



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 10, 2023 -- 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) [Ordinance 2023-06 - Spring 2023 LDR's](#)
- 2) [Ordinance 2023 -10](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

NEW BUSINESS:

- A. [HRPB Project Number 23-00100084: Consideration of a Certificate of Appropriateness \(COA\) for roof replacement at 722 North K Street; PCN #38-43-44-21-15-218-0060. The subject property is a contributing resource to the Northeast Lucerne Historic District and is located in the Single-Family and Two-Family Residential \(SF-TF-14\) Zoning District.](#)
- B. [HRPB Project Number 23-00100025: Consideration of a Certificate of Appropriateness \(COA\) for garage enclosure, window replacement, and alterations to paved and gravel parking areas at 902 South Palmway. The subject property is a non-contributing resource to the South Palm Park Historic District and is located in the Single-Family Residential \(SFR\) Zoning District.](#)
- C. [Ordinance 2023-10: Consideration of an ordinance amending the City's Comprehensive Plan to adopt a new property rights element as required by F.S. 163.3177\(6\)\(i.\).](#)
- D. [Ordinance 2023-06: Consideration of an ordinance amending multiple sections of Chapter 23 "Land Development Regulations" to address several housekeeping and minor changes for clarity, to provide for a reduction in the side setback requirements to 5 feet for accessory structures and pools on all lot sizes, to provide for new standards for street walls, and to expand and clarify the waiver provisions.](#)

UNFINISHED BUSINESS:

PLANNING ISSUES:

PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT

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

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

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

Legal Notice 41989

ORDINANCE 2023-06

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 **May 3, 2023** at 6:00 pm or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on **May 10, 2023** at 6:00 pm or soon thereafter to consider the following ordinance that includes multiple housekeeping and minor changes for clarity; provides for a reduction in the side setback requirements to 5 feet for accessory structures and pools; provides for new standards for street walls; and expands and clarifies the waiver provisions:

ORDINANCE 2023-06 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2, "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 2 "ADMINISTRATION," DIVISION 3, "PERMITS," SECTION 23.2-27 - WAIVER; ARTICLE 2 "ADMINISTRATION," DIVISION 3, "PERMITS," SECTION 23.2-31 - SITE DESIGN QUALITATIVE STANDARDS; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-7 - SFR - SINGLE-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-8 - SFTF 14 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-10 - MF-20 - MULTI-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-11 - MF-30 - MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 "ZONING DISTRICTS," DIVISION 2, "RESIDENTIAL DISTRICTS," SECTION 23.3-12 - MF-40 - HIGH DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-1 - SECONDARY (ACCESSORY) DWELLING UNIT; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-10 - OFF-STREET PARKING; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4-13 - ADMINISTRATIVE USES AND CONDITIONAL USES; ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 23.4.16. - MECHANICAL SYSTEMS / EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES," ARTICLE 5 "SUPPLEMENTAL REGULATIONS," SECTION 23.5-1 - SIGNS; ARTICLE 5 "SUPPLEMENTAL REGULATIONS," SECTION 23.5-3 - NONCONFORMITIES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, 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/commission-agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please 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 Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

For additional information, please contact City Staff at 561-586-1687 or email pzoning@lakeworthbeachfl.gov. If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. **Persons in need of special accommodation** to participate in this proceeding are entitled to the provision of certain assistance. **Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if assistance is required.**

LEGAL NOTICE

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) and the Historic Resources Preservation Board (HRPB) will conduct meetings at 7 N Dixie Highway, Lake Worth Beach acting as the City's Local Planning Agency to consider a Comprehensive Plan text amendment (Ordinance 2023-10) to create a new required element for the Comprehensive Plan. The PZB will meet on May 24, 2023 at 6:00pm or soon thereafter, and the Historic Resources Preservation Board (HRPB) will also conduct a meeting on May 10, 2023 at 6:00pm or soon thereafter to consider the following ordinance:

Ordinance 2023-10 - AN ORDINANCE NO. 2023-10 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN, ADDING A NEW PROPERTY RIGHTS ELEMENT AS REQUIRED BY F.S. 163.3177(6)(i); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City Commission meeting to consider the transmittal of the Ordinance 2023-10 to the Florida Department of Economic Opportunity is scheduled for June 6, 2023 at 7 N Dixie Highway, Lake Worth Beach.

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/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>; if you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member.

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HISTORIC RESOURCES PRESERVATION BOARD REPORT

HRPB Project Number 23-00100084: Consideration of a Certificate of Appropriateness (COA) for roof replacement at **722 North K Street**; PCN #38-43-44-21-15-218-0060. The subject property is a contributing resource to the Northeast Lucerne Historic District and is located in the Single-Family and Two-Family Residential (SF-TF-14) Zoning District.

Meeting Date: May 10, 2023

Property Owner/Applicant: SellTime, LLC.

Address: 722 North K Street

PCN: 38-43-44-21-15-218-0060

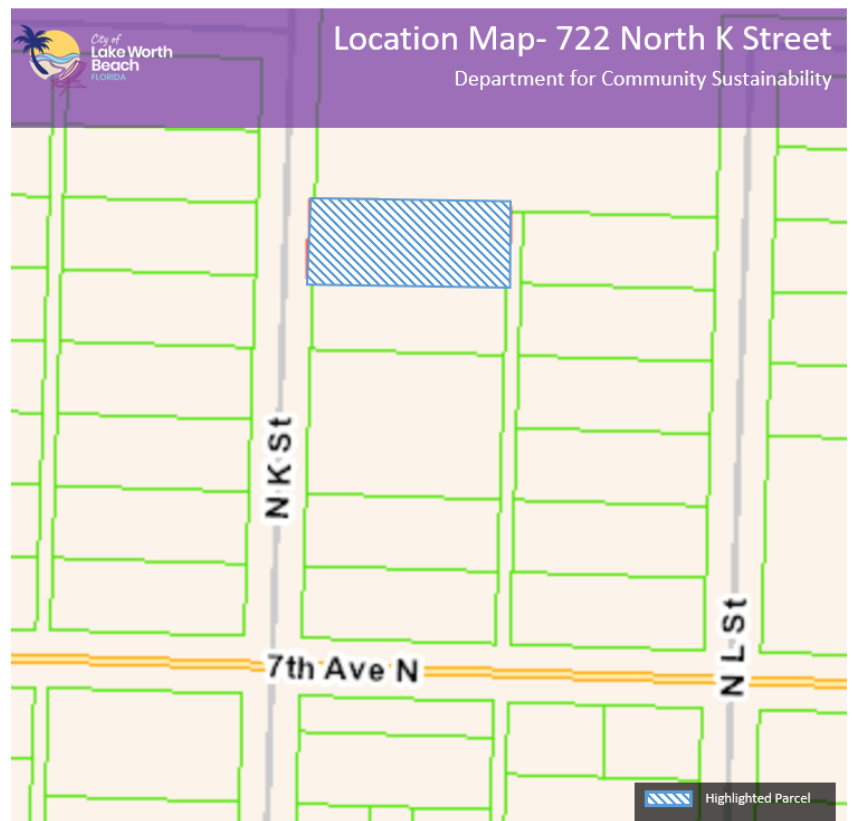
Lot Size: 0.15 acre /6750 sf

General Location: East side of North K Street between 7th Avenue North and 8th Avenue North

Existing Land Use: Single Family Residential

Current Future Land Use Designation: Medium Density Residential (MDR)

Zoning District: Single-Family and Two-Family Residential (SF-TF-14)



RECOMMENDATION

The documentation and materials provided with the application were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and Historic Preservation Design Guidelines, and for consistency with the Comprehensive Plan. Staff is recommending denial of the roof replacement. Many of the original Frame Vernacular and Frame Minimal Traditional buildings originally utilized metal shingle roofs. However, few examples of these original metal shingle roofs remain on our historic structures. It is important to the character of Lake Worth Beach's historic districts to maintain the few remaining examples or replace them with in-kind products.

PROJECT DESCRIPTION

The property owner, SellTime, LLC., is requesting a Certificate of Appropriateness to replace the original metal shingle roof with a dimensional asphalt shingle roof, as well as replace existing flat roofing with new modified bitumen roofing at 722 North K Street.

PUBLIC COMMENT

Staff has not received any letters of support or opposition for this application.

