



**AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JUNE 08, 2022 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [201 Ocean Breeze](#)
[315 N Ocean Breeze](#)
[Ordinance 2022-11](#)
[Ordinance 2022-12](#)
[Ordinance 2022-13](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. HRPB Project #22-00100169:** Consideration of a Certificate of Appropriateness (COA) for the construction of a new attached 1-car garage and a new 2-story wood-framed accessory building with carport and covered patio for a building located at 315 North Ocean Breeze; PCN# 38-43-44-21-15-096-0130. The subject property is a contributing resource within the Old Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district.

Continued to July 13, 2022 HRPB meeting

B. HRPB Project # 22-00100091: Consideration of a Certificate of Appropriateness (COA) for roof replacement on a building located at 623 North Ocean Breeze; PCN# 38-43-44-21-15-170-0100. The subject property is a contributing resource within the Old Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district.

Continued from May 11, 2022.

C. HRPB Project # 22-00100212: Consideration of Certificate of Appropriateness (COA) for roof replacement and an Unreasonable Economic Hardship Application for an Income Property located at 814 North Ocean Breeze; PCN #38-43-44-21-15-232-0040. The subject property is a non-contributing resource to the Northeast Lucerne Local Historic District and is located within the Single-Family Residential (SF-R) zoning district.

D. HRPB Project # 21-00100148: Consideration of a Certificate of Appropriateness (COA) for a second-floor addition, new wrap around porch, and new detached garage including an accessory dwelling unit (ADU) above it for a building located at 201 Ocean Breeze; PCN# 38-43-44-21-15-095-0090. The subject property is a contributing resource within the South Palm Park Historic District. The property is located in the Multi-family Residential (MF-20) zoning district.

E. Ordinance 2022-11: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 related to “Site Design Qualitative Standards.”

F. Ordinance 2022-12: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding new definitions “Annual Gross Household Income,” “Gross Rent,” and “Overall Housing Expense;” and Article 2 “Administration,” Division 3 “Permits,” adding a new Section 23.2-39 “Affordable/Workforce Housing Program.”

G. Ordinance 2022-13: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding a new definition “Micro-unit;” and Article 4 “Development Standards,” adding a new Section 23.4-25 “Micro-units,” providing for development standards for micro-units.

PLANNING ISSUES:

A. Annual Organizational Meeting & Election of the Chair & Vice-Chair

PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT

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

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

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

Legal Notice No. 40408

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **June 8, 2022 at 6:00 pm** or soon thereafter to consider the following:

HRPB Project #22-00100148: Consideration of a Certificate of Appropriateness (COA) for a second-floor addition, new wrap around porch, and new detached garage for a building located at 201 Ocean Breeze; PCN# 38-43-44-21-15-095-0090. The subject property is a contributing resource within the South Palm Park Historic District and is located in the Single Family Residential (SFR) zoning district.

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

Public comment will be accommodated in person at the meeting, or virtually through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Historic Resources Preservation Board to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. **For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.**

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Publish: The Lake Worth Herald
May 26, 2022

Legal Notice No. 40409

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **June 8, 2022 at 6:00 pm** or soon thereafter to consider the following:

HRPB Project #22-00100169: Consideration of a Certificate of Appropriateness (COA) for the construction of a new attached 1-car garage and a new 2-story wood-framed accessory building with carport and covered patio for a building located at 315 North Ocean Breeze; PCN# 38-43-44-21-15-096-0130. The subject property is a contributing resource within the Old Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district.

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Publish: The Lake Worth Herald
May 26 2022

Legal Notice No. 40372

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 N Dixie Highway, Lake Worth Beach on **June 1, 2022 at 6:00 pm** or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on **June 8, 2022 at 6:00 pm** or soon thereafter to consider the following ordinance:

Ordinance 2022-13 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2 "DEFINITIONS," SECTION 23.1-12 "DEFINITIONS," ADDING A NEW DEFINITION "MICRO-UNIT," AND ARTICLE 4 "DEVELOPMENT STANDARDS," ADDING A NEW SECTION 23.4-25 "MICRO-UNITS," PROVIDING FOR DEVELOPMENT STANDARDS FOR MICRO-UNITS, AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

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

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Publish: The Lake Worth Herald
May 19, 2022

Legal Notice No. 40371

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 N Dixie Highway, Lake Worth Beach on **June 1, 2022 at 6:00 pm** or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on **June 8, 2022 at 6:00 pm** or soon thereafter to consider the following ordinance:

Ordinance 2022-12 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2 "DEFINITIONS," SECTION 23.1-12 "DEFINITIONS," ADDING A NEW DEFINITIONS "ANNUAL GROSS HOUSEHOLD INCOME," "GROSS RENT," "OVERALL HOUSING EXPENSE," AND "MEDIAN HOUSEHOLD INCOME;" AND ARTICLE 2 "ADMINISTRATION," DIVISION 3 "PERMITS," ADDING A NEW SECTION 23.2-39 "AFFORDABLE/WORKFORCE HOUSING PROGRAM," PROVIDING FOR AN AFFORDABLE/WORKFORCE HOUSING PROGRAM WITHIN THE CITY OF LAKE WORTH BEACH; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

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

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Publish: The Lake Worth Herald
May 19, 2022

Legal Notice No. 40370

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 N Dixie Highway, Lake Worth Beach on **June 1, 2022 at 6:00 pm** or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on **June 8, 2022 at 6:00 pm** or soon thereafter to consider the following ordinance:

Ordinance 2022-11 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 2 "ADMINISTRATION," DIVISION 3 "PERMITS," SECTION 23.2-31 "SITE DESIGN QUALITATIVE STANDARDS," PROVIDING FOR STANDARDS FOR BUILDINGS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

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

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Publish: The Lake Worth Herald
May 19, 2022



MEMORANDUM DATE: May 2, 2022

AGENDA DATE: May 11, 2022

TO: Chair and Members of the Historic Resources Preservation Board

RE: **623 North Ocean Breeze**

FROM: Department for Community Sustainability

TITLE: **HRPB Project Number 22-00100091:** Consideration of a Certificate of Appropriateness (COA) for roof replacement in a building located at 623 North Ocean Breeze; PCN# 38-43-44-21-15-170-0100. The subject property is a contributing resource within the Old Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is Single Family Residential (SFR).

OWNER(S): Christopher Pope
 623 North Ocean Breeze
 Lake Worth Beach, FL 33460

CONTRACTOR: Robert Donovan, Total Home Roofing

PROPERTY DEVELOPMENT HISTORY:

According to the historical property files, the single-story structure was constructed in 1939 with galvanized shingles. The structure was built in the Minimal Traditional architectural style. The property is listed on the Florida Master Site File (FMSF) as PB07469.

PROJECT DESCRIPTION:

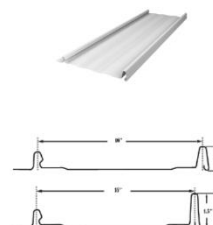
The property owner, Christopher Pope is requesting that the original metal shingles be removed and replaced with a standing seam metal panel roof. The following link is to the Tri County Metals TCM-LOK webpage: <https://tricountymetals.com/tcm-lok-panel/>



TCM-LOK METAL ROOFING PANEL OVERVIEW

The most popular residential standing seam metal roofing panel on the market today. The panel screws are actually concealed underneath the panel and are not visible. That is what makes this panel unique. Available in 24 Gauge.

- Suitable for any roof with a pitch greater than 1/4" / 12."
- Applications: Residential and light commercial
- 1" Rib height available in Galvalume or 302 Aluminum
- Aluminum panels available in 2" rib height
- 1.5" Rib Height version available in 24 Gauge only
- Panel Profile: 15" wide with 1" high ribs
- Substrate: Steel and Aluminum
- Finish: Max Defender, Core Defender, Coastal Defender and Alloy-coated Galvalume® A-55
- Warranty: 20-year limited paint warranty; Max, 40-year limited paint warranty; Core, 25-year Mill Finish warranty; 25-year Aluminum No Set Back Warranty
- Available in flat, ribbed, or vertical



Florida Product Approvals

Exhibit A: Existing and Proposed Roofing Systems



Image of the existing roofing system.



TRI COUNTY METALS
 Metal Roofing (HVHZ)

PRODUCT DESCRIPTION

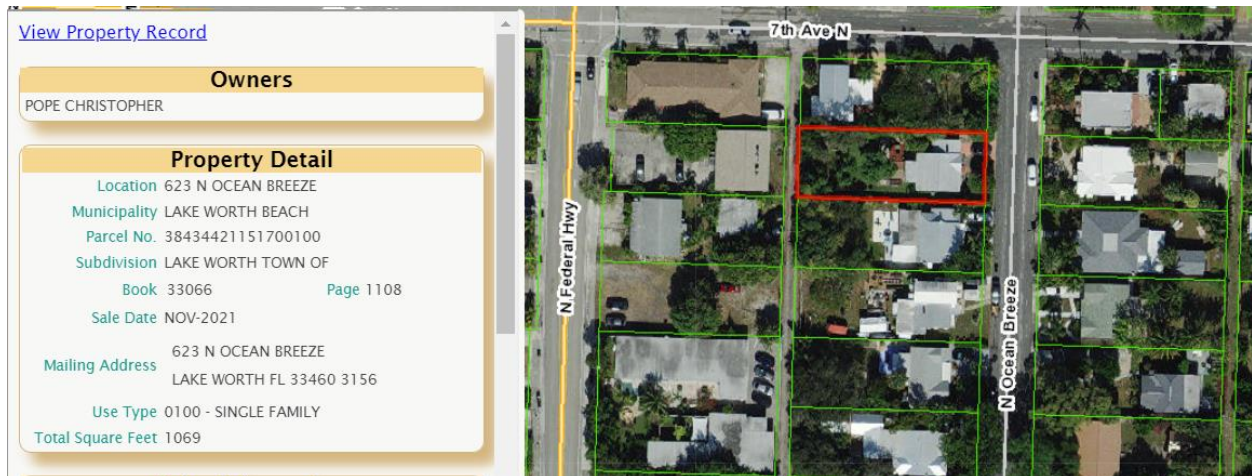
TCM-LOK 1 in.	Profile:	1 in. snap lock seam; Max. 16 in. coverage
	Description:	Non-structural, snap lock standing seam roof panel with 7/8 in. slotted nail strip
	Material:	Min. 24ga ASTM A792 AZ50 steel coated with Fluoropon® or WeatherXL or A792 AZ55 steel (F _y = min. 50 ksi); or Min. 0.032 in. ASTM B209, 3105 H22 aluminum coated with Fluoropon® (F _y = min. 25 ksi); Shall conform with FBC Section 1507.4.3

Proposed standing seam metal roof panel detail.

