applicant may appeal a final decision of the development review official to the
164 planning and zoning board or the historic resources preservation board, as
165 applicable. The procedures set forth in Sec. 23.2-16 shall apply except as
166 modified herein.

167 1. The applicant shall submit to the development review official, a notice of appeal
168 within thirty (30) days of the official's written decision. The appeal shall be in writing
169 on a form provided by city staff.

170 2. The appeal shall be accompanied by the applicable fee and filed with the
171 development review official.

172 3. The appeal shall be heard at a quasi-judicial hearing and be based on the record
173 made in the proceeding below. evidence relied upon by the development review
174 official in making his/her decision, which shall include submissions from the
175 applicant.

176 4. Notwithstanding the above, on appeals of administrative decisions regarding
177 certificates of appropriateness, the process shall be guided by Section 23.5-
178 4(n)(1), which provides that a notice of appeal must be submitted within fourteen
179 (14) days of the administrative decision, and that the administrative decision must
180 be reviewed within sixty (60) days and may be reversed only if it was contrary to
181 law or arbitrary and capricious.

182 b) *To city commission.* Should an applicant for development approval or an affected
183 party with demonstrated standing decide to appeal a decision of the planning and

- 184 zoning board or the historic resources preservation board the procedures set forth in
 185 Sec. 23.2-16 shall apply except as modified herein.
- 186 1. ~~he~~The applicant or affected party shall submit to the development review official
 187 a notice of appeal within fourteen (14) days of the ~~issuance of the~~ board's written
 188 decision.
- 189 2. Thereafter, the applicant or affected party shall submit to the development review
 190 official in writing the basis for the appeal within thirty (30) days of the board's
 191 written decision; except appeals from decisions pertaining to variances shall be
 192 appealed directly to circuit court as described in subsection c). The basis of
 193 appeal must relate to the evidence and testimony presented to the planning and
 194 zoning board or the HRPB. The basis of appeal should include all evidence the
 195 appealing party would like to have the city commission review. New evidence is
 196 not allowed and will not be considered.
- 197 3. The appeal shall be submitted with a city application and the applicable fee and
 198 filed with the development review official. An affected party must have
 199 participated in the hearing before the planning and zoning board or HRPB to
 200 participate in an appeal before the city commission.
- 201 4. The development review official shall forward the appeal, the staff report, and the
 202 board's decision to the city commission for review.
- 203 5. The development review official may also have the right to appeal a decision of
 204 the planning and zoning board or the HRPB.
- 205 46. After courtesy notice as provided in this article, the city commission shall conduct
 206 a quasi-judicial hearing, and shall consider those applications on appeal from the
 207 planning and zoning board or the HRPB based on the record ~~made in the~~
 208 ~~proceeding below~~ created at the planning and zoning board or the HRPB. The
 209 considerations substantiating the decision of the city commission shall be
 210 discussed. The city commission shall convey its decision in writing to the
 211 ~~appellant~~ applicant, affected parties, if applicable, and to the development review
 212 ~~official. The considerations substantiating the decision of the city commission~~
 213 ~~shall be documented.~~
- 214 27. For appeals from the decisions of the HRPB regarding certificates of
 215 appropriateness, the city commission shall consider the appeal within ninety (90)
 216 days after the filing of the appeal. The city commission may uphold or reverse
 217 the HRPB's decision in whole or in part or remand with instructions for further
 218 consideration. ~~approve, approve with modifications or disapprove the application~~
 219 ~~within ninety (90) days after the filing of the appeal.~~ A reversal of an HRPB
 220 decision, whether in whole or in part, of the historic resources preservation board
 221 shall require no less than four (4) votes of the full city commission or by no less
 222 than three (3) votes of those in attendance, and in accordance with Section 23.5-
 223 4(n)(2), a reversal shall be rendered only if the city commission determines that
 224 the HRPB decision was contrary to law or arbitrary and capricious.
- 225 c) *To circuit court.* Any person or persons, jointly or severally, or entity, aggrieved by
 226 ~~any~~ the decision of the city commission, after first exhausting all administrative
 227 remedies, may present to a circuit court a petition for issuance of a writ of certiorari
 228 pursuant to the Florida law. If a planning and zoning board or HRPB variance
 229 determination is being appealed and is a part of an overall order being appealed for

230 certificates of appropriateness, site plans, etc., then the entire order shall be appealed
231 to the circuit court and it is not necessary to exhaust administrative remedies by
232 appealing any portion of the order to the city commission.