PROPERTY DEVELOPMENT HISTORY

The existing structure at 722 North K Street was constructed c. 1940 in the Wood Frame Minimal Traditional style. A rear addition with a flat roof and a separate rear screened porch addition were added to the structure in 1976. Based on property record cards in the property file, the attached one-car garage was enclosed and converted to living space prior to 1976.

On March 17, 2023, historic preservation staff received a completed COA application for roof replacement, including replacing a flat roof with new modified bitumen roofing and replacing metal shingle roofing with asphalt shingles. Staff disapproved the application on March 20th and provided comments to the applicant noting that the appropriate replacement for a metal shingle roof was a new metal shingle roof. On April 4th, staff and the applicant further discussed the roof, and staff provided a digital "binder" with examples of companies that offer metal shingles that meet Florida Building Code requirements. The applicants chose to pursue HRPB approval of asphalt shingles, and applied for HRPB review on April 17, 2023. The project was placed on the HRPB agenda for May 10, 2023.

Photographs of the site are included as **Attachment A**, the proposed asphalt shingles are included as **Attachment B**, and the applicant's justification statement is included as **Attachment C**.

ANALYSIS

Consistency with the Comprehensive Plan

The subject site has a Future Land Use (FLU) designation of Medium Density Residential (MDR). Per policy 1.1.1.3, the Medium-Density Residential category is *"intended primarily to permit development of two-family structures and multi-family structures. Two-family structures are those that provide two principal dwelling units, each for occupancy by one family or household. Multi-family structures are those that contain three or more dwelling units, each for occupancy by one family or household. Implementing zoning districts are SF/TF-14, MF-20 and NC."*

Analysis: While the Medium-Density Residential designation is primarily intended to permit development of structures with two or more dwelling units, one of the implementing districts is the Single-Family and Two-Family Residential zoning district (SF-TF-14), which is intended to permit development of one-family and two-family structures. The existing structure at 722 North K Street is a single-family house, which is consistent with the implementing zoning district for the Medium-Density Residential FLU designation. The current land-use is consistent with the future land-use. However, the proposed asphalt shingle roof is not consistent with Objectives 1.4.2 and 3.4.1, which seek to provide for the protection, preservation, or sensitive reuse of historic resources.

Consistency with the Land Development Regulations – Historic Preservation

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 section of the Historic Preservation Design Guidelines, as well as the roofing section, are included as **Attachment D**.

At the Historic Resources Preservation Board workshop on May 11, 2022, the Board gave direction that staff can administratively approve replacement of historic metal shingle roofs with new metal shingles that meet the Florida Building Code and the Florida Wind Code; staff has identified at least four metal shingle options that meet these requirements: the Oxford Shingle by Classic Metal Roofing Systems, the MetalWorks StoneCrest Tile Steel Shingles by TAMKO Building Products, the Arrowline Permanent Metal Slate and Steel Shake by EDCO Products, and the Victorian Shingles by Berridge Manufacturing. The Board also gave direction that they would consider applications to replace metal shingles with light gray asphalt shingles on a case-by-case basis, preferably with an economic hardship claim to justify the alternative material.

Other properties, such as 535 South Palmway, have chosen to get administrative approval to replace their historic metal shingle roofs with new metal shingles. If the Board moves to approve this application for replacement asphalt shingles without an economic hardship claim, staff requests updated direction regarding replacement of metal shingle roofs.

Section 23.5-4(k)1 – General guidelines for granting certificates of appropriateness: *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?
Analysis: The proposed work will replace the original metal shingle roof with an asphalt shingle roof. Based on the City's Historic Preservation Design Guidelines, staff contends that the proposed asphalt shingle roof is *not a successful replacement* for metal shingles.
- B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?
Analysis: The proposed roof replacement will detract from the overall historic character of Northeast Lucerne Local Historic District 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?
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 asphalt shingle roof 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?
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?
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?

Analysis: The proposal is not in compliance with the City's Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, or the City's 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?

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

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

- 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?

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.

Analysis: Yes, in this case the original qualities and character of the building would be destroyed by the removal and replacement of the original metal shingles with an asphalt shingle roof.

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

Analysis: Asphalt shingle roofing is a common roofing material among neighboring properties. The proposed asphalt shingle roofing would be visually compatible with other structures from a 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:

- a. The work to be performed will conform to the original door and window openings of the structure; and
Analysis: Not applicable.

- b. 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

Analysis: Not applicable.

- c. 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.

Analysis: Not applicable.

- d. 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.

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

CONCLUSION AND CONDITIONS

Staff contends that the proposed application to replace one of the few remaining examples of historic metal shingle roofing with asphalt shingle roofing is not an appropriate replacement material for this contributing structure, and is not consistent with the replacement material guidance in the Historic Preservation Design Guidelines. In addition, staff processed an administrative approval for replacement metal shingles for a similar property in 2022. Therefore, staff recommends denial of the application for new asphalt shingles. Further, staff is requesting that the Board discuss appropriate replacement material for the few remaining historic metal shingle roofs in the City's historic districts.

BOARD POTENTIAL MOTION:

I MOVE TO **DENY** HRPB Project Number 23-00100084 for a Certificate of Appropriateness (COA) for roof replacement for the property located at **722 North K Street**, 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.

I MOVE TO **APPROVE** HRPB Project Number 23-00100084 for a Certificate of Appropriateness (COA) for roof replacement for the property located at **722 North K Street**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

ATTACHMENTS

- A. Photos
- B. Proposed Asphalt Shingles
- C. Applicant's Justification Statement
- D. Design Guidelines – Minimal Traditional Style and Roofing



HISTORIC RESOURCES PRESERVATION BOARD REPORT

HRPB Project Number 23-00100025: Consideration of a Certificate of Appropriateness (COA) for garage enclosure, window replacement, and alterations to paved and gravel parking areas at **902 South Palmway**. The subject property is a non-contributing resource to the South Palm Park Historic District and is located in the Single-Family Residential (SFR) Zoning District.

Meeting Date: May 10, 2023

Property Owner/Applicant: Deborah Tobias

Address: 902 South Palmway

PCN: 38-43-44-27-01-032-0070

Lot Size: 0.34 acre /15,000 sf

General Location: Southeast corner of South Palmway and 9th Avenue South

Existing Land Use: Single Family Residential

Current Future Land Use Designation: Single Family Residential (SFR)

Zoning District: Single Family Residential (SFR)



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and Historic Preservation Design Guidelines, and for consistency with the Comprehensive Plan. Staff is recommending that the COA for garage enclosure, window replacement, and paver alterations be approved with conditions, including a condition to leave a recessed area to evoke the original garage door opening and conditions to add exterior applied muntins to the new windows.

PROJECT DESCRIPTION

The property owner, Deborah Tobias, is requesting a Certificate of Appropriateness to enclose the existing garage door opening, replace one existing window, and alter the property's paved and gravel parking areas at 902 South Palmway. The proposed garage enclosure would fill in the garage door opening and create new openings for a door and window. Alterations to the property's paved and gravel parking areas propose to replace the existing concrete driveway with a paver patio as well as pave existing gravel parking spaces.

PUBLIC COMMENT

Staff has not received any letters of support or opposition for this application.

PROPERTY DEVELOPMENT HISTORY

The single-family house at 902 South Palmway was constructed in 1951 in a Ranch style, designed by architect Edgar S. Wortman. The house and attached garage were built using concrete blocks with a stucco exterior finish, a gable roof with concrete tile roofing, and awning windows. Original decorative features included gable vents, exposed rafter tails, raised panel window shutters, brick veneer on the front façade, front porch railings with turned spindles, decorative brackets on the front porch roofs, and a patio surrounded by a decorative brick half-wall. The property has undergone numerous alterations over time, including screened patio additions in 1980 and 1994, construction of a pool with a screened enclosure in 1993, and re-roofing in 2003 and 2018. In 2001, a front porch slab was installed (and subsequently expanded in 2003), and the rear elevation's openings were altered to replace existing windows and doors with sliding glass doors, as well as create a new opening for French doors. Sometime between 2015 and 2021, some of the house's awning windows were replaced with horizontal roller windows; no permit for these replacements was found in the property file.

In the original 2000 historic resources survey for the South Palm Park Historic District, the property was designated as a non-contributing resource, and was incorrectly surveyed as a c. 1968 structure, rather than 1951. The updated 2020 survey recommended that 902 South Palmway's designation be changed to contributing.