STAFF RECOMMENDATION: Many of the City’s Frame Vernacular and Frame Minimal Traditional buildings originally utilized a metal shingle. However, few examples of these original metal shingle roofs remain on our historic structures. As there are few remaining examples, **staff is recommending that the proposed roof be maintained or replaced with in-kind products.** However, it should be noted that there are limited replacement options for metal shingle products that also meeting Florida Building Code Requirements. These products include the Victorian shingle by Berridge Manufacturing Co. and the Oxford shingle by Classic Metal Roofing, which provide for a similar, but not identical appearance to the historic metal shingles. Therefore, **staff is also requesting guidance on the appropriateness of alternate materials for future applicants.**

Owner	Christopher Pope
General Location	The west side of North Ocean Breeze between 6 th Avenue North and 7 th Avenue North
PCN	38-43-44-21-15-170-0100
Zoning	Old Lucerne Historic District
Existing Land Use	Single Family Residential (SFR)
Future Land Use Designation	Single Family Residential (SFR)

LOCATION MAP:



Consistency with the Comprehensive Plan

The proposed project is not consistent with Goal 1.4 of the Comprehensive Plan, which encourages preservation and rehabilitation of historic resources. Policy 3.4.2.1 insists that properties of special value for historic, architectural, cultural, or aesthetic reasons be restored and preserved through the enforcement of the City’s Historic Preservation Ordinance to the extent feasible. Per the City’s Historic

Preservation Ordinance (LDR Sec. 23.5-4), the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation, the replacement of missing features should be substantiated by documentary, physical, or pictorial evidence. The current proposal seeks to replace a significant Character-defining architectural feature with a less historically compatible option.

However, it should be noted that there are limited replacement options for metal shingle products that also meeting Florida Building Code Requirements. These products include the Victorian shingle by Berridge Manufacturing Co. and the Oxford shingle by Classic Metal Roofing, which provide for a similar, but not identical appearance to the historic metal shingles. These products can be viewed via the following links:

- Oxford Shingle – Classic Metal Roofing Systems: <https://www.classicmetalroofingsystems.com/product-info/styles/oxford-shingle/>
- Victorian Shingle – Berridge Manufacturing Co: <https://www.berridge.com/products/shingle-systems/>

HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines

The City's Historic Preservation Design Guidelines provide a guide for compatible roof replacements for historic structures within the historic districts. Roofs are amongst the most important character-defining architectural features, but they are also one of the most commonly replaced features of a building. Roof replacement should match the original features in design, color, texture, and other visual qualities and, where possible, materials. The wood framed Minimal Traditional architectural style structures originally featured metal shingles as described in the Minimal Traditional section of the City's Historic Preservation Design Guidelines, which can be viewed digitally via the link below:

<https://lwbdata.sfo3.cdn.digitaloceanspaces.com/community-sustainability/historic/7-2021/Lake%20Worth%20Beach%20Historic%20Preservation%20Design%20Guidelines.pdf>

Staff Analysis: The roof replacement is depicted exhibit A, above. Based on the existing original roof and the City's Historic Preservation Design Guidelines, staff contends that the proposed standing seam metal panel roofing system is not an appropriate replacement for the original metal shingle roofing system.

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

Certificate of Appropriateness

All exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City's Historic Preservation Ordinance, detailed in the section below. The Minimal Traditional architectural style section of the City's Historic Preservation Design Guidelines is included as **an attachment**.

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: Based on the existing original roof and the City's Historic Preservation Design Guidelines, staff contends that the proposed standing seam metal panel roofing system is *not a successful replacement* for metal shingles. However, it should be noted that there limited available product options that also meet Florida Building Code Requirements. Further, the existing product options are similar, but to not exactly replicate the existing roof material.

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

Staff Analysis: The proposed roof replacement will detract from the overall historic character of Old Lucerne Local Historic District the by reducing an already limited number of original metal shingle roofs in this 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: Per the regulations set forth in the City's Historic Preservation Design Guidelines, replacement roofs shall replicate the appearance of the original roofing material. The standing seam metal panel roofing system will reduce the overall historic character of this property.

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

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

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

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

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

Staff Analysis: The proposal, is not in compliance with the City's Historic Preservation Design Guidelines Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, or the City's Land Development Regulations, Historic Preservation Ordinance (LDR Sec. 23.5-4).

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

Staff Analysis: The structure is designated as a contributing resource within a local historic district. The resource is a Minimal Traditional building, which has a distinct set of architectural characteristics. The proposed roof is not a successful replacement for the original metal shingles.

Section 23.5-4(K)(2) *Additional guidelines for alterations and additions.* In approving or denying applications for certificates of appropriateness for alterations and additions, the city shall also consider the following additional guidelines:

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: Yes, in this case the original character of the building associated with the roof's appearance would be destroyed by the removal and replacement of the original metal shingle with a standing seam metal panel roofing system.

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

Staff Analysis: The proposed standing seam metal roof would be visually compatible with with other structures in the district from a primary or secondary public street but would not be the most compatible option.

- 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.

- (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.

- (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.

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

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

PUBLIC COMMENT:

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

CONCLUSION:

The subject application is not consistent with the Minimal Traditional architectural style and the Historic Preservation Design Guidelines requirements as proposed. Many of the City's Frame Vernacular and Frame Minimal Traditional buildings originally utilized a metal shingle. However, few examples of these original metal shingle roofs remain on our historic structures. As there are few remaining examples, **staff is recommending that the proposed roof be maintained or replaced with in-kind products.** However, it should be noted that there are limited replacement options for metal shingle products that also meeting Florida Building Code Requirements. These products include the Victorian shingle by Berridge Manufacturing Co. and the Oxford shingle by Classic Metal Roofing, which provide for a similar, but not identical appearance to the historic metal shingles. **Therefore, staff is also requesting guidance on the appropriateness of alternate materials for future applicants.**

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 22-00100091 with staff recommended conditions for a Certificate of Appropriateness (COA) for roof replacement for the property located at **623 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 22-00100091 for a Certificate of Appropriateness (COA) for roof replacement for the property located at **623 North Ocean Breeze**, because the applicant has not established by competent substantial evidence that the application complies with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- Applicant's supporting documentation (Product NOA)



City of
**Lake Worth
Beach**
FLORIDA™

DEPARTMENT FOR COMMUNITY SUSTAINABILITY
Planning Zoning Historic Preservation Division
1900 2ND Avenue North
Lake Worth Beach, FL 33461
561-586-1687



MEMORANDUM DATE: June 2, 2021

AGENDA DATE: June 8, 2022

TO: Chair and Members of the Historic Resources Preservation Board

RE: **814 North Ocean Breeze**

FROM: Erin Sita, Assistant Director
Yeneneh Terefe, Preservation Planner
Department for Community Sustainability

TITLE: HRPB Project Number 22-00100212: Consideration of Certificate of Appropriateness (COA) for roof replacement and an Unreasonable Economic Hardship Application for the property located at **814 North Ocean Breeze**; PCN #38-43-44-21-15-232-0040. The subject property is a non-contributing resource to the Northeast Lucerne Local Historic District and is located within the Single-Family Residential (SF-R) zoning district.

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

PROPERTY DEVELOPMENT HISTORY:

Based on the historical property files, the single-family residence located at 814 North Ocean Breeze was completed on December 30, 1947, in the Masonry Vernacular architectural style. The file indicates that the original roofing material was asbestos shingles. Several modifications have occurred over time. In 1967 the asbestos shingles were removed, and the home was re-roofed with concrete tiles. In 1987 an addition, concrete patio, and in-ground pool were added. The addition was roofed with concrete tile while the patio roof was insulated aluminum. In 1988 the carport was enclosed with a louvered panel trellis and new door.

PROJECT DESCRIPTION:

The property owner, Hilary Broder, is requesting a Certificate of Appropriateness (COA) to replace the existing gable white concrete tile roof with new Owens Corning Lifetime Duration Series 130mph Dimensional Shingle roof. The request is accompanied by an Unreasonable Economic Hardship application (LDR Section 23.5-4(I)(4)). 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 has a Future Land Use (FLU) designation of Single Family Residential (SFR).

The application will require the following approval:

1. **COA** for roof replacement accompanied by an Unreasonable Economic Hardship Application

Exhibit 1 – Concrete Tile Roof Installed in 1967



PROJECT BACKGROUND:

In May of 2022, COA application #22-00100212 was submitted by the applicant’s contractor for the replacement of the existing gable white concrete tile roof with a new dimensional asphalt shingle roof. Due to the increase in cost between a Design Guideline compliant white concrete tile roof and the requested asphalt shingle roof, the property owner submitted an Unreasonable Economic Hardship application in May 2022.

STAFF RECOMMENDATION:

Staff recommends that the Board review the criteria and documentation supplied by the applicant to determine if replacing the barrel tile roof with an asphalt shingle roof would pose an unreasonable economic hardship for the property owner. If the Board determines that there is an economic hardship, staff has drafted conditions of approval for a light grey dimensional asphalt shingle roof to replace the existing white barrel tile roof.

PROPERTY DESCRIPTION:

Owner	Hilary 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 Residence
Future Land Use Designation	Single Family Residential (SFR)

LOCATION MAP:



Consistency with the Comprehensive Plan

The proposed project is not in compliance with Policy 3.4.2.1 which 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 non-contributing resource at 814 N. Ocean Breeze currently has a white flat concrete tile roof which was install in 1967. Concrete tile roofing is typical roof material for the masonry vernacular architectural style.

HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines Analysis

The City’s Historic Preservation Design Guidelines provide a guide for compatible roof replacement for structures within the historic districts based on the structure’s architectural style. Replacement products for historic structures should match the original features in design, color, texture, and other visual qualities and, where possible, materials. Pages 53-64 of the City’s Historic Preservation Design Guidelines provide a guide for compatible roof types for Masonry Vernacular Structures. Per the Design Guidelines,

Masonry Vernacular roofs for buildings constructed after 1930 were typically flat white concrete tile, or occasionally asbestos shingle or white glazed barrel tile.

Roof material is an important character-defining feature for a historic property. Per the Design Guideline, new white flat or barrel concrete tiles are the most successful replacement options for original white tile roofs. 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.

This style of architecture primarily used flat white concrete tiles or white concrete barrel tiles as a roofing material. The buildings are typically linear in appearance, often one story, and utilized horizontal details in the 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. Asphalt shingles are labeled as an unsuccessful replacement option for original concrete tiles, as the proportions, dimensions, material, and related visual qualities are not consistent with tiles. However, an asphalt shingle roof would be considered a successful replacement of an asbestos shingle roof, which was the original roofing material installed when the structure was built in 1947.

Certificate of Appropriateness

Exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. The applicant has requested approval for dimensional asphalt shingles. The HRPB, as tasked in the LDR Sec. 23.2-7(C)(7), shall review the request and supporting exhibits to determine if a COA may be granted. 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 applicant has submitted a request for a COA for the replacement of the existing white concrete tile roof with a new dimensional asphalt shingle roof. The request is accompanied by a request for relief through an Unreasonable Economic Hardship application.