233 d) Quasi-judicial procedure. Quasi-judicial hearings on appeals shall be conducted
234 generally in accordance with the following order of presentation, which may be
235 adjusted by the chairperson. At these hearings no new evidence may be introduced
236 and presentations will be limited to ten (10) minutes per party unless the time is
237 extended by majority vote of the decisionmaking body.

- 238
- 239 1. Disclosure of ex parte communications and personal investigations.
 - 240 2. Presentation by city staff.
 - 241 3. Presentation by the applicant.
 - 242 4. Presentation by affected party, if applicable.
 - 243 5. Public Comment.
 - 244 6. Questions by the decisionmaking body.
 - 245 7. Closing of the public hearing.
 - 246 8. Deliberation by the decisionmaking body. The decisionmaking body shall
247 be restricted to the record developed from the hearing before the
248 appropriate board which shall include submissions from the applicant.
249 The standard of review for these deliberations shall be competent,
250 substantial evidence unless indicated otherwise in these LDRs.
 - 251 9. Action by the decisionmaking body.
- 252

253

254 **Section 4. Severability.** If any section, subsection, sentence, clause, phrase or
255 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
256 competent jurisdiction, such portion shall be deemed a separate, distinct, and
257 independent provision, and such holding shall not affect the validity of the remaining
258 portions thereof.

259

260 **Section 5. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in
261 conflict herewith are hereby repealed to the extent of such conflict.

262

263 **Section 6. Codification.** The sections of the ordinance may be made a part of
264 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
265 accomplish such, and the word "ordinance" may be changed to "section", "division", or
266 any other appropriate word.

267

268 **Section 7. Effective Date.** This ordinance shall become effective 10 days after
269 passage.

270

271

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

275

276 Mayor Pam Triolo
277 Vice Mayor Andy Amoroso
278 Commissioner Scott Maxwell
279 Commissioner Omari Hardy
280 Commissioner Herman Robinson

281
282 The Mayor thereupon declared this ordinance duly passed on first reading on the
283 _____ day of _____, 2020.

284
285
286 The passage of this ordinance on second reading was moved by
287 _____, seconded by _____, and upon being put to a vote,
288 the vote was as follows:

289
290 Mayor Pam Triolo
291 Vice Mayor Andy Amoroso
292 Commissioner Scott Maxwell
293 Commissioner Omari Hardy
294 Commissioner Herman Robinson

295
296
297 The Mayor thereupon declared this ordinance duly passed on the _____ day of
298 _____, 2020.

301
302 LAKE WORTH BEACH CITY COMMISSION

303
304
305 By: _____
306 Pam Triolo, Mayor

307
308 ATTEST:

309
310
311 _____
312 Deborah Andrea, CMC, City Clerk



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

DATE: August 26, 2020

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

FROM: William Waters, Director Community Sustainability

MEETING: September 2, 2020 and September 9, 2020

SUBJECT: **PZHP 20-03100005**: Consideration of an ordinance (Ordinance # 2020-13) to amend Chapter 23 “Land Development Regulations” to provide consistency and clarity for time limitations related to development orders and building permits.

BACKGROUND/ PROPOSAL:

On March 5, 2020, the City Commission held a workshop on the prioritization of amendments to the City’s Land Development Regulations (LDR) that were previously identified by staff and the Commission. The subject LDR amendments address the third series of prioritized items identified at the March meeting, which include modifications to provide consistency and clarity for time extension for all development order types and to provide uniform language related to the development order expiration.

The proposed amendments consolidate language related to the expiration of development orders into a new code section that provides for finality to approvals and construction projects. Currently, time limitations related to development orders are addressed in separate sections by development order type. The proposed ordinance would also amend language, for clarity and consistency, related to building permit application timeframes for development orders and time limitations related to issued building permits. The proposed amendments to the Land Development Regulations have been reviewed by staff for consistency with the City’s Comprehensive Plan.