On January 6, 2023, the property owner contacted historic preservation staff to discuss her ideas for enclosing the existing garage. Staff informed the owner that alterations would need to comply with the Design Guidelines for the Ranch style, and that staff can only administratively approve garage enclosures that leave the existing garage door in place, create a faux garage door, or leave a recessed area in the wall to show where the garage door once existing. Staff recommended a follow-up meeting to further discuss the property owner's ideas with conceptual drawings or renderings. That follow-up meeting was conducted via Zoom on January 12, 2023; staff and the property owner reviewed appropriate window and door options, and the property owner agreed to recess the enclosed wall area to show where the garage door once was.

Following that meeting, the property owner notified staff that she would rather enclose the garage with no recessed area, and asked for the project to be brought to the HRPB to receive approval. Staff provided a checklist of the necessary documents for an HRPB project submittal, and was in frequent contact with the property owner in the subsequent

months to discuss window and door guidelines, survey requirements, and other required documentation. The submittal was deemed complete on April 1, 2023, and was scheduled for the May 10th HRPB meeting.

The home's original architectural drawings are included as **Attachment A**, an installation map and proposed new windows and door are included as **Attachment B**, and the survey and proposed site plan alterations are included as **Attachment C**. The property owner's justification statement is included as **Attachment E**.

ANALYSIS

Consistency with the Comprehensive Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per policy 1.1.1.2, the Single-Family Residential category is *"intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household. Residential units may be site-built (conventional) dwellings, mobile homes or modular units."*

Analysis: The existing structure is a single-family residence, and the proposed alterations will not alter or increase the property's density. The proposed alterations are consistent with the intent of the Single-Family Residential designation.

Consistency with the Land Development Regulations – Zoning

Single-Family Residential (SFR): Per LDR Section 23.3-7(a), *the "SF-R single-family residential district" is intended primarily to permit development of one (1) single-family structure per lot. Provision is made for a limited number of nonresidential uses for the convenience of residents. These nonresidential uses are compatible by reason of their nature and limited frequency of occurrence with an overall single-family residential character. The "SF-R single-family residential district" implements the "single-family residential" land use category of the Lake Worth Comprehensive Plan.*

The proposed alterations to the patio, driveway, and parking area appear to be consistent with site data requirements in the City's Land Development Regulations. Formal and complete review for compliance with the City's Land Development Regulations, including parking space requirements, will be conducted at building permit review. The proposed partial site plan is included in this report in **Attachment C**.

Consistency with the Land Development Regulations – Historic Preservation

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 Ranch architectural style section and the window replacement section of the City's Historic Preservation Design Guidelines, as well as the Secretary of the Interior's guidance for historic garage opening infill are included as **Attachment D**.

Section 23.5-4(k)(1) – General guidelines for granting certificates of appropriateness: *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?

Analysis: The proposed work will enclose the existing garage, add a new full-light door and single-light awning window to the enclosed garage. The application also proposes to replace a pair of awning windows on the front façade with a horizontal roller window, convert the existing driveway to a paver patio, and install pavers in the current gravel parking area. Staff contends that the enclosure of the garage with no imitation garage door or recessed area and the design of the proposed windows would adversely alter the appearance of the historic resource.

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

Analysis: The proposed garage enclosure will not maintain the existing appearance as viewed from 9th Avenue South. The proposed alterations will not imitate the appearance of a garage, nor will it leave a recessed area to exemplify the historic function of the space. The proposed full-light door is compatible with the architectural style. However, the proposed new single-light awning window on the north elevation of the garage is atypical for the house; a better option would be to add one or two muntins to imitate a historic 2-light or 3-light awning window, which was the historic window style on most of the house. The proposed horizontal roller window to replace the historic pair of 2-light awning windows is also atypical for the historic architecture at 902 South Palmway, as the front façade originally had awning windows, and the existing horizontal roller windows elsewhere on the front façade appear to have been done without permits or historic approval. The proposed horizontal roller window would better imitate the historic awning windows by adding a horizontal muntin to the window panes. The garage conversion will have a direct visual effect on the surrounding properties within the district, as the garage faces a public right-of-way. It is staff's analysis the proposal will adversely affect the existing historic resource's potential contributing status.

- 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?

Analysis: Based on the information in the property file, the proposed work will enclose the original garage and replace original awning windows, and therefore will have a major effect on the property's historic architectural design and materials.

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

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?

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?

Analysis: The proposed garage enclosure without a recessed area, as well as the proposed windows, are not in compliance with the City's Historic Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, or the City's Historic Preservation Ordinance (LDR Section 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?

Analysis: The structure is currently designated as a non-contributing resource within the South Palm Park historic district; however, the updated historic resources survey in 2020 recommended that the property be given an updated designation as a contributing resource. The proposed garage enclosure would visually remove one of the structure's historic design features and would also replace a pair of historic awning windows. Staff contends that

the project as proposed by the applicant will have an adverse effect on the structure's potential contributing designation as well as the structure's relationship with the surrounding historic district.

Section 23.5-4(k)(2) – Additional guidelines for alterations and additions, noncontributing structures:

A. Is this a change to the primary façade?

Analysis: Yes, the garage is on a façade facing 9th Avenue South and the proposed window replacement is on the front façade of 902 South Palmway.

B. Is the change visually compatible and in harmony with its neighboring properties as viewed from a public street?

Analysis: As previously mentioned, the proposed door is compatible with the architectural style. The windows as proposed, are atypical for the structure's historic design, but the window design issues could be mitigated with applied exterior muntins. The garage enclosure with no indication of the space's original historic use, either through a faux garage door or a recessed area at the old door opening, would not be visually compatible with neighboring properties, which have garages facing 9th Avenue South. The use of inappropriate window styles and flat enclosure of the garage would have an adverse visual effect on the surrounding historic district, as well as the structure's potential contributing status.

CONCLUSION AND CONDITIONS

Staff contends that the application as proposed is not consistent with the Historic Preservation Design Guidelines. However, the issues identified with the proposed garage enclosure and windows can be mitigated by leaving a recessed area to evoke the original garage door opening and adding exterior applied muntins to the new windows to imitate the structure's original awning windows. Therefore, staff recommends approval of the application with the conditions outlined below.

Conditions of Approval:

1. The enclosed garage door opening shall be recessed up to 6 inches, showing the area where the garage door previously existed.
2. Opening A shall be a horizontal roller window with a horizontal muntin added to each pane to imitate the appearance of the historic 2-light awning windows.
3. Opening B shall be a vertical awning window with one or two horizontal muntins added to imitate the appearance of a 2-light or 3-light awning window.
4. Opening C shall be a full-light French door. The glazing on this door may use a white interlayer for privacy purposes.
5. All divided light patterns shall be created utilizing exterior raised applied muntins. Exterior flat muntins or "grids between the glass" shall not be used.
6. 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.
7. Original window trim, window sills, and mullions shall be retained. Where original trim and surrounds need to be replaced due to severe deterioration, the replacement elements shall match what is being removed in profile, design, shape, size, configuration, and location.
8. All windows and doors shall be installed recessed in the jambs and shall not be installed flush with the exterior wall.

9. Alterations to the patio, driveway, and parking spaces shall comply with the impermeable surface requirements in LDR Section 23.3-7 and the off-street parking space requirements in LDR Section 23.4-10. A fully dimensional site plan shall be required at permit for the alterations to the patio, driveway, and parking spaces.
10. Formal and complete review for compliance with the City's Land Development Regulations will be conducted at building permit review.

BOARD POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 23-00100025 for a Certificate of Appropriateness (COA) for garage enclosure, window replacement, and alterations to paved and gravel parking areas **with staff recommended conditions** for the property at **902 South Palmway**, 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 **APPROVE** HRPB Project Number 23-00100025 for a Certificate of Appropriateness (COA) for garage enclosure, window replacement, and alterations to paved and gravel parking areas **with staff recommended conditions but excluding the conditions related to the recessed area at the existing garage door opening and applied window muntins** for the property at **902 South Palmway**, 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 23-00100025 for a Certificate of Appropriateness (COA) for garage enclosure, window replacement, and alterations to paved and gravel parking areas at **902 South Palmway**, 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

- A. Historic Architectural Drawings
- B. Proposed New Windows and Door
- C. Survey and Partial Site Plan
- D. Ranch Design Guidelines, Window Replacement Guidelines, and Secretary of Interior Standards for Historic Garage Opening Infill
- E. Applicant's Justification Statement



DATE: May 3, 2023

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

FROM: William Waters, Director Community Sustainability

MEETING: May 10 & May 24, 2023

SUBJECT: **Ordinance 2023-10:** Consideration of an ordinance amending the City’s Comprehensive Plan to adopt a new property rights element as required by F.S. 163.3177(6)(i.).