- 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 College Park Local Historic District but could impact the character of the surrounding 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 structure currently has a white concrete tile roof, which is a character defining roof material for Masonry Vernacular residences. The request to install a new asphalt shingle roof will alter the design, arrangement, texture, material, and potentially color, of the non-contributing resource's roof.

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

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

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

Staff Analysis: Yes, the applicant's plans can be carried out in a reasonable time frame.

- 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 compatible roofing materials and roof replacement. A request for an asphalt shingle roof does not satisfy the requirements of the Historic Preservation Design Guidelines or the Secretary of Interior Standards as this material is not a visually compatible replacement option for flat white concrete tiles.

- 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: Replacing the existing white concrete tile roof with a new asphalt shingle roof does not pose the least possible adverse effect, as the roof could be replaced in-kind with a new flat concrete tile in white.

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 existing character-defining white concrete tile roof would be removed if the application is approved.

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

Staff Analysis: Many masonry structures from the 1940's and 1950's on Columbia Drive have lost their concrete tile roofs over time. They have largely been replaced with asphalt shingles. A change from white concrete tiles to asphalt shingles would not be visually incompatible with neighboring properties.

UNREASONABLE ECONOMIC HARDSHIP ANALYSIS:

LDR Section 23.5-4 (I)

According to the City of Lake Worth Beach, Land Development Regulations, Section, 23.5-4(I)(1), no decision of the development review officer, HRPB, or the city commission shall result in an unreasonable economic hardship for the property owner. The HRPB shall have the authority to determine the existence of an unreasonable economic hardship in accordance with the criteria set forth in this section. The applicant shall have the burden of proving by substantial competent evidence that denial of a certificate of appropriateness or imposition of conditions on a certificate of appropriateness have caused or will cause an unreasonable economic hardship for the owner of the property. The following addresses the submission of evidence with respect to the applicant's requested economic hardship.

City of Lake Worth Land Development Regulation Section 23.5-4(I), *Supplemental standards to determine if unreasonable economic hardship exists*, has been included in this staff report as **Attachment F**.

LDR Section 23.5-4(I)(3): Evidence considered for all property

- A. Whether the owner knew or should have known of the landmark or historic district designation at the time of acquisition and whether the structure or district was designated subsequent to acquisition.

Staff Response: Per the applicant's affidavit, she did not know at the time of acquisition that the property was located within a historic district. The property's ownership was through inheritance in 2020 from brother to sister.

- B. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between seller and buyer.

Staff Response: Per the applicant's affidavit, the property's ownership was transferred in 2020 from brother to sister.

- C. The form of ownership of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other form, and whether or not it is a homestead property.

Staff Response: Per the applicant's affidavit, the property is owned in a sole proprietorship with the intended use as a homesteaded property.

- D. An estimate of the cost of the proposed construction, alteration, demolition, or removal.

Staff Response: Per the applicant's affidavit, roof replacement proposals from one company are provided in the application

- E. The assessed value of the property according to the two (2) most recent assessments.

Staff Response: Per Palm Beach County Property Appraiser, in 2021 the property had an assessed land value of \$121,750 and an improvement value of \$155,471 with a total market value of \$277,221. In 2020, the property had an assessed land value of \$100,000 and an improvement value of \$150,519 with a total market value of 250,519.

- F. The real estate taxes for the previous two (2) years.

Staff Response: Per the Palm Beach County Constitutional Tax Collector, the real estate taxes totaled \$5,988 in 2021 and \$6,398 in 2020.

- G. Annual debt service or mortgage payments if any, for the previous two (2) years.

Staff Response: Not Applicable.

- H. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.

Staff Response: Not Applicable.

- I. Any information that the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years, including testimony and relevant documents regarding:

- (a) Any real estate broker or firm engaged to sell or lease the property.
- (b) Reasonableness of the price or rent sought by the applicant.
- (c) Any advertisements placed for the sale or rent of the property.

Staff Response: Not applicable. The applicant does not intend to sell the property.

- J. Any Phase I or any other environmental analysis prepared for the site.

Staff Response: Not Applicable.

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K. Any information regarding the unfeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:

(a) A report from a professional engineer registered in the State of Florida or an architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

Staff Response Not Applicable

(b) An estimate of the costs of construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the HRPB concerning the appropriateness of the proposed alterations.

Staff Response: Staff directs attention to evidence submitted in **Attachment C**.

(c) The estimated market value of the property in its current condition, after completion of the demolition, after completion of the proposed construction and after renovation of the existing property for continued use.

Staff Response: Not Applicable

(d) In the case of a proposed demolition, an estimate from an architect, developer, licensed contractor, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

Staff Response: Not applicable.

(e) Financial documentation of the ability to complete the replacement project, which may include, but is not limited to, a performance bond, a letter of credit or a letter of commitment from a financial institution.

Staff Response: The applicant has provided a summary statement of their financial ability to complete the replacement project. The applicant has stated that they are retiree on a fixed income. No supporting documents from financial institutions were included in the submittal.

(f) The fair market value of the property, as determined by at least two (2) independent certified appraisals.

Staff Response: Per the applicant’s affidavit, they were not able to afford two independent appraisals at this time. However, they have provided a Zillow estimate of the property’s value of approximately \$542,500, which has increased to \$561,500 at the time of the publication of this report.

- L. Any state or federal income tax returns relating to the property or the owner for the past two (2) years. These forms may be redacted for confidentiality purposes.

Staff Response: A tax and income document was provided and is included in **Attachment E**.

- M. Any other information considered necessary by the HRPB in making its determination.

Staff Response: Per the applicant’s affidavit, the applicant is willing to provide additional information at the request of the HRPB.

Alternative remedies per LDR Section 23.5-4(I)(7)

If the HRPB determines that the applicant has proved that an unreasonable economic hardship exists, it shall consider whether other relief is available that will not result in unreasonable economic hardship, but which will provide the least adverse effect on the site or its historic, architectural, archeological or cultural features. If found, and within its power, the HRPB may grant this relief, or grant the requested relief with appropriate conditions attached thereto, so as to insure the least possible adverse effect on the historic property which does not result in unreasonable economic hardship.

Staff Response: Staff defers to the Board to determine if there are alternative remedies that will not result in unreasonable economic hardship and will have the least adverse effect on the resource.

Issuance of certificate per LDR Section 23.5-4(I)(8):

If, after full consideration of all other possible relief, the HRPB determines that unreasonable economic hardship shall result unless the specific relief requested is granted, the HRPB shall promptly grant the certificate of appropriateness for such relief.

PUBLIC COMMENT:

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

CONCLUSION:

The City’s historic preservation ordinance tasks the Board to review the criteria and documentation supplied by the applicant and determine if replacing the roof with a new Design Guidelines compliant roof would pose an unreasonable economic hardship for the property owner. Should the Board determine that replacing the roof with a Design Guidelines complaint roof would cause an unreasonable economic hardship, staff has included conditions of approval to help mitigate the visual impact.

Conditions of Approval

1. The replacement roof shall utilize a light grey dimensional or architectural asphalt shingles. Three-tab shingles shall not be approved.

POTENTIAL MOTIONS:

I MOVE TO **APPROVE** HRPB Project Number 22-00100212 for a Certificate of Appropriateness (COA) for roof replacement with asphalt shingles due to an unreasonable economic hardship 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 22-00100212 for a Certificate of Appropriateness (COA) for roof replacement with asphalt shingles 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 and because replacing the roof with a Design Guidelines compliant roof does not pose an unreasonable economic hardship.

ATTACHMENTS:

A. Applicant's Supporting Documentation



MEMORANDUM DATE: June 2, 2022

AGENDA DATE: June 8, 2022

TO: Chair and Members of the Historic Resources Preservation Board

RE: **201 Ocean Breeze**

FROM: Department for Community Sustainability

TITLE: HRPB Project Number 21-00100148: Consideration of a Certificate of Appropriateness (COA) for a second-floor addition, new wrap around porch, and new detached garage including an accessory dwelling unit (ADU) above it for a building located at 201 Ocean Breeze; PCN# 38-43-44-21-15-095-0090. The subject property is a contributing resource within the South Palm Park Historic District. The property is located in the Multi-family Residential (MF-20) zoning district.

OWNER(S): Aimee Jones and Matt Palmer
201 Ocean Breeze
Lake Worth Beach, FL 33460

Architect: Geoffrey B. Harris
215 Wenonah Place
West Palm Beach, FL 33405

PROPERTY DEVELOPMENT HISTORY:

According to the City's historical property files the original structure was built in 1940. The Florida Master Site File defines the architectural style as a mixture of Tudor and Colonial Revival, with no dominant style. Modifications have been minimal; a 16' x 10' greenhouse was constructed in 1961 and a 20' x 20' patio was demolished and removed in 2001.

PROJECT DESCRIPTION:

The property owners, Aimee Jones and Matt Palmer, are requesting a COA to remodel and add a detached garage, accessory building, and accessory dwelling unit (ADU) to the property. The modification will include an addition to expand the existing master bedroom to the east above the existing one-story Florida room. It will also create a new wrap-around first-floor porch. The ADU will create a new two-story structure with a two-car garage on the ground floor and a two-bedroom apartment above. The subject property is located at 201 Ocean Breeze on the corner of Ocean Breeze and 2nd Avenue South. The application as proposed would require a historic waiver to LDR Section 23.4-1 to allow for the accessory dwelling unit (ADU) with garage to exceed 60% of the total square footage of the principal structure allowed for ADUs.