The proposed LDR amendments for Chapter 23 will modify the following sections of the City’s Code of Ordinances:

- Sec. 23.2-37. – Expiration of Development Orders (New Section)
- Sec 23.1-11 -Time Limitations of Approvals - building permits
- Sec. 23.2-26. – Variances
- Sec. 23.2-29. – Conditional use permits
- Sec. 23.2-30. – Site plan review
- Sec. 23.5-4. - Historic preservation
- Sec. 23.7-4. - Permits
- Sec. 23.2-20 – Site Plan Review

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2020-13: PZB (HRPB Project Number 20-03100005)

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB / HRPB Project Number 20-03100005 (Ordinance 2020-13).

Attachments

- A. Draft Ordinance 2020-13

1
2
3 **ORDINANCE 2020-13 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 2, “ADMINISTRATION,”**
6 **DIVISION 3 “PERMITS,” BY ADDING A NEW SECTION “EXPIRATION**
7 **OF DEVELOPMENT ORDERS” TO PROVIDE FINALITY TO**
8 **APPROVALS AND CONSTRUCTION PROJECTS; AMENDING ARTICLE**
9 **1 “GENERAL PROVISIONS,” DIVISION 1 “GENERALLY,” SECTION**
10 **23.1-11 “TIME LIMITATIONS OF APPROVALS,” TO PROVIDE**
11 **UNIFORM TIME LIMITATIONS ON BUILDING PERMITS FOR ALL USES**
12 **IN THE LAND DEVELOPMENT REGULATIONS AND AMENDING THE**
13 **SPECIFIC REGULATIONS TO REFLECT THE UNIFORMITY;**
14 **PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN**
15 **CONFLICT, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

16
17 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
18 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
19 “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary
20 powers necessary to conduct municipal government, perform municipal functions, and
21 render municipal services, and may exercise any power for municipal purposes, except
22 as expressly prohibited by law; and

23
24 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
25 body of each municipality in the state has the power to enact legislation concerning any
26 subject matter upon which the state legislature may act, except when expressly prohibited
27 by law; and

28
29 **WHEREAS**, the City wishes to amend its regulations to provide a final expiration
30 date of no more than three years for approvals without specific expiration dates and for a
31 period of no more than four years when as a condition of approval, an expiration date is
32 included in the development order; and

33
34 **WHEREAS**, the City wishes to amend its regulations to provide time limitations to
35 apply for building permits as it relates to approved projects in the City; and

36
37 **WHEREAS**, this ordinance provides uniformity finality to building permits and
38 approvals throughout the land development regulations; and

39
40 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
41 agency, considered the proposed amendments at a duly advertised public hearing; and

42
43 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
44 planning agency, considered the proposed amendments at a duly advertised public
45 hearing; and

46
47 **WHEREAS**, the City Commission has reviewed the proposed amendments and
48 has determined that it is in the best interest of the public health, safety, and general
49 welfare of the City to adopt this ordinance.
50

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

53
54 **Section 1.** The foregoing “WHEREAS” clauses are ratified and confirmed as
55 being true and correct and are made a specific part of this Ordinance as if set forth herein.

56
57 **Section 2.** Chapter 23 “Land Development Regulations,” Article 2
58 “Administration,” “Division 3 “Permits,” of the City’s Code of Ordinances, is hereby
59 amended by adding a new Section 23.2-37 “Expiration of Development Orders” as
60 indicated in **Exhibit A** (underlined type is added).

61
62 **Section 3.** Chapter 23 “Land Development Regulations,” Article 1, “General
63 Provisions,” Division 1 “Generally,” Section 23.1-11 “Time limitations of approvals,” is
64 hereby amended by adding the words shown in underlined type and deleting the words
65 ~~struck through~~ as indicated in **Exhibit B**.

66
67 **Section 4.** Chapter 23 “Land Development Regulations,” section 23.2-26(c)
68 “Time limit for variances,” section 23.2-29(k) “Expiration of conditional use approval,”
69 section 23.2-30(f) “Expiration of site plan approval,” section 23.5-4(j) “Issuance of
70 certificate of appropriateness; commencement of permitted improvements,” and section
71 23.7(4)(e) “Expiration” as it relates to flood plain permits, are hereby amended to be
72 consistent with and provide uniformity with the regulations set forth in Exhibits A and B.
73 These sections are amended by adding the words shown in underlined type and deleting
74 the words ~~struck through~~ as indicated in **Exhibit C**.