PROPOSAL / BACKGROUND/ ANALYSIS:

On June 28, 2021, the Governor signed into law House Bill 59, which amended statutory provisions regarding optional and required comprehensive plan elements by creating a new required property rights element (F.S. 163.3177(6)(i.)). As of July 1, 2021, all local governments must adopt this element as part of their comprehensive plans by the next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of their comprehensive plan. The Florida Department of Economic Opportunity (DEO) has informed the City that any future amendments to its comprehensive plan, including the Future Land Use Map, cannot be adopted until the adoption of a property rights element occurs.

This new required element must include policies consistent with the legislative intent that local governments respect “judicially acknowledged and constitutionally protected private property rights” in local decision-making. Further, F.S. 163.3177(6)(i.) provides the following statement of rights to be included in the element:

The following rights shall be considered in local decisionmaking:

1. *The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.*
2. *The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.*
3. *The right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.*
4. *The right of a property owner to dispose of his or her property through sale or gift.*
(Reference: F.S. 163.3177(6)(i.)1.)

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission transmit to DEO and subsequently adopt Ordinance 2023-10.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed Comprehensive Plan text amendment included in Ordinance 2023-10.

Attachments

- A. Draft Ordinance 2023-10

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ORDINANCE NO. 2023-10 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN, ADDING A NEW PROPERTY RIGHTS ELEMENT AS REQUIRED BY F.S. 163.3177(6)(i); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, City staff has prepared and reviewed an amendment to add a new required element to the City’s Comprehensive Plan regarding property rights in accordance with F.S. 163.3177(6)(i); and

WHEREAS, on May 10, 2023, the City Historic Resources Preservation Board, sitting as the duly constituted Local Planning Agency for the City, recommended xxx of the addition of the new required “Property Rights Element” to the Comprehensive Plan of the City; and

WHEREAS, on May 24, 2023, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, recommended xxx of the addition of the new required “Property Rights Element” to the Comprehensive Plan of the City; and

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

WHEREAS, the State of Florida in F.S. 163.3177(6)(i), requires the creation of a “Property Rights Element” with specified property rights that must be considered by local governments in decision-making;

WHEREAS, the property rights for consideration as required in F.S. 163.3177(6)(i) reflect long established and prevailing judicially acknowledged and constitutionally protected private property rights without enhancement;

WHEREAS, the City of Lake Worth Beach will continue to respect judicially acknowledged and constitutionally protected private property rights as has always been required by prevailing law; and

WHEREAS, the City of Lake Worth Beach respects the rights of all people to participate in land use planning processes.

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

50
51 Section 1. The foregoing recitals are hereby affirmed and ratified.

52
53 Section 2. The text amendment language is provided in **Exhibit A.**

54
55 Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

56
57 Section 4. If any provision of this ordinance, or the application thereof to any person or
58 circumstance is held invalid, the invalidity shall not affect other provisions or applications
59 of the ordinance which can be given effect without the invalid provision or application, and
60 to this end the provisions of this ordinance are declared severable,

61
62 Section 5. The effective date of this text amendment shall be thirty-one (31) days after
63 the Department of Economic Opportunity notifies the City that the plan amendment
64 package is complete. If timely challenged, this amendment does not become effective
65 until the Department of Economic Opportunity or the Administration Commission enters
66 a final order determining the adopted amendment to be in compliance.

67
68 The passage of this ordinance on first reading was moved by
69 _____, seconded by Commissioner _____, and upon being put
70 to a vote, the vote was as follows:

71
72 Mayor Betty Resch
73 Vice Mayor Christopher McVoy
74 Commissioner Sarah Malega
75 Commissioner Kimberly Stokes
76 Commissioner Reinaldo Diaz

77
78 The Mayor thereupon declared this ordinance duly passed on first reading on the
79 the __ day of ____, and shall be transmitted to the Florida Department of Economic
80 Opportunity for review.

81
82 The passage of this ordinance on second reading was moved by Commissioner
83 _____, seconded by Commissioner _____, as amended and upon being put
84 to a vote, the vote was as follows:

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86 Mayor Betty Resch
87 Vice Mayor Christopher McVoy
88 Commissioner Sarah Malega
89 Commissioner Kimberly Stokes
90 Commissioner Reinaldo Diaz

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The Mayor thereupon declared this ordinance duly passed on the __ day of _____,
2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

EXHIBIT A

12. PROPERTY RIGHTS ELEMENT

Goal 12.1 The City will make decisions with respect for judicially acknowledged and constitutionally protected private property rights, and with respect for people’s rights to participate in decisions that affect their lives and property.

Objective 12.1.1 The City will respect judicially acknowledged and constitutionally protected private property rights.

Policy 12.1.1.1 The City will consider in its decision-making the right of a property owner/s to physically possess and control their interests in the property, including easements, leases, or mineral rights.

Policy 12.1.1.2 The City will consider in its decision-making the right of a property owner/s to use, maintain, develop, and improve their property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 12.1.1.3 The City will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.

Policy 12.1.1.4 The City will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

Objective 12.1.2 People have the right to participate in planning and development decisions that affect their lives and property. As such, the City will establish land development regulations that foster transparency in decision-making processes so that all people may participate in decisions that affect their lives and property.

Policy 12.1.2.1 The City shall comply with all requirements for public notice, and shall implement its adopted enhanced notice and public outreach requirements, including a developer meeting for significant projects.

Policy 12.1.2.2 The City shall periodically review notice and public outreach requirements and best practices in support of process transparency and to effectively utilize current technology.

Policy 12.1.2.3 The City shall implement its public hearing and affected party procedures adopted in the land development regulations to ensure transparency for decision makers, applicants and affected parties in accordance with federal and state law.



DATE: April 26, 2023

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

FROM: William Waters, Director Community Sustainability

MEETING: May 3 & May 10, 2023

SUBJECT: **Ordinance 2023-06:** Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping and minor changes for clarity, to provide for a reduction in the side setback requirements to 5 feet for accessory structures and pools on all lot sizes, to provide for new standards for street walls, and to expand and clarify the waiver provisions.

PROPOSAL / BACKGROUND/ ANALYSIS:

The subject amendment to the City’s Land Development Regulations (LDR) was drafted to clarify interpretations, address general housekeeping items, resolve inconsistencies, provide greater flexibility with the location of secondary (accessory) dwelling units, accessory structures and mechanical equipment in residential properties, create a waiver process, and implement street wall requirements for nonconforming properties and new auto-centric uses that cannot meet build-to line requirements.

The proposed LDR Amendments will modify the following sections of the City’s Land Development Regulations:

- Article 1 – Section 23.1-12: Definition
- Article 2 – Section 23.2-27: Waiver
- Article 2 – Section 23.2-31: Site Design Qualitative Standards
- Article 3 – Section 23.3-7: Single-Family Residential (SF-R)
- Article 3 – Section 23.3-8: Single-Family and Two-Family Residential (SF-TF 14)
- Article 3 – Section 23.3-10: Multi-Family Residential (MF-20)
- Article 3 – Section 23.3-11: Medium Density Multi-Family Residential (MF-30)
- Article 3 – Section 23.3-12: High Density Multi-Family Residential (MF-30)
- Article 4 – Section 23.4-1: Secondary (Accessory) Dwelling Unit
- Article 4 – Section 23.4-10: Off Street Parking
- Article 4 – Section 23.4-13: Administrative Uses and Conditional Uses
- Article 4 – Section 23.4-16: Mechanical Systems/Equipment for existing residential structures
- Article 5 – Section 23.5-1: Signs
- Article 5 – Section 23.5-3: Nonconformities

Secondary (Accessory Dwelling Unit): Clarifying and consolidate the maximum unit size and minimum living area requirements. Also, identifying certain provisions eligible for a waiver application.

Accessory Structure: Reducing the minimum side setback requirement from 10% of lot width for lots over 50 feet to a minimum of five (5) feet which allows additional flexibility in the placement of accessory structures and pools.

Pawn Shops: Revising the definition of pawn shop and clarifying the review process.

Street wall: Creating a street wall definition and developing regulations for the redevelopment of existing nonconforming properties and new auto-centric uses that cannot meet build-to line requirements.

Signs: Establishing a waiver review process for changeable message signage for public and institutional uses outside of the City's Major Thoroughfares.