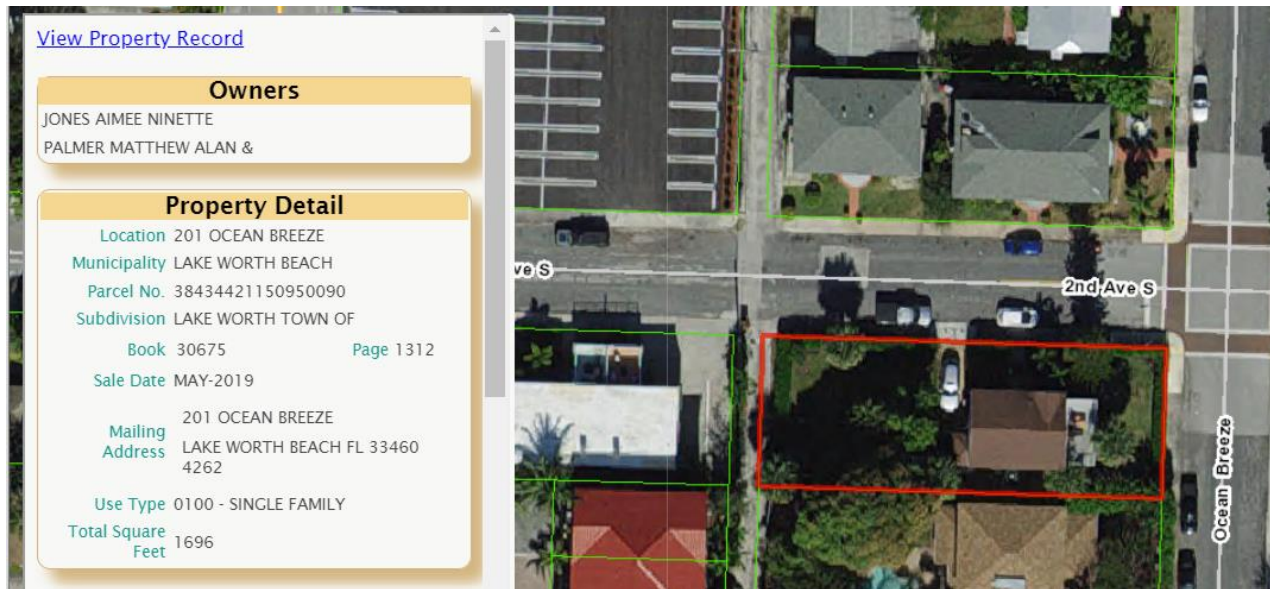
Exhibit 1 – Proposed Modifications



STAFF RECOMMENDATION: Staff recommends approval of the proposed exterior alterations. The proposed second story extension and proposed first-floor wrap-around porch will provide additional living space and exterior space with materials and detailing that are consistent with the existing structure and require minimal modification. The new accessory building / ADU is designed to reflect the “Tudor Revival” component of the existing structure with a masonry base capped by timbered stucco. However, the proposed accessory is larger than what is permitted in the City’s Land Development Regulations in the MF-20 zoning district. Therefore, staff is recommending that the HRPB discuss if the larger accessory structure is contextually appropriate within the district and if a waiver is appropriate. With these criteria in mind, staff contend that these modifications are successful in complying with the City’s design guidelines and historic preservation ordinance.

Owner	Aimee Jones and Matt Palmer
General Location	The Corner of Ocean Breeze and 2 nd Avenue South
PCN	38-43-44-21-15-095-0090
Zoning	South Palm Park
Existing Land Use	Low Density Multi-family (MF-20)
Future Land Use Designation	Medium Density Residential (MDR)

LOCATION MAP:



Consistency with the Comprehensive Plan

The subject site is located in the Low Density Multi-family (MF-20) designation. The future land use designation is Medium Density Residential (MDR). The new addition to the second-floor master bedroom above the existing Florida room, the construction of a new wood-frame wrap around porch, and the construction of a new wood-frame detached garage with a new second story accessory dwelling unit (ADU) are consistent with this designation.

Policy 3.4.2.1 insists that properties of special value for historic, architectural, cultural, or aesthetic reasons be restored and preserved through the enforcement of the City’s Historic Preservation Ordinance to the extent feasible. Per the City’s Historic Preservation Ordinance (LDR Sec. 23.5-4), the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation, changes to the exterior of contributing structures must ensure that the setbacks, height, mass, bulk, and orientation to a public street are compatible with neighboring properties within the historic district. Building materials and details of architectural style and their preservation or replacement shall consider the integrity of overall architectural style and materials. The new addition to the second-floor master bedroom above the existing Florida room, the construction of a new wood-frame wrap around porch, and the construction of a new wood-frame detached garage with a new second story accessory dwelling unit are designed with these criteria in mind and meet the intent of the policy.

ZONING ANALYSIS:

The subject application was reviewed for general consistency with the requirements of LDR Section 23.3-1- MF-20. The proposed project appears to be generally consistent with the requirements of the zoning district, except that the proposed application exceed the maximum square footage allowed for an accessory structure. Approval of the application as proposed would require a historic waiver allowing for the proposed ADU structure with garage to exceed 60% of the principal structure, or 1,179 sf. Formal and

complete review for compliance with the City’s Land Development Regulations, including landscaping and fencing/walls, will be conducted at building permit review. Therefore, staff has drafted a condition of approval clarifying that review and approval for zoning compliance shall occur at building permit review.

Development Standard		MF-20 Zoning District	Provided
Setbacks	Front (min build-to line)	20'	+/- 30'
	Rear (min)	15' Principal Structure 10' ADU	11'
	Street Side (min)	5'	5'
	Interior Side (min)	5'	5'
Impermeable Surface Coverage (maximum)		60%	60%
Structure Coverage (max)		40%	30%
ADU with garage (max)		60% of structure (1,179 sf)	73.6% (1,358 sf)
Building Height (max)		30' Principal Structure 24' Accessory Structure	Not provided (existing)/ 19'8" ADU
Maximum Wall Height at Side Setback		18'	17'
Floor Area Ratio (FAR) (max)		0.55	0.49
Parking		3 spaces	2 spaces in garage 1 space on-street

HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines

The City’s Historic Preservation Design Guidelines provide standards and recommendations for rehabilitation of historic buildings. New exterior additions to historic buildings expand and change the building’s footprint and profile.

New additions should be designed and constructed so that the character defining features of the historic building are not radically changed, obscured, damaged, or destroyed in the process. New additions should be differentiated from, yet compatible with, the old so that the addition does not appear to be part of the historic fabric.

Staff Analysis: The proposed second story extension and proposed first-floor wrap-around porch will provide additional living space and exterior space with materials and detailing that are consistent with the existing structure and require minimal modification. The new accessory building / ADU is designed to reflect the “Tudor Revival” component of the existing structure with a masonry base capped by timbered stucco. With these criteria in mind, staff contend that these modifications are successful in complying with the City’s design guidelines and historic preservation ordinance.

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

Certificate of Appropriateness

All exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City's Historic Preservation Ordinance, detailed in the section below. While the mixed Tudor Revival/Modified Colonial architectural style is not defined directly in the City's Historic Preservation Design Guidelines, recommendations for rehabilitation of historic buildings are included and applicable to all architectural styles. The Design guidelines are available on the City's webpage located here: <https://lakeworthbeachfl.gov/community-sustainability/historic-preservation/>

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: Based on the direction provided in the City's Historic Preservation Design Guidelines, staff contend that the proposal is *successful* in complimenting the existing architectural style.

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

Staff Analysis: The proposed modifications will have no direct physical effect on any surrounding properties within the South Palm Park 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 modifications compliment the historic and architectural, significance of the subject property. The design, arrangement, texture, materials and color of the modifications compliment the original features of the structure.

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

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

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

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

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

Staff Analysis: The proposed modifications are in compliance with the City's Historic Preservation Design Guidelines Design Guidelines, Secretary of the Interior's Standards for Rehabilitation, and the City's Land Development Regulations, Historic Preservation Ordinance (LDR Sec. 23.5-4).

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

Staff Analysis: The structure is designated as a contributing resource within a local historic district. The proposed modifications will have no adverse effects on the structure's features which serve as the basis for its contributing designation.

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 modifications will not destroy any distinguishing original qualities or characteristics of the building. They will differentiate from, yet be compatible with, the structure's original characteristics.

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

Staff Analysis: Yes, the proposed modifications will be visually compatible with neighboring properties.

- C. 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.

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

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

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

Staff Analysis: Not applicable.

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

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

Section 23.5-4.r) Incentives for improvements to designated landmark and contributing properties.

2. Waiver or modification of certain land development regulations. In addition, the HRPB may waive or modify certain land development regulation requirements. Waiver or modification may occur concurrently with issuance of a certificate of appropriateness or upon initial designation of a landmark or of a historic district. Waivers may include setbacks, lot width, area requirements, height limitations, open space requirements, vehicular parking and circulation requirements, design compatibility requirements and similar development regulations. No waiver shall be permitted for permitted land uses, density or environmental and health standards. Before granting a waiver or modification, the HRPB must find that:
 - (A) The waiver or modification is in harmony with the general appearance and character of the neighborhood or district.

Staff Analysis: The proposed waiver would allow for additional larger dwelling unit in the multi-family zoning district in a manner that would minimize the addition square footage to the principal contributing historic structure.

(B) The project is designed and arranged in a manner that minimizes aural and visual impact on adjacent properties while affording the owner reasonable use of the land.

Staff Analysis: The larger accessory structure is located to the rear of the project and is separate from the principal structure as to be visually distinct.

(C) The waiver or modification will not injure the area or otherwise be detrimental to the public health, safety or welfare.

Staff Analysis: Not applicable.

(D) The waiver or modification is the minimum necessary to allow reasonable use of the property while preserving its historical attributes

Staff Analysis: The accessory structure and garage could be reduced; the request is not the minimum to allow reasonable use of the property.

PUBLIC COMMENT:

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

CONCLUSION:

The new accessory building (ADU) is designed to reflect the “Tudor Revival” component of the existing structure with a masonry base capped by timbered stucco. The proposed modifications differentiated from, yet are compatible with, the original structure’s design elements. In this way the addition will complement the original structure without appearing to be part of the historic fabric.

However, the proposed accessory is larger than what is permitted in the City’s Land Development Regulations in the MF-20 zoning district. Should the HRPB determine that the larger accessory structure is contextually appropriate within the district and a waiver is appropriate, staff contend that these modifications are successful in complying with the City’s design guidelines and historic preservation ordinance.

Conditions of Approval

- 1) The existing trim shall remain where applicable. If any element is too deteriorated for continued use, it shall be replaced in-kind, subject to staff review at permitting.
- 2) New doors and windows shall be recessed within the wall, and shall not be installed flush with the exterior wall.
- 3) All divided-light patterns shall be created utilizing exterior raised applied muntins. Exterior flat muntins or “grills between the glass” shall not be permitted.

- 4) All glazing shall be clear, non-reflective and without tint. Low-E (low emissivity) is allowed but the glass shall have a minimum 60% visible light transmittance (VLT) measured from the center of glazing. Glass tints or any other glass treatments shall not be combined with the Low-E coating to further diminish the VLT of the glass.
- 5) Zoning compliance for the proposed project shall be determined at building permit review.
- 6) A minimum of 1 shade tree shall be required and invasive plant and tree species shall be removed, including the umbrella plant (cyperus prolifer). Landscaping shall be reviewed for compliance with the City's landscape requirements at permit.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 21-00100148 with staff recommended conditions for a Certificate of Appropriateness (COA) for door replacement for the property located at **201 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 21-00100148 for a Certificate of Appropriateness (COA) for door replacement for the property located at **201 Ocean Breeze**, because the applicant has not established by competent substantial evidence that the application complies with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- Applicant's Supporting Documentation



DATE: May 25, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

SUBJECT: **Ordinance 2022-11:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 related to “Site Design Qualitative Standards.”

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to revise the site design qualitative standards to provide additional guidance, consistency, clarity and additional standards related to building design and sustainable performance. The City Commission also expressed a desire to ensure the design of new buildings would be of a high-quality architectural design that also would be respectful of the existing streetscape. The new building performance standards would require new buildings to exceed industry standards with regard to greenhouse emissions, carbon footprint and utilization of recycled materials as well as reductions in water and energy usage. New buildings also shall be required to incorporate design features that support multi-modal transportation, amenities that are conducive to enhancing community pride and social interaction, and safety features. Further, design elements, performance standards and/or specifications to enhance the public’s awareness and appreciation of the community’s commitment to the incorporation of sustainable qualities, values and principles as outlined in the ordinance on page 6.