75
76 **Section 5.** Severability. If any section, subsection, sentence, clause, phrase or
77 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
78 competent jurisdiction, such portion shall be deemed a separate, distinct, and
79 independent provision, and such holding shall not affect the validity of the remaining
80 portions thereof.

81
82 **Section 6.** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
83 conflict herewith are hereby repealed to the extent of such conflict.

84
85 **Section 7.** Codification. The sections of the ordinance may be made a part of
86 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
87 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
88 any other appropriate word.

89
90 **Section 8.** Effective Date. This ordinance shall become effective 10 days after
91 passage.

92
93
94 The passage of this ordinance on first reading was moved by
95 _____, seconded by _____, and upon
96 being put to a vote, the vote was as follows:

97
98

99 Mayor Pam Triolo
100 Vice Mayor Andy Amoroso
101 Commissioner Scott Maxwell
102 Commissioner Omari Hardy
103 Commissioner Herman Robinson

104
105 The Mayor thereupon declared this ordinance duly passed on first reading on the
106 _____ day of _____, 2020.

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

112
113 Mayor Pam Triolo
114 Vice Mayor Andy Amoroso
115 Commissioner Scott Maxwell
116 Commissioner Omari Hardy
117 Commissioner Herman Robinson

118
119
120 The Mayor thereupon declared this ordinance duly passed on the _____ day of
121 _____, 2020.

122
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124
125 LAKE WORTH BEACH CITY COMMISSION

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128 By: _____
129 Pam Triolo, Mayor

130
131 ATTEST:

132
133
134 _____
135 Deborah Andrea, CMC, City Clerk
136

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

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

Sec. 23.2-37. – Expiration of Development Orders.

- a) Generally. A development order shall automatically expire three (3) years from the date of issuance. If these LDRs provide for a shorter period of expiration, then those time limitations shall apply. If a development order expires, the approval shall terminate and become void. In such event, the applicant or property owner shall be required to make application for a new approval, subject to any changes in the law.
- b) As a Condition of Approval. The planning and zoning board, the historic resources preservation board or the city commission, as applicable, may condition the approval of a development order on a period of time not exceeding four (4) years or on a final expiration date of up to four (4) years. If certificates of use, completion, or occupancy are not issued by the appropriate city official at the end of the period or on the date specified in the development order, then the development order shall automatically expire at the end of the period or on the date specified in the development order. In such event, the applicant or property owner shall be required to make application for a new approval, subject to any changes in the law.
- c) Phased Plans. If a phased site plan expires, the following shall apply as applicable.
 - 1. The allocation of dwelling units granted for any principal structure that has not received a certificate of occupancy or equivalent certification shall expire at the time the site plan expires, or
 - 2. The portion of the property not developed prior to the expiration shall not be developed without the applicant or property owner submitting an application for and receiving an approval of a new site plan.
- d) Finality. This section is intended to add finality to development orders and construction projects. In no event may the expiration of a development order exceed the number of years set forth in this section.

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EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS

Article 1, "General Provisions," Division 1 "Generally"

Sec. 23.1-11. -Time limitations -- building permits approvals.

a) Application.

1. Unless specified otherwise herein, approvals granted pursuant to these regulations shall require the owner to submit an application for a building permit(s) within ~~eighteen (18)~~ twelve (12) months from ~~time~~ the date of the approval. Failure to submit an application for a building permit(s) within that timeframe shall render the approval null and void unless an extension is granted as set forth herein.

2. Building permit application ~~Permitted~~ time frames do not change with successive owners, provided however, ~~one (1), two (2) separate but successive six (6) month extensions of time to apply for a building permit may be granted by the development review official for good cause shown. One (1) additional six (6) month extension of time may be granted by submitting a request for extension to the city authority which granted the approval.~~

b) Building permit. After a building permit application has been approved, a request to extend the building permit may be granted by the building official or designee in the building official's or designee's discretion in six (6) month increments or as otherwise provided by the Florida Building Code. In no event may a building permit exceed the time limitations set forth in section 23.2-37, nor may it be interpreted as extending the time limitations of the underlying order as set forth in section 23.2-37.