Waiver: Expand and clarify waiver review process of limited and specified land development regulations.

Housekeeping Items: Revising the definitions to distinguish between extended stay lodging facilities and lodging facilities, removing inconsistencies related to the maximum secondary (accessory) dwelling unit size, clarifying material options for single-family and two-family driveways, and further identifying minimum setback requirements for mechanical systems of existing residential structures.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2023-06.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in Ordinance 2023-06.

Attachments

- A. Draft Ordinance 2023-06

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2
3 **ORDINANCE 2023-06 - AN ORDINANCE OF THE CITY OF LAKE WORTH**
4 **BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT**
5 **REGULATIONS,” BY AMENDING ARTICLE 1 “GENERAL PROVISIONS,”**
6 **DIVISION 2, “DEFINITIONS,” SECTION 23.1-12 - DEFINITIONS; ARTICLE 2**
7 **“ADMINISTRATION,” DIVISION 3, “PERMITS,” SECTION 23.2-27 - WAIVER;**
8 **ARTICLE 2 “ADMINISTRATION,” DIVISION 3, “PERMITS,” SECTION 23.2-31 -**
9 **SITE DESIGN QUALITATIVE STANDARDS; ARTICLE 3 “ZONING**
10 **DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-7 – SF-**
11 **R - SINGLE-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS”**
12 **DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-8 – SF-TF 14 -**
13 **SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING**
14 **DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-10 –**
15 **MF-20 - MULTI-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,”**
16 **DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-11 – MF-30 - MEDIUM**
17 **DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,”**
18 **DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-12 – MF-40 - HIGH**
19 **DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 4 “DEVELOPMENT**
20 **STANDARDS,” SECTION 23.4-1 – SECONDARY (ACCESSORY) DWELLING**
21 **UNIT; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-10 – OFF-**
22 **STREET PARKING; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION**
23 **23.4-13 - ADMINISTRATIVE USES AND CONDITIONAL USES; ARTICLE 4**
24 **“DEVELOPMENT STANDARDS,” SECTION 23.4.16. – MECHANICAL**
25 **SYSTEMS / EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES,**
26 **ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 – SIGNS;**
27 **ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-3 –**
28 **NONCONFORMITIES; AND PROVIDING FOR SEVERABILITY, THE REPEAL**
29 **OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.**
30

31
32 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
33 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
34 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
35 municipal government, perform municipal functions, and render municipal services, and
36 may exercise any power for municipal purposes, except as expressly prohibited by law;
37 and
38

39 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
40 body of each municipality in the state has the power to enact legislation concerning any
41 subject matter upon which the state legislature may act, except when expressly prohibited
42 by law; and
43

44 **WHEREAS**, the City wishes to amend Chapter 23, Article 1 “General Provisions,”
45 to amend, Division 2 “Definitions,” to amend Section 23.1-12 – Definitions to create a
46 definition for street wall and revise the definition for pawn shop; and
47

48 **WHEREAS**, the City wishes to amend Chapter 23, Article 2 “Administration,” to
49 amend, Division 3 “Permits,” to amend Section 23.2-27 – Waiver to establish a waiver
50 review process of limited specified land development regulations;

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WHEREAS, the City wishes to amend Chapter 23, Article 2 “Administration,” to amend, Division 3 “Permits,” to amend Section 23.2-31 – Site Design Qualitative Standards to create street wall regulations for the redevelopment of existing nonconforming properties and auto-centric uses that cannot meet build-to line requirements; and

WHEREAS, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SFR – Single-family residential,” Section 23.3-8 “SF-TF 14 – Single-family and two family residential,” Section 23.3-10 “MF-20 – Multifamily residential,” Section 23.3-11 “MF-30 – Medium density multi-family residential,” and Section 23.3-12 “MF-40 – High density multi-family residential,” to reduce the minimum side setback requirement for lots over 50 feet to a minimum of five (5) feet allowing additional flexibility in the placement of accessory structures and pools; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to amend Section 23.4-1 – Secondary (Accessory) Dwelling Unit to identify minimum unit sizes and to allow relief requests from setback requirements; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to amend Section 23.4-10 – Off-Street Parking to clarify parking surface materials for single-family and two-family dwelling units; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to amend Section 23.4-13 – Administrative Uses and Conditional uses to clarify the review process for Pawn Shops; and

WHEREAS, the City wishes to amend Chapter 23, Article 4 “Development Standards,” to amend Section 23.4-16 – Mechanical Systems/Equipment for Existing Residential Structures to establish a minimum side setback to allow for maintenance of mechanical equipment with trespass onto adjacent property; and

WHEREAS, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,” to amend Section 23.5-1 – Signs to establish a review process for changeable message signage for public and institutional uses outside of the City’s Major Thoroughfares; and

WHEREAS, the City wishes to amend Chapter 23, Article 5 “Supplemental Regulations,” to amend Section 23.5-3 – Nonconformities to clarify when the street wall feature shall be required for nonconforming structures/buildings; 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

98 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
99 agency, considered the proposed amendments at a duly advertised public hearing; and
100

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

104 **WHEREAS**, the City Commission finds and declares that the adoption of this
105 ordinance is appropriate, and in the best interest of the health, safety and welfare of the
106 City, its residents and visitors.
107

108 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
109 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**
110

111 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
112 being true and correct and are made a specific part of this ordinance as if set forth herein.
113

114 **Section 2:** Chapter 23 “Land Development Regulations,” Article 1 “General
115 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by
116 adding the words shown in underline type as indicated in **Exhibit A**.
117

118 **Section 3:** Chapter 23 “Land Development Regulations,” Article 2
119 “Administration,” Division 3 “Permits,” Section 23.2-27 “Waiver” is hereby amended by
120 adding the words shown in underline type as indicated in **Exhibit B**.
121

122 **Section 4:** Chapter 23 “Land Development Regulations,” Article 2
123 “Administration,” Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative
124 Standards” is hereby amended by adding the words shown in underline type and deleting
125 words struck through as indicated in **Exhibit C**.
126

127 **Section 5:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
128 Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SF-R - Single-Family
129 Residential” is hereby amended by adding the words shown in underline type and deleting
130 words struck through as indicated in **Exhibit D**.
131

132 **Section 6:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
133 Districts,” Division 2 “Residential Districts,” Section 23.3-8 “SF-TF 14 - Single-Family and
134 Two-Family Residential” is hereby amended by adding the words shown in underline type
135 and deleting words struck through as indicated in **Exhibit E**.
136

137 **Section 7:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
138 Districts,” Division 2 “Residential Districts,” Section 23.3-10 “MF-20 - Multi-Family
139 Residential” is hereby amended by adding the words shown in underline type and deleting
140 words struck through as indicated in **Exhibit F**.
141

142 **Section 8:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning
143 Districts,” Division 2 “Residential Districts,” Section 23.3-11 “Medium Density Multi-Family
144 Residential” is hereby amended by adding the words shown in underline type and deleting
145 words struck through as indicated in **Exhibit G**.

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Section 9: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-12 “High Density Multi-Family Residential” is hereby amended by adding the words shown in underline type and deleting words struck through as indicated in **Exhibit H**.

Section 10: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-1 “Secondary (Accessory) Dwelling Unit” is hereby amended by adding the words shown in underline type and deleting words struck through as indicated in **Exhibit I**.

Section 11: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-10 “Off-Street Parking” is hereby amended by deleting words struck through as indicated in **Exhibit J**.

Section 12: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-13 “Administrative Uses and Conditional Uses” is hereby amended by adding the words shown in underline type as indicated in **Exhibit K**.

Section 13: Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-16 “Mechanical Systems/Equipment for Existing Residential Structures” is hereby amended by adding the words shown in underline type as indicated in **Exhibit L**.

Section 14: Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-1 “Signs” is hereby amended by adding the words shown in underline type as indicated in **Exhibit M**.

Section 15: Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-3 “Nonconformities” is hereby amended by adding the words shown in underline type as indicated in **Exhibit N**.

Section 15: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 16: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 17: 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.

193 **Section 18:** Effective Date. This ordinance shall become effective 10 days after
194 passage.