Due to the complexity and comprehensive nature of the newly proposed sustainability requirements, an additional staff position or the use of outside consultants shall be required for the review of the proposed building performance standards.

The proposed amendments would amend the LDR in Chapter 23 of the City’s Code of Ordinances as follows:

- Article 2, Section 23.2-31 – Site Design Qualitative Standards

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-11.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-11.

Attachments

A. Draft Ordinance 2022-11

1
2
3 **ORDINANCE 2022-11 - 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,” SECTION 23.2-31 “SITE DESIGN**
7 **QUALITATIVE STANDARDS,” PROVIDING FOR STANDARDS FOR**
8 **BUILDINGS; AND PROVIDING FOR SEVERABILITY, CONFLICTS,**
9 **CODIFICATION AND AN EFFECTIVE DATE**

10
11
12 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
13 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
14 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
15 municipal government, perform municipal functions, and render municipal services, and
16 may exercise any power for municipal purposes, except as expressly prohibited by law;
17 and

18
19 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
20 body of each municipality in the state has the power to enact legislation concerning any
21 subject matter upon which the state legislature may act, except when expressly prohibited
22 by law; and

23
24 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,”
25 Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative Standards” to amend the
26 section to provide further guidance, consistency, clarity and additional standards for
27 buildngs; and

28
29 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
30 municipality having such power and authority conferred upon it by the Florida Constitution
31 and Chapter 166, Florida Statutes; and

32
33 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
34 agency, considered the proposed amendments at a duly advertised public hearing; and

35
36 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
37 planning agency, considered the proposed amendments at a duly advertised public
38 hearing; and

39
40 **WHEREAS**, the City Commission finds and declares that the adoption of this
41 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
42 City, its residents and visitors.

43
44 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
45 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

46
47 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
48 being true and correct and are made a specific part of this ordinance as if set forth herein.
49

50 **Section 2:** Chapter 23 “Land Development Regulations,” Article 2
51 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site design qualitative standards,”
52 is hereby amended to read as follows:

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

- 54 a) *Intent.* It is the intent of this section to promote safety and minimize negative impacts
55 of development on its neighbors by establishing qualitative requirements for the
56 arrangements of buildings, structures, parking areas, landscaping and other site
57 improvements. The qualitative standards are designed to ensure that site
58 improvements are arranged in ways which cannot be otherwise accomplished with
59 quantitative standards.
- 60 b) *Application.* The site design qualitative standards set forth in this section shall apply
61 to all development subject to site plan review under section 23.2-30, and to all
62 conditional uses.
- 63 c) *Qualitative development standards.*
- 64 1. *Harmonious and efficient organization.* All elements of the site plan shall be
65 harmoniously and efficiently organized in relation to topography, the size and
66 type of plot, the character of adjoining property and the type and size of
67 buildings. The site shall be developed so as to not impede the normal and orderly
68 development or improvement of surrounding property for uses permitted in these
69 LDRs.
- 70 2. *Preservation of natural conditions.* The natural (refer to landscape code, Article
71 6 of these LDRs) landscape shall be preserved in its natural state, insofar as
72 practical, by minimizing tree and soil removal and by such other site planning
73 approaches as are appropriate. Terrain and vegetation shall not be disturbed in
74 a manner likely to significantly increase either wind or water erosion within or
75 adjacent to a development site. Natural detention areas and other means of
76 natural vegetative filtration of stormwater runoff shall be used to minimize ground
77 and surface water pollution, particularly adjacent to major waterbodies as
78 specified in ~~Part II~~, Chapter 12, Health and Sanitation, Article ~~VIII~~, Fertilizer
79 Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to
80 development adjacent to waterbodies. Marinas shall be permitted only in water
81 with a mean low tide depth of four (4) feet or more.
- 82 3. *Screening and buffering.* Fences, walls or vegetative screening shall be provided
83 where needed and practical to protect residents and users from undesirable
84 views, lighting, noise, odors or other adverse off-site effects, and to protect
85 residents and users of off-site development from on-site adverse effects. This
86 section may be interpreted to require screening and buffering in addition to that
87 specifically required by other sections of these LDRs, but not less.
- 88 4. *Enhancement of residential privacy.* The site plan shall provide reasonable,
89 visual and acoustical privacy for all dwelling units located therein and adjacent
90 thereto. Fences, walks, barriers and vegetation shall be arranged for the
91 protection and enhancement of property and to enhance the privacy of the
92 occupants.

- 93 5. *Emergency access.* Structures and other site features shall be so arranged as
94 to permit emergency vehicle access by some practical means to all sides of all
95 buildings.
- 96 6. *Access to public ways.* All buildings, dwelling units and other facilities shall have
97 safe and convenient access to a public street, walkway or other area dedicated
98 to common use; curb cuts close to railroad crossings shall be avoided.
- 99 7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system
100 which is insulated as completely as reasonably possible from the vehicular
101 circulation system.
- 102 8. *Design of ingress and egress drives.* The location, size and numbers of ingress
103 and egress drives to the site will be arranged to minimize the negative impacts
104 on public and private ways and on adjacent private property. Merging and
105 turnout lanes traffic dividers shall be provided where they would significantly
106 improve safety for vehicles and pedestrians.
- 107 9. *Coordination of on-site circulation with off-site circulation.* The arrangement of
108 public or common ways for vehicular and pedestrian circulation shall be
109 coordinated with the pattern of existing or planned streets and pedestrian or
110 bicycle pathways in the area. Minor streets shall not be connected to major
111 streets in such a way as to facilitate improper utilization.
- 112 10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall
113 be designed for maximum efficiency. They shall occupy no more land than is
114 required to provide access, nor shall they unnecessarily fragment development
115 into small blocks. Large developments containing extensive public rights-of-way
116 shall have said rights-of-way arranged in a hierarchy with local streets providing
117 direct access to parcels and other streets providing no or limited direct access
118 to parcels.
- 119 11. *Off-street parking, loading and vehicular circulation areas.* Off-street parking,
120 loading and vehicular circulation areas shall be located, designed and screened
121 to minimize the impact of noise, glare and odor on adjacent property.
- 122 12. *Refuse and service areas.* Refuse and service areas shall be located, designed
123 and screened to minimize the impact of noise, glare and odor on adjacent
124 property.
- 125 13. *Protection of property values.* The elements of the site plan shall be arranged so
126 as to have minimum negative impact on the property values of adjoining
127 property.
- 128 14. *Transitional development.* Where the property being developed is located on the
129 edge of the zoning district, the site plan shall be designed to provide for a
130 harmonious and complementary transition between districts. Building exteriors
131 shall complement other buildings in the vicinity in size, scale, mass, bulk, height,
132 rhythm of openings and character. Special consideration ~~Consideration~~ shall be
133 given to a harmonious transition in height and design style so that the change in
134 zoning districts is not accentuated. Additional consideration shall be given to
135 complementary setbacks between the existing and proposed development.

136 15. *Consideration of future development.* In finding whether or not the above
137 standards are met, the review authority shall consider likely future development
138 as well as existing development.

139 d) *Buildings, generally.*

140 1. Buildings or structures which are part of a present or future group or complex
141 shall have a unity of character, style, integrity and design. Their architectural
142 style(s) shall be clearly expressed and detailed appropriately to vocabulary of
143 the style(s) and be of high quality in terms of materials, craftsmanship and
144 articulation. The relationship of building forms through of the use, texture and
145 color of material(s) shall be such as to create one (1) harmonious whole. When
146 the area involved forms an integral part of, is immediately adjacent to, or
147 otherwise clearly affects the future of any established section of the city, the
148 design, scale, height, setback, massing and location ~~of~~ on the site shall enhance
149 rather than detract from the character, value and attractiveness of the
150 surroundings. Harmonious does not mean or require that the buildings be the
151 same.

152 2. Buildings or structures located along strips of land or on a single site, and not a
153 part of a unified multi-building complex shall achieve as much visual harmony
154 and compatibility with the surroundings as is possible under the circumstances.
155 The overall building fenestration, orientation, rhythm, height, setback, mass and
156 bulk of an existing streetscape shall be respected. If a building is built in an
157 undeveloped area, ~~three-9~~ (~~three~~ nine) primary requirements shall be met, including
158 honest design construction, proper design concepts, appropriate use of high-
159 quality materials, and appropriateness to compatibility with the overall character
160 of the city-, appreciation of location, respectful transition, activation of the
161 streetscape, building form(s) following proposed function(s) and overall
162 sustainability.

163 3. All façades visible to public or adjacent property shall be designed to create a
164 harmonious whole. Materials shall express their function clearly and not appear
165 foreign to the rest of the building. Facades shall have visual breaks every 75 feet
166 at a minimum. The breaks shall be setbacks of either 8" or 12" or more to create
167 reveal lines or step backs on the façade and to add rhythm. Buildings in Lake
168 Worth Beach typically have facades arranged in 25-foot or 50-foot increments.
169 Breaks in facades also may be achieved through the use of differing but
170 complementary and harmonious architectural styles. The massing elements of
171 each façade shall have a height to width ratio approximating the golden ratio of
172 1.618, either vertically or horizontally.

173 4. The concept of harmony shall not infer that buildings must look alike or be of the
174 same style. Harmony can be achieved through the proper consideration of
175 setback, floor to floor height, scale, mass, bulk, proportion, overall height,
176 orientation, site planning, landscaping, materials, rhythm of solids to voids and
177 architectural components including but not limited to porches, roof types,
178 fenestration, ~~entrances, orientation~~ and stylistic expression.

179 5. Look-alike buildings shall not be allowed unless, in the opinion of the ~~board~~
180 reviewing entity, there is sufficient separation to preserve the aesthetic character
181 of the present or evolving neighborhood. This is not to be construed to prohibit

182 the duplication of floor plans and exterior treatment in a planned development
183 where, in the opinion of the ~~board~~ reviewing entity, the aesthetics or the
184 development depend upon, or are enhanced by the look-alike buildings and their
185 relationship to each other.

186 6. Buildings, which are of symbolic design for reasons of advertising, unless
187 otherwise compatible with the criteria herein, will not be approved by the ~~board~~
188 reviewing entity. Symbols attached to the buildings will not be allowed unless
189 they are secondary in appearance to the building and landscape and are an
190 aesthetic asset to the building, project and neighborhood.

191 7. Exterior lighting may be used to illuminate a building and its grounds for safety
192 purposes, but in an aesthetic manner. Lighting is not to be used as a form of
193 advertising in a manner that is not compatible to the neighborhood or in a
194 manner that draws considerably more attention to the building or grounds at
195 night than in the day. Lighting following the form of the building or part of the
196 building will not be allowed if, in the opinion of the board, the overall effect will
197 be detrimental to the environment. All fixtures used in exterior lighting are to be
198 selected for functional as well as aesthetic value.