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS

Article 2, "Administration," Division 3 "Permits"

Sec. 23.2-26. – Variances.

- c) *Time limit for variances.* Any variance granted under this section shall be subject to the time limits set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the expiration of development orders. ~~become null and void and of no effect twelve (12) months from and after the date of its final approval, unless within such period of twelve (12) months a building permit is issued if required, or if no permit is required, unless the action permitted by the variance shall have taken place within the twelve-month period. An extension of six (6) months may be granted by the development review official for good cause.~~

Sec. 23.2-29. – Conditional use permits.

- k) *Expiration of conditional use approval.* Any approval of a conditional use granted by the planning and zoning board, the historic resources preservation board or by the city commission shall be subject to the time limits set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the expiration of development orders. ~~void one (1) year after the date of the approval unless a building permit has been issued for the construction of all facilities provided in the site plan associated with the conditional use or otherwise needed to house the use, and construction is diligently pursued. If a building permit is issued within one (1) year of approval of the conditional use, the building official shall make periodic inspections in order to determine whether or not construction is being diligently pursued. If the building official determines that the construction is not being diligently pursued, then he shall notify in writing the owner of property and any other person who has requested such notice. The conditional use approval shall be void one hundred eighty (180) days after the date of such notice unless construction has been diligently resumed within that one hundred eighty-day period. Minor construction related work which does not substantially advance the project to completion will not be deemed sufficient to keep from voiding of a conditional use approval. If new facilities are constructed but are not occupied within one (1) year following completion of construction, then the conditional use approval shall be void. If no new facilities are~~

268 needed to house the use, then the conditional use approval shall be void one hundred
269 eighty (180) days after the date of the approval unless the use has been established.

270

271 **Sec. 23.2-30. – Site plan review.**
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275 f) ~~Expiration of site plan approval unless building permit(s) issued within one (1) year.~~
276 Any site plan approval shall be subject to the time limits set forth in section 23.1-11
277 regarding building permits and section 23.2-37 regarding the expiration of
278 development orders. ~~void one (1) year after the date of the approval unless a building~~
279 ~~permit has been issued for the construction of all facilities provided in the site plan~~
280 ~~and construction is diligently pursued. If a building permit is issued within one (1) year~~
281 ~~of approval of the site plan, the building official shall make periodic inspections in~~
282 ~~order to determine whether or not construction is being diligently pursued. If the~~
283 ~~building official determines that construction is not being diligently pursued, then he~~
284 ~~shall notify in writing the owner of property and any other person who has requested~~
285 ~~such notice. The site plan approval shall be void one hundred eighty (180) days after~~
286 ~~the date of such notice unless construction has been diligently resumed within that~~
287 ~~one hundred eighty-day period. Minor construction related work which does not~~
288 ~~substantially advance the project to completion will not be deemed sufficient to keep~~
289 ~~from voiding of site plan approval~~

290

291 g) ~~Extension of time. An extension of time may be requested by the applicant prior to~~
292 ~~the expiration of the original approval. The development review official may grant one~~
293 ~~(1) time extension for a period not to exceed six (6) months and only within the original~~
294 ~~period of validity.~~

295 h) g) Compliance with LDRs required. In all cases requiring site plan review, no
296 structure, or part thereof, shall be erected or used, or land or water used, or any
297 change of use consummated, nor shall any building permit be issued, unless a site
298 plan has been reviewed and approved, and in no instance shall the decisionmaking
299 body modify the written standards of these LDRs in approving a site plan; except as
300 provided for in this section.

301 i) h) Violations. Failure to complete and continually maintain all approved elements of
302 an approved site plan including landscape, appearance and other site development
303 features, shall be a violation of these LDRs subject to enforcement and penalty
304 procedure of the City Code of Ordinances.

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Article 5, "Substantial Regulations"

Sec. 23.5-4. - Historic preservation.