195
196 The passage of this ordinance on first reading was moved by _____, seconded by
197 _____, and upon being put to a vote, the vote was as follows:

- 198
- 199 Mayor Betty Resch
- 200 Vice Mayor Christopher McVoy
- 201 Commissioner Sarah Malega
- 202 Commissioner Kimberly Stokes
- 203 Commissioner Reinaldo Diaz
- 204

205 The Mayor thereupon declared this ordinance duly passed on first reading on the
206 _____ day of _____, 2023.

207
208
209 The passage of this ordinance on second reading was moved by
210 _____, seconded by _____, and upon being put to a vote,
211 the vote was as follows:

- 212
- 213 Mayor Betty Resch
- 214 Vice Mayor Christopher McVoy
- 215 Commissioner Sarah Malega
- 216 Commissioner Kimberly Stokes
- 217 Commissioner Reinaldo Diaz
- 218

219 The Mayor thereupon declared this ordinance duly passed on the _____ day of
220 _____, 2023.

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222 LAKE WORTH BEACH CITY COMMISSION

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225 By: _____
226 Betty Resch, Mayor
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230 ATTEST:

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234 Melissa Ann Coyne, City Clerk
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EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.1-12. – Definitions.

Extended stay hotel/motel (Extended stay lodging facility): A type of motel or hotel that offers lodging for extended periods up to sixty (60) days, and may include a kitchen.

Lodging Facility: As listed in Section 23.3-6 – Use Tables, shall include hotel or motel uses as defined in this section, but shall exclude extended stay lodging facilities.

Pawn shop: An establishment whose principal business is to lend money on security of personal property deposited with the establishment in pledge for the debt, redeemable by the pledger on the terms and conditions agreed to by the pawnbroker and as set forth in F.S. § 539.001, and with the implied power of sale on default. The term does not include a financial institution as defined in F.S. § 655.005, or any person who regularly loans money or any other thing of value on stocks, bonds or other securities. This use is classified as a single-destination commercial use with accessory money business services. The use table provisions in Section 23.3-6 imposing the greater restriction, and the review criteria in Section 23.4-13 are both applicable in determining the permitted use location.

Street wall: A decorative wall or portion of a wall installed at the build-to line to enhance the continuation of building walls along a street. Street walls are required to be designed in a manner to compliment the architecture of a site's existing structure/s.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.2-27. – Waiver.

- c) A waiver of limited land development regulations relating to site development requirements only, and excluding use regulations, may be requested to certain sections or subsections of Chapter 23 – Land Development Regulations where it is expressly stated in that section or subsection that a waiver may be requested to specified provisions for approval by the applicable review board. A variance per Section 23.2-26 shall be required for all other sections or subsections of Chapter 23 where is it not clearly indicated that a waiver or an administrative adjustment per Section 23.2-28 may be requested. The waiver shall meet the following review criteria:
1. The waiver requested is the smallest or minimum modification necessary.
 2. The waiver request shall not negatively impact adjacent property owners or protected land uses as described in Section 23.1-12.
 3. The applicable review board has determined that the waiver is appropriate in massing, scale, visual impact and does not create noise, light or other impacts greater than similar improvements permitted in the immediate area.
 4. The waiver request supports the goals, objectives and policies of the City's Comprehensive Plan.
 5. The waiver request is supportive of currently permitted uses, and shall not create or increase a nonconformity with regards to use as described in Section 23.5-3.

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

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

Sec. 23.2-31. – Site Qualitative Standards.

l) Street wall. The purpose of the street wall is to complete the continuation of building walls along a street when a proposed development is not able to meet the maximum front setback (build-to) requirements from streets. Street walls shall not be utilized for new construction, except for inherently auto-centric uses such as gas stations and automobile drive-thrus. Utilization of a street wall in lieu of meeting front build-to line requirements shall require a waiver approval as described in Section 23.2-27.c. Upon substantial enlargement, substantial improvement or new construction for principal buildings the following standards shall apply:

1. Breaks may be permitted in the street wall to provide pedestrian access to the site and for the purpose of tree protection.
2. Parking facilities shall be permitted at the rear or interior side of the principal structure, or street wall as approved by the appropriate review board. If parking is located to the rear of the street wall, then the street wall shall screen the parking area with a combination of wall and landscaping improvements.
3. For existing nonconforming structures, a street wall may be utilized to meet the build-to line requirement provided that:
 - a. The expansion of existing structure to meet the build-to line is not feasible as determined by the DRO.
 - b. The expansion of the structure is less than 25% of the existing building.
 - c. The expansion does not increase any nonconformities. The front building line shall be maintained or modified to reduce the build-to line nonconformity.
 - d. The street wall shall provide a base, middle, and top expressed with materials finished and wrapped on all façades facing a right-of-way. Street walls shall be designed in a manner to compliment the architecture of the site's structure/s.
 - e. Street walls shall have visual breaks every 75 feet at a minimum. The breaks shall be setbacks of either 8" or 12" or more to create reveal lines or step backs on the façade and to add rhythm. The street wall shall be articulated by architectural details. Such details may include openings, canopies, awnings, changes in parapet height, material changes, projections, recesses, or similar features. A physical half wall with a pergola

357 structure in combination with landscaping that creates a living green wall
358 effect shall be encouraged.

359 f. Use of durable, high-quality materials that are appropriate for the climate,
360 such as stone, steel, glass, precast concrete, or masonry. Such materials
361 and associated architectural features must wrap around all sides of the
362 street wall that are visible from the public realm. Traditional stucco may be
363 appropriate adjacent to historic districts. Street walls incorporating EIFS
364 (Exterior Insulation Finishing System) or other faux-stucco finish for more
365 than 10% of a street-facing façade do not meet this requirement.

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367 h) m) Community appearance criteria. The general requirements outlined in this section
368 are minimum aesthetic standards for all site developments, buildings, structures, or
369 alterations within the corporate limits of the city, except single-family residences.
370 However, additions to existing buildings and sites shall be subject to review by the
371 development review official for a determination regarding submission to the planning
372 and zoning board or historic resources preservation board for review. All site
373 development, structures, buildings or alterations to site development, structures or
374 buildings shall demonstrate proper design concepts, express honest design
375 construction, be appropriate to surroundings, and meet the following community
376 appearance criteria:

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379 m) n) Compliance with other requirements. The requirements of this section are in
380 addition to any other requirement of the Code of Ordinances of the city, such as the
381 building code. Approval by the decision-making body of a given set of plans and
382 specifications does not necessarily constitute evidence of applicant's compliance
383 with other requirements of the city code.

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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 3, "Zoning Districts"

Sec. 23.3-7. – SF-R – Single-Family Residential.

c) Development regulations for uses permitted by right

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth for primary structures, whichever is less.
		5 ft. for accessory structures.
	Side	10% lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.
	<u>Accessory</u>	<u>A. 10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less</u>
		<u>B. A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u>
		<u>C. Minimum 5 ft. rear setback.</u>

portion of table omitted for brevity.

3. Minimum setbacks.

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet up to a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have side set back of five (5) feet minimum.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width.

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 3, "Zoning Districts"

Sec. 23.3-8. – SF-TF 14 – Single-Family and Two-Family Residential.

c) *Development regulations for uses permitted by right.*

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth for primary structures; 5 ft. for accessory structures
	Side	10% of lot width, minimum of 3 feet up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs not to exceed more than 2 ft.
Accessory	A. <u>10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less</u> B. <u>A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u> C. <u>Minimum 5 ft. rear setback.</u>	

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have side set back of five (5) feet minimum.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling units shall comply with the more restrictive of the requirements in Section 23.4-1 or the zoning district.

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4. Minimum facilities and living area per residential unit.

- A. The first dwelling unit on each lot shall contain at least a living room, kitchen, bedroom and bathroom, and shall have a minimum living area of eight hundred (800) square feet.
- B. The second dwelling unit on each lot shall contain at least a living room, kitchen, bedroom and bathroom, and shall have a minimum living area of four hundred (400) square feet.
- C. A secondary (accessory) dwelling unit shall comply with the development standards in Section 23.4-1. The total habitable square footage of an accessory dwelling unit shall not exceed the habitable square footage of the principal residential use.

- 8. Accessory structures. All accessory structures shall not exceed forty (40) percent of the gross floor area of the principal structure or one thousand (1,000) square feet whichever is less, excluding approved prefabricated metal storage buildings totaling no more than one hundred forty-four (144) square feet. If a property has both accessory structure/s and a secondary (accessory) dwelling unit, then the total area requirements in Section 23.4-1 shall apply.