199 8. Building surfaces, walls, fenestration and roofs shall be compatible and in
200 harmony with the neighborhood.

201 9. "Take-out" or "pick-up" windows of retail or wholesale establishments shall not
202 be located on a building façade that faces a public right-of-way, unless they are
203 designed in such a manner as to constitute an aesthetic asset to the building
204 and neighborhood.

205 10. All exterior forms, attached to buildings, shall be in conformity to and secondary
206 to the building. They shall be an asset to the aesthetics of the site and to the
207 neighborhood.

208 11. All telephones, vending machines, or any facility dispensing merchandise, or a
209 service on private property, shall be confined to a space built into the building or
210 buildings or enclosed in a separate structure compatible with the main building,
211 and where appropriate and feasible, should not be readily visible from off-
212 premises.

213 12. Buildings of a style or style-type foreign to south Florida or its climate will not be
214 allowed. It is also to be understood that buildings which do not conform to the
215 existing or to the evolving atmosphere of the city, even though possessing
216 historical significance to south Florida, may not be approved.

217 13. No advertising will be allowed on any exposed amenity or facility such as
218 benches and trash containers.

219 14. Light spillage restriction. The applicant shall make adequate provision to ensure
220 that light spillage onto adjacent residential properties is minimized.

221 15. All buildings shall address both the public right of way and improve the overall
222 pedestrian experience through the inclusion of the following components:

223 a. clearly articulated entrances,

224 b. expanses of fenestration at the ground level,

- 225 c. provision of shade through porches, awnings, galleries, arcades and/or
- 226 loggias as well as other appropriate forms to the chosen architectural style(s),
- 227 d. integrated signage,
- 228 e. pedestrian scaled lighting,
- 229 f. buildings that define at least fifty percent (50%) of the street frontage, and
- 230 g. openings that approximate a golden ratio of 1.618.

231 16. All new buildings shall strive to incorporate design principles, practices and

232 performance standards to achieve the following through a project proforma

233 description and analysis prepared by the developer and verified by an

234 independent third party:

235 a. Overall 10% reduction in greenhouse emissions over the life of the building

236 as compared to industry standards,

237 b. Overall 10% reduction in carbon footprint during construction and operation

238 of the building as compared to industry standards,

239 c. Overall 20% reduction in refuse stream during construction and operation of

240 the building as compared to industry standards,

241 d. Overall utilization of at least 20% recycled materials and/or materials that are

242 recyclable,

243 e. Overall 20% reduction in water usage during operation of the building as

244 compared to industry standards,

245 f. Efficient use of natural resources through use reduction, reuse, reclamation,

246 and recycling,

247 g. Incorporation of design features and uses that support multi-modal

248 transportation options,

249 h. Incorporation of appropriate safety features to ensure the security and comfort

250 of both occupants and visitors,

251 i. Incorporation of amenities that are conducive to enhancing community pride

252 and social interaction, and

253 j. Incorporation of design elements, performance standards and/or

254 specifications to enhance the public's awareness and appreciation of the

255 community's commitment to the preservation and enhancement of the following

256 sustainability qualities, values and principles:

257 i. Cultural resources,

258 ii. Historical resources,

259 iii. Ecological/natural resources,

260 iv. Diversity and inclusion,

261 v. Social justice,

262 vi. Economic investment,

263 vii. Neighborhood vitality,

- 264 viii. Sense of place,
- 265 ix. Education, and
- 266 x. Recreation.

267 e) Reserved.

268 f) *Signs.* The aesthetic quality of a building or of an entire neighborhood is materially
269 affected by achieving visual harmony of the signs on or about a surface as they relate
270 to the architecture of the building or the adjacent surroundings. In addition to the
271 mechanical limitations on signs imposed by Article 45, Supplemental Regulations,
272 the following aesthetic considerations must also be met:

- 273 1. The scale of the sign must be consistent with the scale of the building on which
274 it is to be placed or painted.
- 275 2. The overall effect of the configuration or coloring of the sign shall not be garish.
276 The colors shall not conflict with those of other signs already on the building or
277 in the immediate vicinity.

278 g) *Landscaping.* See Article 6 of these LDRs.

279 h) *Criteria for parking lots and vehicular use areas.*

- 280 1. Parking lots and other vehicular use areas are to be designed as an aesthetic
281 asset to a neighborhood and to the building, group of buildings, or facility they
282 serve. A parking lot is to be considered an outside space; a transitional space
283 that is located between access areas (such as roads) and the building, group of
284 buildings or other outside spaces which it serves. The parking lot, because it is
285 viewed from above as well as at eye level, should be designed accordingly.
- 286 2. Parking lots, vehicular use areas, and vehicles parked therein are to be
287 effectively screened from the public view and from adjacent property in a manner
288 that is attractive and compatible with safety, the neighborhood and the facility
289 served.
- 290 3. The responsibility for beautification and design of a parking lot is the same as
291 that which a homeowner has to his residential lot. The atmosphere within a
292 parking lot or vehicular use area is to be as pleasant and park-like as possible,
293 rather than a harsh stand of paving. Trees are of primary importance to the
294 landscape and are not to be minimized in either height or quantity. Trees impart
295 a sense of three-dimensional space in a relatively flat area. Trees cast shadows
296 that help to reduce the monotony of an expanse of paving and create a refuge
297 from the tropical sun. Signs designating entrances, exits and regulations are to
298 be of a tasteful design and shall be subject to review by the board. Consideration
299 may be given to use of pavement which is varied in texture or color to designate
300 lanes for automobile traffic, pedestrian walks and parking spaces. Brightly
301 colored pavement is to be used with restraint. In order to create a pleasant
302 atmosphere, it is recommended that consideration be given to sculpture,
303 fountains, gardens, pools and benches. Design emphasis is to be given to the
304 entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and
305 mechanical equipment shall be screened from the parking lot.
- 306 4. Lighting is to be designed for visual effects as well as safety and resistance to
307 vandalism. Care should be taken not to create a nuisance to the neighborhood

308 from brightness or glare. Low lights in modest scale can be used along with
309 feature lighting emphasizing plants, trees, barriers, entrances and exits. The
310 fixtures are to be selected for functional value and aesthetic quality. Fixtures
311 should be regarded as "furniture of the parking lot" which are visible both day
312 and night.

313 5. Additional regulations for parking lots and vehicular use areas may be found in
314 Article 4, Supplemental Regulations.

315 i) *Required utilities.* All construction of sanitary sewer collection facilities and water
316 supply and distribution systems shall conform to the requirements of the Florida
317 Building Code as amended and the Lake Worth Utilities Department construction
318 standards, and the appropriate state governing agency. The water supply system
319 within the development shall conform to the City of Lake Worth's fire rescue services
320 provider requirements for fire protection.

321 j) *Design guidelines for major thoroughfares.* The design standards for major
322 thoroughfares may be adopted and amended from time to time by resolution of the
323 city commission, and shall apply to the following properties:

324 1. Property adjacent to Lake and Lucerne Avenues from the Intracoastal to
325 Interstate 95 and within the Old Town Historic District;

326 2. Lake Worth Road;

327 3. Property adjacent to H, J, K, L, and M Streets within the Old Town Historic
328 District;

329 4. Property adjacent to 10th Avenue North from the east side of Dixie Highway west
330 to Interstate 95;

331 5. Property adjacent to 6th Avenue South from the east side of Dixie Highway west
332 to Interstate 95;

333 6. Property adjacent to Federal Highway from the south city limit to the south
334 boundary of College Park; and

335 7. Property adjacent to Dixie Highway from the south city limit to the north City limit.

336 k) *Storefront window treatments.*

337 1. All windows or openings of buildings located within the city's zoning districts
338 including DT, MU-E, MU-FH, MU-DH, MU-W, TOD-E and TOD-W whereby the
339 interiors of such buildings can be observed from the public streets or sidewalks,
340 shall be treated or screened in the manner set forth below.

341 2. All windows or openings of vacant buildings or buildings under construction
342 located within all of the city's zoning districts including DT, MU-E, MU-FH, MU-
343 DH, MU-W, TOD-E and TOD-W, which windows or openings can be viewed from
344 the public streets and sidewalks and which expose the interiors of such
345 buildings, shall screen the vacant interior of the building in which they are
346 located.

347 3. Window treatment or screening may be achieved by either constructing within
348 the window or opening a pocket, equivalent in dimension to the dimension of the
349 window or opening itself, and forty (40) inches or more in depth, or hanging

350 curtains or utilizing interior shutters. The pocket shall be used for purposes of
351 screening the interior of the building, and to provide an attractive display for
352 those who can observe the window or opening from the streets or public
353 sidewalks of the town. This pocket shall be decorated by featuring displays of
354 the incoming tenant, or vignettes representing designs and merchandise of
355 existing city merchants. The window glass shall be clean both inside and outside.
356 It is advisable that the window shall be lighted at night.

357 4. All windows or openings of businesses that are operational, vacant or under
358 construction may not have storage materials, such as kitchen equipment,
359 alcoholic beverage containers, stacked furniture, debris or packing materials
360 visible from a public street or right-of-way. A window or opening of an operational
361 business will be decorated with merchandise or screened from view with curtains
362 or interior shutters.

363 5. Any storefront both vacant or operational that has more than twenty-five (25)
364 feet of frontage on a public sidewalk must provide a vignette display in at least
365 one-half ($\frac{1}{2}$) of its available window space.

366 6. Newspaper, printed paper or unpainted plywood will not be allowed in a window.

367 7. No windows or openings of storefronts will utilize a mirrored reflective film. Films
368 allowing light to pass through, but blocking ultraviolet light will be permitted. The
369 intent is that interior displays will be visible from the right-of-way.

370 8. An owner must comply with these specifications within seven (7) days of
371 vacancy of a storefront.

372 9. Penalties. Any owner of any building found to be in violation of this division shall
373 be subject to general penalties as provided by law or to the provisions of the
374 code enforcement board.

375 I) *Community appearance criteria.* The general requirements outlined in this section
376 are minimum aesthetic standards for all site developments, buildings, structures, or
377 alterations within the corporate limits of the city, except single-family residences.
378 However, additions to existing buildings and sites shall be subject to review by the
379 development review official for a determination regarding submission to the planning
380 and zoning board or historic resources preservation board for review. All site
381 development, structures, buildings or alterations to site development, structures or
382 buildings shall demonstrate proper design concepts, express honest design
383 construction, be appropriate to surroundings, and meet the following community
384 appearance criteria:

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

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

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

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

397 m) *Compliance with other requirements.* The requirements of this section are in addition
398 to any other requirement of the Code of Ordinances of the city, such as the building
399 code. Approval by the decisionmaking body of a given set of plans and specifications
400 does not necessarily constitute evidence of applicant's compliance with other
401 requirements of the city code.