- j) *Issuance of certificate of appropriateness; time limits-commencement of permitted improvements.* If the department for community sustainability or HRPB approves an application, a certificate of appropriateness shall be issued in a timely manner. Issuance of a certificate of appropriateness shall not relieve the applicant from obtaining all other required development permits, orders and approvals required by law. No building permit or other development order for a designated landmark or a property within a historic district shall be valid unless accompanied by a certificate of appropriateness. A certificate of appropriateness approval shall be subject to the time limits set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the expiration of development orders. ~~Construction approved by a certificate of appropriateness shall commence within twelve (12) months of the date of issuance, and the certificate shall automatically expire if less than fifty (50) percent of the approved improvements are completed within twelve (12) months of the date of commencement. A certificate of occupancy for the required improvements shall be received within twenty four (24) months of commencement of the work. The department for community sustainability may grant a one-time time extension not exceeding twelve (12) months if the permit holder can demonstrate that delays have been unavoidable and that work will be completed in a timely manner. The HRPB may in its absolute discretion grant additional time extensions as necessary if the permit holder can demonstrate that delays have been unavoidable and that work will be completed in a timely manner. If the department for community sustainability or HRPB denies an application, it shall state its reasons for doing so in writing and present them to the applicant within ten (10) calendar days of the denial.~~

Article 7, "Floodplain Management," Division 1 "Administration"

Sec. 23.7-4. - Permits.

- e) Expiration. A floodplain development permit or approval shall be subject to the time limits set forth in section 23.1-11 regarding building permits and section 23.2-37 regarding the expiration of development orders. ~~become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.~~



MEMORANDUM DATE: September 2, 2020

AGENDA DATE: September 9, 2020

TO: Chair and Members of the Historic Resources Preservation Board

RE: **COA Approval Matrix Amendment**

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

BACKGROUND:

At the August 12, 2020, Historic Resources Preservation Board (HRPB) meeting, the Board made a motion to place a moratorium on all glass types that are not clear. The Historic Preservation Design Guidelines indicate clear glass is the only appropriate glazing for replacement windows and doors in the historic districts. The Board requested that Staff research Visual Transmittance, an industry standard of how much light is transmitted through glass, to create clear and enforceable regulations for glass coatings and tint. As a result, all administrative and Board cases related to windows and doors (that utilize glass) will require clear glass until the moratorium is lifted.

COA Approval Matrix

The Certificate of Appropriateness (COA) Approval Matrix is a document that provides the summary of authority (Staff Approval vs. Board Approval) for actions that impact the exterior appearance of properties located within the historic districts.

Glazing: Based upon research of glass regulations of other historic preservation programs and current glazing products available in South Florida, Staff has included the following standard in the COA Approval Matrix Amendment:

“All glazing must be clear, non-reflective and without tint. Low-E (low emissivity) is allowed but the glass must have a minimum 70% visible light transmittance (VLT).”

Visible light transmittance (VLT) refers to the amount of light that passes through a glazing material. A higher (VLT) means there is more light is being transmitted. For impact glass, the VLT typically ranges from 80% for uncoated clear glass to less than 10% for highly reflective coatings on tinted glass.

It is Staff’s analysis that a 10% reduction in VLT can be considered within the range of “clear glazing”, which is the standard set by the City’s Historic Preservation Design Guidelines. Major window manufacturers in South Florida offer Low-E coatings that meet the 70% VLT minimum. In Staff’s research, the only exceptions to clear glass in other historic preservation programs are limited to clear Low-E

coatings and replicating glass that historically had a color or tint. At the Board's discretion, tinted-glass may be allowed which meets the 70% VLT minimum.

To implement the new standard for clear glazing, Staff will require all window and door replacement Certificate of Appropriateness applications to provide a product quote with the visible light transmittance (VLT) of the glazing clearly indicated.

Other Amendments: Staff has consolidated the COA Approval Matrix to eliminate duplicitous information and ensure consistency with the requirements of the Historic Preservation Design Guidelines.

STAFF RECOMMENDATION:

Staff recommends that the Historic Resources Preservation Board (HRPB) adopt the Amended COA Approval Matrix.