EXHIBIT F

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 “GENERAL PROVISIONS”

Article 3, “Zoning Districts”

Sec. 23.3-10. – MF-20 – Multi-Family and Two-Family Residential.

c) *Development regulations for uses permitted by right.*

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth. 5 ft. for accessory structures.
	Side	10% of lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
Accessory	<u>A. 10% lot width, minimum side set back of 3 ft. up to a minimum of 5 ft. for lots over 50 ft. in width.</u> <u>B. Minimum rear set back of five (5) feet</u>	

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have a side set back of five (5) feet minimum.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling units shall comply with the more restrictive of the requirements in Section 23.4-1 or the zoning district.

531 4. Minimum facilities and living area per dwelling unit.

532 A. Single-family and two-family structures:

533 (1) The first dwelling unit on each lot in case of duplex construction shall
534 contain at least a living room, kitchen, bedroom and bathroom, and shall
535 have a minimum living area of eight hundred (800) square feet.

536 (2) The second dwelling unit on each lot in the case of duplex construction
537 shall contain at least a living room, kitchen, bedroom and bathroom, and
538 shall have a minimum living area of four hundred (400) square feet.

539 (3) A secondary (accessory) dwelling unit shall comply with the development
540 standards in Section 23.4-1. The total habitable square footage of an
541 accessory dwelling unit shall not exceed the forty (40) percent of the
542 habitable square footage of the principal residential use or one thousand
543 (1,000) square feet whichever is less.

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546 8. Accessory structures. All accessory structures shall not exceed forty
547 (40) percent of the gross floor area of the principal structure or one
548 thousand (1,000) square feet whichever is less, excluding approved
549 prefabricated metal storage buildings totaling no more than one
550 hundred forty-four (144) square feet. If a property has both accessory
551 structure/s and a secondary (accessory) dwelling unit, then the total
552 area requirements in Section 23.4-1 shall apply.

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EXHIBIT G

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 “GENERAL PROVISIONS”

Article 3, “Zoning Districts”

Sec. 23.3-11. – MF-30 – Medium Density Multi-Family Residential.

c) *Development regulations for uses permitted by right.*

portion of table omitted for brevity.

Setback	Front	20 ft.
	Rear	15 ft. or 10% of lot depth. 5 ft. for accessory structures.
	Side	10% of lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	<u>A. 10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less.</u>
	<u>B. A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u> <u>C. Minimum 5 ft. rear setback.</u>	

portion of table omitted for brevity.

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3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (2) Two-story buildings shall have a side set back of five (5) feet.
- (3) Roof overhangs shall not project more than two (2) feet into the setback.
- (4) Minimum street side setback: Ten (10) feet up to a maximum of twenty-two (22) feet.
- (5) Accessory structures and pools shall have a side setback of 10% of lot width, with a minimum setback of three (3) feet up to a minimum of five (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling units

592 shall comply with the more restrictive of the requirements in Section
593 23.4-1 or the zoning district.

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597 4. Minimum facilities and living area per dwelling unit.

598 A. Single-family and two-family structures:

599 (1) The first dwelling unit on each lot in the case of duplex construction shall contain
600 at least a living room, kitchen, bedroom and bathroom, and shall have a minimum
601 living area of eight hundred (800) square feet.

602 (2) The second dwelling unit on each lot in the case of duplex construction shall contain
603 at least a living room, kitchen, bedroom and bathroom, and shall have a minimum
604 living area of four hundred (400) square feet.

605 (3) A secondary (accessory) dwelling unit shall comply with the development standards
606 in Section 23.4-1.. ~~The total habitable square footage of an accessory dwelling unit~~
607 ~~shall not exceed the forty (40) percent of the habitable square footage of the~~
608 ~~principal residential use or one thousand (1,000) square feet whichever is less.~~

609 ***

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611 8. Accessory structures. All accessory structures shall not exceed forty (40) percent of
612 the gross floor area of the principal structure or one thousand (1,000) square feet
613 whichever is less, excluding approved prefabricated metal storage buildings totaling
614 no more than one hundred forty-four (144) square feet. If a property has both
615 accessory structure/s and a secondary (accessory) dwelling unit, then the total area
616 requirements in Section 23.4-1 shall apply.

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EXHIBIT H

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 3, "Zoning Districts"

Sec. 23.3-12. – MF-40 – High Density Multi-Family Residential.

c) *Development regulations for uses permitted by right.*

portion of table omitted for brevity.

Setback	Front	10 ft.
	Rear	15 ft. or 10% of lot depth when next to a residential district. 10 ft. in general. 5 ft. for accessory structure
	Side	Street lot side - 10 ft. minimum up to a maximum of 22 ft.
		Interior lot side - 10% of width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two-story buildings shall be set back minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Accessory	A. <u>10% lot width, minimum side setback of 3 ft. for lots 50 ft. wide or less.</u> B. <u>A minimum of 5 ft. side setback for lots 50 ft. wide and over in width.</u> C. <u>Minimum 5 ft. rear setback.</u>

portion of table omitted for brevity.

3. *Minimum setbacks.*

B. Minimum side setback:

- (1) Minimum street side setback: Ten (10) feet up to a maximum of twenty-two (22) feet.
- (2) Minimum interior side setback: Ten (10) percent of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over one hundred (100) feet in width.
- (3) Two-story buildings shall have a side set back of at least five (5) feet.

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651 (4) Roof overhangs shall not project more than two (2) feet into the
652 setback.

653 (5) Accessory structures and pools shall have a side setback of 10% of lot
654 width, with a minimum setback of three (3) feet up to a minimum of five
655 (5) feet for lots over 50 ft. in width. Secondary (accessory) dwelling
656 units shall comply with the more restrictive of the requirements in
657 Section 23.4-1 or the zoning district.

658 ***

660 4. Minimum living area per dwelling unit.

661 A. Single-family and two-family structures:

662 (1) The first dwelling unit on each lot in the case of duplex construction shall
663 contain at least a living room, kitchen, bedroom and bathroom, and shall
664 have a minimum living area of eight hundred (800) square feet.

665 (2) The second dwelling unit on each lot in the case of duplex construction
666 shall contain at least a living room, kitchen, bedroom and bathroom, and
667 shall have a minimum living area of four hundred (400) square feet.

668 (3) A secondary (accessory) dwelling unit shall comply with the
669 development standards in Section 23.4-1. ~~The total habitable square~~
670 footage of an accessory dwelling unit shall not exceed the forty (40)
671 percent of the habitable square footage of the principal residential use
672 or one thousand (1,000) square feet whichever is less.

673 ***

674 8. Accessory structures. All accessory structures shall not exceed forty (40) percent
675 of the gross floor area of the principal structure or one thousand (1,000) square
676 feet whichever is less, excluding approved prefabricated metal storage
677 buildings totaling no more than one hundred forty-four (144) square feet. If a
678 property has both accessory structure/s and a secondary (accessory) dwelling
679 unit, then the total area requirements in Section 23.4-1 shall apply.

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EXHIBIT I

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-1. – Secondary (Accessory) Dwelling Unit.

a) Purpose. It is the purpose of this section to provide regulations and standards for the establishment of a secondary dwelling unit within designated residential zoning districts that permit this use, and on properties that minimum lot requirements.

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

1. Existing development on lot. A single-family dwelling must currently exist on the lot or will be constructed in conjunction with the secondary unit.

2. Number of secondary units per parcel. Only one (1) secondary dwelling unit shall be allowed for each parcel.

3. Unit size.

(a) The habitable floor area for secondary units shall not exceed sixty (60) percent of the habitable floor area of the primary residence with a maximum unit size of 1,000 sf unless a waiver is granted to this subsection for the purpose of providing affordable / workforce housing, or to allow for an accommodation for accessibility. However, in no case shall a waiver related to these purposes allow the size of the secondary dwelling unit to exceed the size of the principal structure. See Section 23.2-27. and

(b) The minimum unit size shall be a minimum of four hundred (400) square feet for an efficiency, six hundred (600) square feet for 1 bedroom, seven-hundred and fifty (750) square feet for 2 bedrooms, and nine hundred (900) square feet for 3 bedrooms.

4. Accessory Structure/s Maximum Total Area. The total area of all accessory structures for properties with both detached accessory structure/s and a secondary dwelling unit shall not exceed 60% of the total area of the primary building, including any attached structures having a roof.