402
403 **Section 3: Severability.** If any section, subsection, sentence, clause, phrase or
404 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
405 competent jurisdiction, such portion shall be deemed a separate, distinct, and
406 independent provision, and such holding shall not affect the validity of the remaining
407 portions thereof.

408
409 **Section 4: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in
410 conflict herewith are hereby repealed to the extent of such conflict.

411
412 **Section 5: Codification.** The sections of the ordinance may be made a part of
413 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
414 accomplish such, and the word "ordinance" may be changed to "section", "division", or
415 any other appropriate word.

416
417 **Section 6: Effective Date.** This ordinance shall become effective 10 days after
418 passage.

419
420 The passage of this ordinance on first reading was moved by
421 _____, seconded by _____, and upon
422 being put to a vote, the vote was as follows:

423
424 Mayor Betty Resch
425 Vice Mayor Christopher McVoy
426 Commissioner Sarah Malega
427 Commissioner Kimberly Stokes
428 Commissioner Reinaldo Diaz

429
430 The Mayor thereupon declared this ordinance duly passed on first reading on the
431 _____ day of _____, 2022.

432
433
434 The passage of this ordinance on second reading was moved by
435 _____, seconded by _____, and upon being put to a vote,
436 the vote was as follows:

437
438 Mayor Betty Resch
439 Vice Mayor Christopher McVoy
440 Commissioner Sarah Malega
441 Commissioner Kimberly Stokes

442 Commissioner Reinaldo Diaz

443

444 The Mayor thereupon declared this ordinance duly passed on the _____ day of
445 _____, 2022.

446

447

LAKE WORTH BEACH CITY COMMISSION

448

449

By: _____
Betty Resch, Mayor

450

451

452

ATTEST:

454

455

456

Melissa Ann Coyne, City Clerk

457

458



DATE: May 25, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

SUBJECT: **Ordinance 2022-12:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding new definitions “Annual Gross Household Income,” “Gross Rent,” “Overall Housing Expense,” and “Median Household Income;” and Article 2 “Administration,” Division 3 “Permits,” adding a new Section 23.2-39 “Affordable/Workforce Housing Program.”

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to create an Affordable/Workforce Housing Program to encourage the development of affordable and/or workforce housing units within the City. The proposed program would allow several incentives, including a 15% density bonus and additionally flexibility in unit size, parking requirements and financial incentives provided that no less than 15% of the total dwelling units are deed restricted as affordable.

The proposed amendments would add a new section to the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 1, Section 23.1-12 – Definitions
- Article 2, NEW Section 23.2-39 – Affordable/Workforce Housing Program

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-12.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-12.

Attachments

- A. Draft Ordinance 2022-12

1
2
3 **ORDINANCE 2022-12 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 1 “GENERAL**
6 **PROVISIONS,” DIVISION 2 “DEFINITIONS,” SECTION 23.1-12**
7 **“DEFINITIONS,” ADDING A NEW DEFINITIONS “ANNUAL GROSS**
8 **HOUSEHOLD INCOME,” “GROSS RENT,” “OVERALL HOUSING**
9 **EXPENSE,” AND “MEDIAN HOUSEHOLD INCOME;” AND ARTICLE 2**
10 **“ADMINISTRATION,” DIVISION 3 “PERMITS,” ADDING A NEW**
11 **SECTION 23.2-39 “AFFORDABLE/WORKFORCE HOUSING**
12 **PROGRAM,” PROVIDING FOR AN AFFORDABLE/WORKFORCE**
13 **HOUSING PROGRAM WITHIN THE CITY OF LAKE WORTH BEACH;**
14 **AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION**
15 **AND 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”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
20 municipal government, perform municipal functions, and render municipal services, and
21 may exercise any power for municipal purposes, except as expressly prohibited by law;
22 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 Chapter 23 Land Development
30 Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1.12
31 definitions, to add definitions and to define “Annual Gross Household Income,” “Gross
32 Rent” and “Overall Housing Expense;” and
33

34 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” to
35 establish a new section, Section 23.2-39 – Affordable/Workforce Housing Program to
36 establish an affordable/workforce housing program within the City of Lake Worth Beach;
37 and
38

39 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
40 municipality having such power and authority conferred upon it by the Florida Constitution
41 and Chapter 166, Florida Statutes; and
42

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

46 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
47 planning agency, considered the proposed amendments at a duly advertised public
48 hearing; and
49

50 **WHEREAS**, the City Commission finds and declares that the adoption of this
51 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
52 City, its residents and visitors.

53
54 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
55 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

56
57 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
58 being true and correct and are made a specific part of this ordinance as if set forth herein.

59
60 **Section 2:** Chapter 23 “Land Development Regulations,” Article 1 “General
61 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” is hereby amended by
62 adding thereto new definitions “Annual Gross Household Income,” “Gross Rent” and
63 “Overall Housing Expense” to read as follows:

64
65 Annual Gross Household Income: Total gross income of all wage-earning
66 residents residing within a single dwelling unit.

67
68 Gross Rent: Total all-inclusive dollar amount required from a lessee by a lessor for
69 a single dwelling unit.

70
71 Overall Housing Expense: Total homeowner expenses for mortgage, mortgage
72 insurance, property insurance and taxes.

73
74 Median Household Income: Gross income for 4 people, also known as Area
75 Median Income, published annually for Palm Beach County by the U.S. Department of
76 Housing and Urban Development.

77
78 **Section 2:** Chapter 23 “Land Development Regulations,” Article 2
79 “Administration,” is hereby amended by adding thereto a new Section 23.2-39
80 “Affordable/Workforce Housing Program” to read as follows:

81
82 **Sec. 23.2-39. – Affordable/Workforce Housing Program.**

- 83
84 a) Intent. The Affordable/Workforce Housing Program is intended to implement
85 Objective 3.1.2 of the city comprehensive plan future land use element and
86 provisions therein regarding affordable and workforce housing. The
87 Affordable/Workforce Housing Program provides for a density bonus and a
88 reduction in overall housing unit areas for developments that incorporate
89 residential units with restrictive covenants that meet the requirements of the
90 program.
- 91
92 b) Purpose. The purpose of the Affordable/Workforce Housing Program is to
93 encourage the inclusion of affordable and workforce housing units within both
94 residential and mixed-use projects as well as planned developments of all types to
95 provide for broader and more accessible housing options within the City. The
96 Affordable/Workforce Housing Program offers the following as “Program
97 Incentives”; (a) up to a fifteen percent (15%) increase in overall project density; (b)

98 up to a fifteen percent (15%) reduction in the gross area requirements based on
99 unit type; (c) up to a twenty five percent (25%) reduction in required parking; (d)
100 financial incentives to be considered on a case by case basis; and (e) the
101 aforementioned incentives may be combined with other incentive and bonus
102 programs related to density, height and intensity predicated that any increase in
103 density, intensity and/or height must include a reservation of at least fifteen percent
104 (15%) of the total number of dwelling units within a project benefiting from any
105 density, intensity and/or height increases as affordable.

106
107 c) Application and Review Process.

108 1. Application. All development proposals seeking increased density of up to
109 fifteen percent (15%) and/or reductions in overall unit sizes of up to fifteen
110 percent (15%) shall submit an affordable/workforce housing program
111 application as provided by the department of community sustainability. The
112 application shall accompany the standard City of Lake Worth Beach Universal
113 Development Application for the development proposal. The
114 affordable/workforce housing program application shall include all of the
115 following:

116 (a) A project fact sheet with building specifications including the number of
117 additional units, unit types and unit sizes proposed.

118
119 (b) The affordability criteria for each unit proposed to be included in the project.

120
121 (c) Draft restrictive covenants should the City's version not be submitted.

122
123 (d) Any other additional information to ensure the timely and efficient evaluation
124 of the project by city staff to ensure that the requirements of the
125 Affordable/Workforce Housing Program are being met.

126
127 2. Review/decision. The development review official shall review the application
128 along with the zoning approvals otherwise required of the development
129 proposal under these LDRs. Development applications that require further
130 review or approval by a decision-making board shall also include the
131 development review official's recommendation regarding the award of
132 additional density and/or unit size reduction under the Affordable/Workforce
133 Housing Program. Any decision on the award shall be made by the planning
134 and zoning board, the historic resources planning board, or the city commission
135 as applicable. A decision on an award may be appealed under the procedures
136 applicable to the development application with which it is associated. No waiver
137 or variance may be granted regarding the award. The award of bonus height or
138 intensity under the Affordable/Workforce Housing Program shall be based on
139 the following criteria:

140 (a) Is the award calculated correctly, consistent with the density and unit size
141 reduction(s) that are allowed under the Affordable/Workforce Housing
142 Program;

143
144 (b) Do the proposed income restrictions meet the intent of the
145 Affordable/Workforce Housing Program;

147 (c) Do the proposed annual rents and/or mortgage costs meet the intent of the
148 Affordable/Workforce Housing Program; and

149
150 (d) Do the proposed restrictive covenants to maintain affordability meet the
151 intent of the Affordable/Workforce Housing Program?

152
153 (e) Does the ratio mix of affordable unit types reflect the same ratio mix of unit
154 types as for the entire project?

155
156 d) Qualifying income restrictions. The following provisions outline the required
157 income limits and overall percentage of household income to qualify units as being
158 affordable/workforce under the Affordable/Workforce Housing Program. All
159 income values shall be based on the then current area (County) median household
160 income published annually by the US Department of Housing & Urban
161 Development. Whether with a rental unit or for a fee simple, for sale unit, the
162 overall housing expense (rent, mortgage, property taxes, and insurances) for the
163 unit shall not exceed thirty percent (30%) of the income limit provided for each unit
164 type, based upon the number of bedrooms.

165
166 1. For a studio unit, the annual gross household income shall not exceed forty five
167 percent (45%) of area median income and minimum household size is one (1)
168 person, not to exceed two (2) people.

169
170 2. For a one-bedroom unit, the annual gross household income shall not exceed
171 sixty five percent (65%) of the area median income and minimum household
172 size of one (1) person, not to exceed two (2) people.

173
174 3. For a two-bedroom unit, the annual gross household income shall not exceed
175 eighty five percent (85%) of the area median income and minimum household
176 size of two (2) people, not to exceed two (2) people per bedroom.

177
178 4. For a three-bedroom unit, the annual gross household income shall not exceed
179 one hundred and five percent (105%) of the area median income and minimum
180 household size of three (3) people, not to exceed two (2) people per bedroom.

181
182 5. For a four or more-bedroom unit, the annual gross household income shall not
183 exceed one hundred and twenty five percent (125%) of the area median income
184 and minimum household size of four (4) people, not to exceed two (2) people
185 per bedroom.

186
187 6. For fee simple ownership, the limits provided above may be increased by fifteen
188 (15%) based on unit type and shall include the overall housing expense.

189
190 7. Alternatively, the income restrictions may adhere to the following guidelines
191 singularly or in combination.