Attachments

- A. Draft COA Approval Matrix

City of Lake Worth
Historic Resources Preservation Board
Certificate of Appropriateness (COA) Approval Matrix ⁽¹⁾

Action ⁽²⁾	Designated Landmarks or Contributing Structures			Non-Contributing Structures		
	No	Staff	Board	No	Staff	Board
Compatible Design: Staff approval is limited to compatible exterior alterations that are consistent with the City's Ordinances, Historic Preservation Design Guidelines, and Secretary of Interior Standards For Rehabilitation, and all other application regulations. Incompatible Design: All incompatible exterior alterations that are not consistent with the City's Ordinances, Historic Preservation Design Guidelines, and Secretary of Interior Standards For Rehabilitation, and all other application regulations are subject to Board Approval.	Approval ⁽³⁾	Approval	Approval	Approval ⁽³⁾	Approval	Approval
Additions to Structures - Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Additions to Structures - Not Visible from Street		<input type="checkbox"/>		<input type="checkbox"/>		
Alterations, Interior (Not Affecting Exterior Appearance)	<input type="checkbox"/>			<input type="checkbox"/>		
Alterations, Exterior - Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Alterations, Exterior - Not Visible from Street		<input type="checkbox"/>		<input type="checkbox"/>		
Awnings - Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Awnings - Not Visible from Street		<input type="checkbox"/>		<input type="checkbox"/>		
Deck - Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Deck - Not Visible from Street	<input type="checkbox"/>			<input type="checkbox"/>		
Demolition (Due to Condemnation by City) - National Register Listing			<input type="checkbox"/>			<input type="checkbox"/>
Demolition (Due to Condemnation by City) - Local Register Listing		<input type="checkbox"/>	Board Notice		<input type="checkbox"/>	Board Notice
Demolition, Private			<input type="checkbox"/>			<input type="checkbox"/>
Dock	<input type="checkbox"/>			<input type="checkbox"/>		
Doors, Exterior - Visible from Street ⁽⁴⁾		<input type="checkbox"/>			<input type="checkbox"/>	
Doors, Exterior - Not Visible from the Street ⁽⁴⁾		<input type="checkbox"/>		<input type="checkbox"/>		
Flat Hardscape (Driveways, Pavers, Patio, Sidewalks, etc) Initial Installation or Repaving with New Material - Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Flat Hardscape (Driveways, Pavers, Patio, Sidewalks, etc) Initial Installation or Repaving with New Material - Not Visible from Street	<input type="checkbox"/>			<input type="checkbox"/>		
Fences, Walls and Gates, Installation or Modification of Materials	<input type="checkbox"/>			<input type="checkbox"/>		
Landscape and Lawn Maintenance	<input type="checkbox"/>			<input type="checkbox"/>		
New Construction - New Structure on Vacant Lot			<input type="checkbox"/>			<input type="checkbox"/>
New Construction - Accessory Structure - Visible from Street			<input type="checkbox"/>			<input type="checkbox"/>
New Construction - Accessory Structure - Not Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Occasional Maintenance and Repair ⁽⁵⁾		<input type="checkbox"/>			<input type="checkbox"/>	
Paint Over Unpainted Masonry, Stone or Terra Cotta		<input type="checkbox"/>			<input type="checkbox"/>	
Paint General (Not Over Unpainted Masonry, Stone or Terra Cotta)	<input type="checkbox"/>			<input type="checkbox"/>		
Pool, Above Ground - Visible from Street			<input type="checkbox"/>			<input type="checkbox"/>
Pool, Ground Level - Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Pool - Not Visible from Street	<input type="checkbox"/>			<input type="checkbox"/>		
Porches, Porch Columns & Steps, Initial Installation or Alterations - Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Porches, Porch Columns & Steps, Initial Installation or Alterations - Not Visible from Street		<input type="checkbox"/>		<input type="checkbox"/>		
Roof Replacement		<input type="checkbox"/>			<input type="checkbox"/>	
Shed		<input type="checkbox"/>			<input type="checkbox"/>	
Shutters, Decorative or Protective, Permanent or Removable - Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Shutters, Decorative or Protective, Permanent or Removable - Not Visible from Street		<input type="checkbox"/>		<input type="checkbox"/>		
Siding and other exterior wall finishes - Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Siding and other exterior wall finishes - Not Visible from Street		<input type="checkbox"/>		<input type="checkbox"/>		
Murals			<input type="checkbox"/>			<input type="checkbox"/>
Signs - Permanent		<input type="checkbox"/>			<input type="checkbox"/>	
Skylights - Visible from Street		<input type="checkbox"/>			<input type="checkbox"/>	
Skylights - Not Visible from Street		<input type="checkbox"/>		<input type="checkbox"/>		
Solar Panels/Solar Energy Systems - Visible from Street			<input type="checkbox"/>		<input type="checkbox"/>	
Solar Panels/Solar Energy Systems - Not Visible from Street		<input type="checkbox"/>		<input type="checkbox"/>		
Windows - Visible from Street ⁽⁴⁾		<input type="checkbox"/>			<input type="checkbox"/>	
Windows - Not Visible from Street ⁽⁴⁾		<input type="checkbox"/>		<input type="checkbox"/>		

Adopted by the City of Lake Worth Historic Preservation Board, 08/20/1997. Amended 12/10/99. Amended 01/11/2012. Amended 4/11/2012. Amended 10/9/2013. Amended 01/13/2016. Amended 01/10/2018. Amended 09/09/2020.

Footnotes:

(1) Refer to Sections 23.5-4(f) and (h) of the historic preservation ordinance for details of the authority of the HRPB to adopt this Approval Matrix.

(2) May include changes not specifically listed within the Approval Matrix.

(3) Refer to historic preservation approval. The actions listed on this matrix are not exempt from complying with the Florida Building Code and zoning ordinance of the City of Lake Worth Beach.

(4) All glazing must be clear, non-reflective and without tint. Low-E (low emissivity) is allowed but the glass must have a minimum 70% visible light transmittance (VLT).

(5) Refer to Section 23.5-4(m) of the historic preservation ordinance for a list of items which qualify this category. exceptions that do not require a certificate of appropriateness.



MEMORANDUM DATE: September 2, 2020

AGENDA DATE: September 9, 2020

TO: Chair and Members of the Historic Resources Preservation Board

RE: **Fourth Annual Historic Preservation Awards – Presentation of Candidates and Review by the HRPB**

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

AWARDS PROGRAM:

The Department for Community Sustainability is pleased to announce qualifying candidates for the Fourth Annual Historic Preservation Awards Program. Although typically celebrated in the month of May to coincide with National Historic Preservation Month, this year's program was postponed and will be held virtually due to ongoing concerns surrounding Covid-19. Candidates were encouraged to submit digital applications to the Department for Community Sustainability during a call for nominations between March and August of 2020.

The award is intended to recognize and celebrate the outstanding achievements of citizens and local businesses in preserving Lake Worth Beach's historic resources. The preservation of the City's historic built environment safeguards the unique character and identity of Lake Worth Beach. This program seeks to foster a greater understanding and appreciation of the positive preservation efforts in the community and the beneficial impact these projects have on the City's unique neighborhoods.

CONTESTANTS AND JUDGING

The City's Historic Resources Preservation Board (HRPB) will judge the competition. As such, the Board has the right to reassign award categories, to create or eliminate award categories, to determine additional recipients for a given award, to disqualify nominations that are incomplete, and/or to eliminate projects that did not adhere to the requirements of the Certificate of Appropriateness process or the Code requirements for historic preservation.

Judging shall be based on the following general criteria:

- The application of the Secretary of the Interior's Standards for Rehabilitation, the City's Historic Preservation Code, and the City's Historic Preservation Design Guidelines.
- The overall positive impact on the City of Lake Worth Beach.
- The overall quality of the work and significance of the project or individual contribution.
- The individual or project's ability to serve as an example of positive historic preservation efforts.
- The individual or project's ability to promote the unique character and identity of the City's historic resources and heritage.

2020 Historic Preservation Award Candidates:

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

Award:

Each 2020 award winner will receive a bronze plaque (pictured below) and will be featured on the City's Historic Preservation webpage.



STAFF PRESENTATION AND RECOMMENDATION:

A presentation of submitted projects will be held at the September 9, 2020 virtual HRPB meeting. Staff recommends that the Historic Resources Preservation Board (HRPB) award 113 South Federal Highway, 407 South Lakeside Drive, 231 Ocean Breeze, 330 North Palmway, and 1101 North Lakeside Drive a 2020 Historic Preservation Award for their outstanding achievements.

Attachments

- A. Historic Preservation Award Candidates (Before and After Photos)