54. Setbacks for detached secondary dwelling units. The side-yard setback for detached single story structures containing a secondary dwelling unit shall not be less than three (3) feet. The rear-yard setback for detached single story structures containing a secondary dwelling unit shall not be less than five (5) feet. Secondary units higher than one (1) story shall provide side yard setbacks of five (5) feet and rear yard setbacks of ten (10) feet. If any portion of a secondary dwelling unit is located in front of the main building, then the front and side yard setbacks shall be the same as a main building in the zoning district. The distance between buildings on the same lot must be a

730 minimum of ten (10) feet. Secondary dwelling units are not eligible for
731 variances or waivers for setbacks or minimum building separation.

732 6. In zoning districts where secondary dwelling units are currently permitted, a
733 waiver of land development regulations related to the construction of an
734 accessory dwelling unit may be granted as part of a certificate of
735 appropriateness to allow for the conversion of a contributing accessory structure
736 in a designated historic district or landmark accessory structure to a secondary
737 dwelling unit, or to allow for a larger newly constructed secondary dwelling unit
738 in support of preservation of all sides of a contributing or landmark principal
739 structure. See applicable waiver sections 23.2-27 and 23.5-4 of these LDRs.

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741 7. Secondary dwelling units shall comply with the more restrictive of either the
742 requirements in this section or the regulating zoning district unless otherwise
743 stated.

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745 ~~5.~~ 8. Design. The design of the secondary unit shall relate to the design of the
746 primary residence by use of the similar exterior wall materials, window types,
747 door and window trims, roofing materials and roof pitch, and shall be compatible
748 in architectural style.

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750 ~~6.~~ 9. Minimum housing code. All secondary dwelling units shall meet the city's
751 established minimum housing code requirements.

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EXHIBIT J

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-10. – Off-Street Parking.

d) *Material.* Each parking space shall be surfaced with a hard impermeable dustless material, either solid in area or in individual concrete strips or other approved materials, including but not limited to impervious materials and permeable paving materials in accordance with City of Lake Worth Beach standards. Required off-street parking for single-family and two-family dwelling units may also utilize ~~semi-permeable surface materials including shell rock, gravel, and or~~ other small stone material in lieu of impermeable or permeable paving material as long as it meets the following criteria:

1. Appropriate stabilization shall be established to keep small stone like materials out of the ROW, alley, and storm water systems;
2. All semi-permeable driveway and parking surfaces shall be maintained to ensure permeable qualities and to prevent ponding of water.

f) Minimum parking space requirements by use category.

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

A. Residential uses:

Multi-family (efficiency) one and twenty-five hundredths (1.25) spaces per unit.

Multi-family (one-bedroom) - One and one-half (1.5) spaces per unit.

Multi-family (two-bedroom) - One and seventy-five hundredths (1.75) spaces per unit.

Multi-family (> 2 bedroom) - Two (2) parking spaces per unit.

The total required residential parking shall be reduced by 25% for developments that provide no less than 15% of all proposed units as income restricted affordable or workforce housing units in accordance with Section 23.2-39. This reduction may not be combined with other parking reduction provisions of these LDRs, and at least one (1) parking space per residential dwelling unit is also required.

825
826 **EXHIBIT K**

827
828 Chapter 23

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830 LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

831
832 **Sec. 23.4-13. – Administrative Uses and Conditional Uses.**

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835
836 c) *Standards.*

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840 19. *Money business services.*

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842 A. *Purpose.* It is the purpose of this section to provide regulations and
843 standards for money business services such as payment instrument
844 seller, foreign currency exchanger, check casher, or money transmitter.
845 These uses shall be approved through the appropriate decision-making
846 authority. Principal uses shall be reviewed through the conditional use
847 permit process. These uses may also occur as accessory to single
848 destination commercial only provided the development standards are
849 met for both the principal and accessory use.

850 B. *Design and performance standards.*

851 1) *Separation Distance:*

852 (a) A minimum separation distance of four hundred (400) feet for
853 accessory uses from other money business establishments.

854 (b) A minimum separation distance of one thousand (1,000) feet for
855 principal uses from other money business establishments.

856 (c) Distance shall be measured in a straight line from the nearest
857 portion of the money business licensed premises to the nearest
858 property line of the protected land use. For the purposes of such
859 measurement, the nearest exterior wall of the licensed premises,
860 or the nearest wall of the unit containing the use in a multi-tenant
861 structure, or the nearest point on an outside area which is a part
862 of the licensed premises (if any), shall be used. This minimum
863 distance requirement shall not apply when the money business
864 use and the protected land use are located in the same multi-
865 tenant center.

866 2) *Operational Standards:*

867 (a) Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. on
868 Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.

- 869 (b) No temporary or promotional signage shall be permitted on
870 windows or doors except as expressly permitted in section 23.5-
871 1, signs.
- 872 (c) Interior and exterior video surveillance for security purposes is
873 required and surveillance recordings shall be maintained for a
874 minimum of fourteen (14) days.
- 875 (d) The site shall meet appropriate Crime Prevention through
876 Environmental Design (CPTED) standards as feasible.
- 877 (e) Except, pawn shops shall comply with the more restrictive of F.S.
878 § 539.001, the standards in this section, and the standards in
879 LDR Section 23.4-13(c)(5) for single destination commercial
880 uses.

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EXHIBIT L

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

Sec. 23.4-16. – Mechanical systems/equipment for existing residential structures.

- a) For existing residential structures, placement of mechanical equipment shall be allowed in the rear or side setback and/or between the main structure and a public street if there is insufficient space to locate the equipment outside of the setbacks. However, in no case shall mechanical equipment be located less than 18” from a property line to allow for its maintenance. Equipment located in the setback must meet requirements of the landscape code and the equipment must be screened from view of the right-of-way. In addition, product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line.

EXHIBIT M

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Sec. 23.5-1. – Signs.

- e) *Special regulations by type of sign.* The following types of signs shall be constructed or erected in accordance with the following specific regulations in addition to all other applicable regulations set forth in this section. Special regulations for the core area are the only exception to the regulations provided below.

16. *Changeable copy signs.*

- i. Changeable copy shall be allowed for the following uses along the major thoroughfares of the city. Changeable copy signs may also be allowed on roadways with lower functional classifications for institutional and public uses only with a waiver per Section 23.2-27.c. if approved by the applicable review board.
 - 1. Hotels and motels
 - 2. Institutional and Public uses
 - 3. Gas and service stations
 - 4. Movie theaters and playhouses
 - 5. Menu board signs for restaurants

EXHIBIT N

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 “SUPPLEMENTAL REGULATIONS”

Sec. 23.5-3. – Nonconformities.

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

1. Nonconforming buildings and structures may be enlarged, expanded or extended subject to these LDRs, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure, or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.
2. Should the structure or building be deteriorated or destroyed to an extent of more than fifty (50) percent of the assessed value of the structure or building as determined by the building official, it shall not be reconstructed except in conformity with the provisions of these LDRs. However, a waiver of land development regulations may be granted as part of a certificate of appropriateness for a property within a designated historic district or landmark property. See sections 23.2-27 and 23.5-4 of these LDRs.

6. A street wall may be utilized to meet the build-to line (front building line) requirements for existing buildings and structures as provided for in Section 23.2-31 and Section 23.2-27. Further, these nonconforming buildings and structures may be permitted to expand up to 25% of the building area as provided for in Section 23.2-31 if the proposed expansion does not increase all other nonconformities. A substantial improvement or permitted expansion (maximum 25%) of these buildings and structures shall maintain or reduce the front building line nonconformity.

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e) Nonconforming uses of buildings and structures. A nonconforming use of a major building or structure is an activity primarily occurring within such building or structure, but which may also include the use of surrounding premises including land or nearby minor buildings. Such activity shall have been lawfully permitted at the time of its inception. The decision of the development review officer as to whether a nonconforming use is a nonconforming use of land or a nonconforming use of a building or structure, as each is described in this section, shall be final unless reversed by the planning and zoning board or historic resources preservation board, as applicable. Such nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

5. When a nonconforming use of a structure or building ceases for six (6) consecutive months, or for eighteen (18) months during any three-year period, and is not replaced by a permitted use, the structure or building shall not thereafter be used except in conformance with the regulations of the district in which it is located. The issuance or existence of a required license, permit or other governmental authorization to conduct such nonconforming use shall not mean that the use has not ceased, but the lack of such license, permit or authority shall create a rebuttable presumption that the use has ceased. Documentation of Aactions or activities of the owner of a property actively attempting to lease or rent the property, or documentation demonstrating that a business owner or property owner intended, but was prevented by no actions of their own to continuously operate said use shall be considered shall not be considered a use of the property in determining whether a nonconforming use of a structure or building has ceased.