192 a. "Affordable Housing Eligible Households" means a household with an
193 annual gross household income at or less than eighty percent (80%) of
194 the Area Median Income, calculated as percentages of the Median

Family Income for Palm Beach County, as published annually by the US Department of Housing and Urban Development.

b. “Workforce Housing Eligible Households” means a household with an annual gross household income within the following income categories: Moderate (80%-100%) and Middle (101%-140%) of the Area Median Income, calculated as percentages of the Median Family Income for Palm Beach County, as published annually by the US Department of Housing and Urban Development.

e) Additional restrictions. The following requirements outline the restrictive covenant that shall be recorded and maintained on each unit awarded under the Affordable/Workforce Housing Program.

1. The restrictive covenant shall be in a legal form acceptable to the department of community sustainability and the city attorney’s office or as otherwise provided by the city and shall require each unit awarded be maintained at the awarded level of affordability, in accordance with the Affordable/Workforce Housing Program, for a minimum of twenty (20) years.

2. The restrictive covenant shall include the more restrictive program requirements, which shall govern the project if other affordable/workforce housing incentives are combined with use of the Affordable/Workforce Housing Program.

3. The restrictive covenant shall require an annual report of the project’s compliance with the restrictive covenants and the requirements of the Affordable/Workforce Housing Program be provided to the City or its designee for evaluation, review and approval. Should the annual report demonstrate the project is not meeting the requirements of the Affordable/Workforce Housing Program, the project owner shall pay the city an amount no less than fifteen dollars (\$15) per square foot for each unit that does not comply with the program’s requirements. Said amount shall be due annually for each year remaining under the restrictive covenant recorded for the project. Or Said amount shall be due annually for each unit that does not comply.

4. The restrictive covenant shall provide for extension of the affordability period, as set forth in this section.

f) Financial incentives. The following are parameters for financial incentive values based on unit type, which may be utilized to ensure fifteen percent (15%) of the dwelling units available after the density increase incentive remain affordable for a guaranteed twenty (20) year period as governed through a covenant and/or deed restriction. Values may be paid through utilization of Sustainable Bonus Incentive Values, Transfer Development Right Values or cash payments from the City from either the Sustainable Bonus Incentive Trust Account or the Transfer Development Rights Trust Account or other legally approved funding source(s).

1. For a studio dwelling unit, a one-time payment of \$40,000 or 50% percent of the area median income, whichever is greater;

- 244
- 245 2. For a one-bedroom dwelling unit, a one-time payment of \$60,000 or 75%
- 246 percent of the area median income, whichever is greater;
- 247
- 248 3. For a two-bedroom dwelling unit, a one-time payment of \$80,000 or 100%
- 249 percent of the area median income, whichever is greater;
- 250
- 251 4. For a three-bedroom dwelling unit, a one-time payment of \$100,000 or 125%
- 252 percent of the area median income, whichever is greater;
- 253
- 254 5. For a four or more-bedroom dwelling unit, a one-time payment of \$120,000 or
- 255 150% percent of the area median income, whichever is greater;
- 256
- 257 6. For a fee simple ownership dwelling unit, an additional one-time payment of
- 258 \$25,000 may be provided; and
- 259
- 260 7. Payments shall be made at time of dwelling units receiving a final certificate of
- 261 occupancy or certificate of completion.
- 262

263 g) Affordability extension(s). The City shall have the express right to extend the

264 affordability deed restrictions and covenants for another period of no less than

265 twenty (20) years) through the provision of a then current economic incentive

266 based on unit size.

- 267 1. The City shall provide formal notice of intent to extend affordability of units a
- 268 minimum of six (6) months prior to the expiration of the affordability deed
- 269 restrictions and covenants.
- 270
- 271 2. The City's notice shall include the number and type of units having affordability
- 272 extended and the economic incentive to be provided for those units.
- 273
- 274 3. The affordability extension may not exceed the original number and type of
- 275 units governed by the Affordable/Workforce Housing Program.
- 276
- 277 4. There shall be no limit on the number of affordability extensions the city may
- 278 fund for a project.
- 279

280 h) Policies and Procedures. The city's director for community sustainability is hereby

281 authorized to establish policies and procedures including covenants, accountability

282 and reporting to ensure effective implementation of the Affordable/Workforce

283 Housing Program and clarify the requirements and procedures as set forth herein.

284

285 **Section 4: Severability.** If any section, subsection, sentence, clause, phrase or

286 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of

287 competent jurisdiction, such portion shall be deemed a separate, distinct, and

288 independent provision, and such holding shall not affect the validity of the remaining

289 portions thereof.

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

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

Section 7: Effective Date. This ordinance shall become effective 10 days after passage.

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

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the _____ day of _____, 2022.

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

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk



DATE: May 25, 2022

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

FROM: William Waters, Director Community Sustainability

MEETING: June 1 & June 8, 2022

SUBJECT: **Ordinance 2022-13:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding a new definition “Micro-unit;” and Article 4 “Development Standards,” adding a new Section 23.4-25 “Micro-units,” providing for development standards for micro-units.

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted based on City Commission direction to staff to allow for a new multi-family unit type in the City to address housing affordability in the region. The proposed micro-unit housing type would have a smaller minimum unit size (minimum 250 sf – maximum 750 sf) and require only 1 parking space per unit with provisions for guest parking. A micro-unit development would also be required to provide additional interior common areas and an outdoor amenity area.

The proposed amendments would add a new section to the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 1, Section 23.1-12 – Definitions
- Article 4, NEW Section 23.4-25 – Micro-units

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2022-13.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2022-13.

Attachments

- A. Draft Ordinance 2022-13

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ORDINANCE 2022-13 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2 "DEFINITIONS," SECTION 23.1-12 "DEFINITIONS," ADDING A NEW DEFINITION "MICRO-UNIT;" AND ARTICLE 4 "DEVELOPMENT STANDARDS," ADDING A NEW SECTION 23.4-25 "MICRO-UNITS," PROVIDING FOR DEVELOPMENT STANDARDS FOR MICRO-UNITS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

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

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

WHEREAS, the City wishes to amend Chapter 23 Land Development Regulations," Article 1 "General Provisions," Division 2 "Definitions," Section 23.1.12 definitions, to a definition and to define the new use, "Micro-Unit;" and

WHEREAS, the City wishes to amend Chapter 23, Article 4 "Development Standards," to establish a new section, Section 23.4-25 – Micro-Units to establish supplementary development standards for this use; and

WHEREAS, the City of Lake Worth Beach, Florida (the "City"), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

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

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

WHEREAS, the City Commission finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

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

Section 1: The foregoing "WHEREAS" clauses are ratified and confirmed as

being true and correct and are made a specific part of this ordinance as if set forth herein.

Section 2: Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” is hereby amended by adding thereto a new definition “Micro-unit” to read as follows:

Micro-unit: a small residential unit with a total square footage between 250 square feet and 750 square feet with a fully functioning kitchen and bathroom; and may include a maximum of two (2) bedrooms with each unit equivalent to 0.75 residential dwelling units for determining density.

Section 2: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” is hereby amended by adding thereto a new Section 23.4-25 “Micro-units” to read as follows:

Sec. 23.4-25. – Micro-units.

- a) Project size. All micro-unit projects must provide at a minimum of 20 micro-units.
- b) Micro-Unit Use Restriction. Micro-units must be residential and may not be converted to other uses.
- c) Personal service, retail or commercial space. All micro-unit projects shall be designed as mixed use projects providing personal service, retail and/or commercial areas, including the required parking as set forth in this section.
- d) Residential Building Type. All micro-unit projects must be in a multi-family structure or collection of multi-family structures. Individual micro-units may not be combined to facilitate larger individual units.
- e) Interior shared common areas. Interior shared common areas supporting micro-units must equate to 10% of the gross living area of all residential units within the project. Such supporting common areas shall include but not be limited to the following:
 - 1. Reading Room,
 - 2. Gym/Exercise Facilities,
 - 3. Virtual Office Space,
 - 4. Party/Community Room,
 - 5. Game Room,
 - 6. Library,
 - 7. Movie Theatre,
 - 8. Gourmet Kitchen,
 - 9. Art Labs,
 - 10. Other similarly situated common usage areas, and
 - 11. Essential support areas such as lobbies, hallways, egress routes, stairs, concierge areas, staff offices, maintenance areas and required restroom facilities or similar shall not count toward shared interior common areas.
- f) Parking. Parking may be a combination of the following:

Commented [EL1]: Within a single building? Of a micro-unit project?

Commented [EL2]: Within that building? Of the micro-units?

Commented [EL3]: Whether it's a micro-unit or not? Will there potentially be a mix?

- 99 1. One (1) parking space or equivalent for each residential unit;
- 100 2. 50% or more of the required spaces shall be standard parking spaces;
- 101 3. Up to 25% of the parking spaces may be compact spaces (8'-0" x 18'-0");
- 102 4. Up to 25% of the parking spaces may be met with bicycle, scooter or motorcycle
- 103 storage. Four (4) bicycle storage spaces shall equal one (1) parking space; two
- 104 (2) scooter storage spaces shall equal one (1) parking space; and two (2)
- 105 motorcycle storage spaces shall equal one (1) parking space; and
- 106 5. Required guest and employee parking may be met with the same parking space
- 107 combination ratio. Guest and employee parking shall be no less than one (1) space
- 108 for every 100 sq. ft. of common area, public area, support area and offices,
- 109 excluding required hallways, egress routes and stairs.
- 110 6. Parking for other uses shall be met based on the type of use and taking a 25%
- 111 reduction.

112

113 g) Outdoor amenity. All micro-unit projects shall provide for an outdoor amenity that is

114 above and beyond the required interior shared common area. Outdoor amenity space

115 shall be no less than 5% of the gross area of all residential units and may not count

116 toward the required interior shared common area.

117

118 **Section 4: Severability.** If any section, subsection, sentence, clause, phrase or

119 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of

120 competent jurisdiction, such portion shall be deemed a separate, distinct, and

121 independent provision, and such holding shall not affect the validity of the remaining

122 portions thereof.

123

124 **Section 5: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in

125 conflict herewith are hereby repealed to the extent of such conflict.

126

127 **Section 6: Codification.** The sections of the ordinance may be made a part of

128 the City Code of Laws and ordinances and may be re-numbered or re-lettered to

129 accomplish such, and the word "ordinance" may be changed to "section", "division", or

130 any other appropriate word.

131

132 **Section 7: Effective Date.** This ordinance shall become effective 10 days after

133 passage.

134

135 The passage of this ordinance on first reading was moved by

136 _____, seconded by _____, and upon

137 being put to a vote, the vote was as follows:

- 138
- 139 Mayor Betty Resch
- 140 Vice Mayor Christopher McVoy
- 141 Commissioner Sarah Malega
- 142 Commissioner Kimberly Stokes
- 143 Commissioner Reinaldo Diaz

144

145 The Mayor thereupon declared this ordinance duly passed on first reading on the

146 _____ day of _____, 2022.

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

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk