



**AGENDA**  
**CITY OF LAKE WORTH BEACH**  
**HISTORIC RESOURCES PRESERVATION BOARD MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**WEDNESDAY, MARCH 13, 2024 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES**

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

- A. [January 10, 2024 Meeting Minutes](#)  
[February 14, 2024 Meeting Minutes](#)

**CASES**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) [927 South Palmway](#)  
[804 Lake Avenue](#)  
[403 South Ocean Breeze](#)

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A.** [HRPB Project Number 24-00600001: Consideration of an alcoholic beverage distance waiver to allow non-package sales of wine for on-site consumption at V Gallery at 804 Lake Avenue. The subject property is a contributing resource to the Old Lucerne National Historic District and is located in the Downtown \(DT\) zoning district. The future land use designation is Downtown Mixed Use \(DMU\).](#)
- B.** [HRPB Project Number 23-00100248: Consideration of a Certificate of Appropriateness \(COA\) for an addition on the northwest corner of the existing principal structure \(Phase I\) and demolition of the existing garage to build a new two \(2\) story accessory structure \(Phase II\) at 403 South Ocean Breeze. The subject property is a contributing resource to the South Palm Park District and is located in the Multi-Family Residential \(MF-20\) Zoning District.](#)

- C. HRPB Project Number 24-00100032:** Consideration of a Certificate of Appropriateness (COA) for construction of a new single-family residential structure at 927 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. The future land use designation is Single Family Residential (SFR).
- D. Ordinance 2024-03:** Consideration of an ordinance amending Chapter 23, Section 23.3-25 "Planned Development District," to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Residential Only Mixed-Use Urban Planned Development.

**PLANNING ISSUES:**

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

**DEPARTMENT REPORTS:**

**BOARD MEMBER COMMENTS:**

**ADJOURNMENT**

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

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

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



**MINUTES  
CITY OF LAKE WORTH BEACH  
HISTORIC RESOURCES PRESERVATION BOARD MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, JANUARY 10, 2024 -- 6:03 PM**

**ROLL CALL and RECORDING OF ABSENCES** Present were: Robert D'Arinzo, Chair; Nadine Heitz, Vice-Chair; Elaine DeRiso; Edmond LeBlanc; Edmund Deveaux. Absent: Laura Devlin.

Also present were: Anne Greening, Senior Preservation Planner; Yeneneh Terefe, Preservation Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

A. November 8, 2023 Meeting Minutes

**Motion:** N. Heitz moves to approve the November 8, 2023 Meeting Minutes as presented; E. Deveaux 2<sup>nd</sup>. **Vote:** Ayes all, unanimous.

**CASES**

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

**PROOF OF PUBLICATION**

1) 603 North Ocean Breeze

**WITHDRAWALS / POSTPONEMENTS** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

A. **HRPB Project Number 23-00100140:** Consideration of a Certificate of Appropriateness (COA) for roof replacement at 611 7th Avenue North. The subject property is a non-contributing resource to the Northeast Lucerne Historic District and is located in the Single-Family and Two-Family Residential (SF-TF-14) Zoning District.

**Staff:** Y.Terefe provides case findings and analysis. Built in 1929 and recommended to be contributing according to the most recent survey. The original roof was a rolled composition replaced by asphalt shingles in the 1970's. The roof is a major, defining architectural feature. Standing seam is not a

recommended replacement according to the Dept of the Interior and City of Lake Worth Beach Design Guidelines.

**Applicant:** The applicant is not present.

**Board:** Question regarding why the structure is non-contributing? **Response:** Should the most recent surveys be approved/accepted/adopted by the City, the structure would be listed as contributing. Question as to whether there has been a conversation with the applicant regarding metal shingles as an acceptable alternative vs. standing seam?

**Board:** E. Deveaux would like to grant a continuance to allow the applicant an opportunity to attend next month. N. Heitz agrees.

**Motion:** E. Deveaux moves to continue **HP 23-00100140** to a date certain of February 14, 2024 to allow the applicant an opportunity to attend and speak before the Board; N. Heitz 2<sup>nd</sup>.

**Vote:** 4/1 in favor of granting the continuance. E. LeBlanc dissenting.

**Chair – Robert. D’Arinzo recuses himself from Item B and departs the Dias. The property is adjacent to his property. Vice-Chair Nadine Heitz assumes the Chair.**

**B. HRPB Project Number 23-01500012:** A request for a variance to allow a six-foot high fence in the front yard at 603 North Ocean Breeze. The subject property is a contributing resource within the Old Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is the Single Family Residential (SFR).

**Staff:** A. Greening provides case analysis. Positive findings are required for all four criteria in order to approve a variance.

A corner property is not unique in the City. All similarly situated properties are required to comply with the maximum front yard fence height; This is a result of unpermitted work.

The home has been a Single-family use for over 75 years, the shorter fence would not be considered a deprivation of reasonable use of the property.

A four-foot fence with a landscape screen on either side would provide the privacy expressed as a concern in the applicant justification.

The adopted 2013 LDR fence requirements are common throughout the US, not just Lake Worth Beach.

**Board:** Question regarding visual regulating of fence vs landscape. The height of plants/trees are generally not height regulated.

**Applicant:** Sean Waldeck – States he is a 20-year resident of the City and cites increased crime and how many calls PBSO receives within a 2-mile radius of his property within the last five years. There is a halfway house next door. There has been a burglary and a home invasion at the property. The fence provides security and improves the quality of life for his family. Code Compliance requested a trailer be placed behind the fence. The applicant displays photos of neighborhood properties with various fence heights.

**Board:** Question as to how to quantify those PBSO number of calls? has it increased? How would Board know that it is unusual? Is the vegetation objectionable? **Response:** It doesn’t provide as much security.

**Board:** Were you aware of the need for a permit for a fence? Was there work without permit? **Response:** In 2012 there was a permit for the fence, it has since (2020) been extended without benefit of a permit. It was built with the intent of providing a safe place for their daughter to play (who may now be @ 16 years old). The six-foot fence was erected 10 years ago and then moved forward of the front building line to the street.

**Board:** Expresses concern that he was cited and others may not be.

**Board Attorney:** The issue at hand is for a variance and not code enforcement.

**Board Vice-Chair:** We have no way of knowing what may come before the Board, perhaps more requests for variances in the future.

**Public Comments:** Board Secretary read 3 comments: Lisa Perez – 511 Lucerne Ave- questions why it exists as it does not meet code. Looks out of place and detracts from the community. Although crime and safety are stated as reasons for the fence, it appears it is to screen a large utility trailer.

Alex Cascella 531 N Ocean Breeze- states the fence causes no one an issue that the citing makes no sense or reason, it only bothers obnoxious code inspectors.

Barbara Swift 604 N. Ocean Breeze – Is in full support of keeping the fence as is, they have maintained the property very nice since she moved there in 2017. The property is on a street corner.

Vice-Chair acknowledges the comments however none of them address the criteria required to be met for approval of the variance. The Board has no purpose if an acceptable reason is “everyone else is doing it”. If everyone can do it why do we have Code? Please voice concerns to the appropriate department regarding code compliance issues.

**Board:** E. Deveaux would like to have more workshops, total overhaul of City Codes, what’s grandfathered in is grandfathered in.

**Motion:** E. LeBlanc moves to disapprove HRPB **23-01500012** as it does not meet the variance criteria based on the data and analysis in the staff report: E. DeRiso 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** None

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

**DEPARTMENT REPORTS:** Scott Rodriguez is Assistant Director for Planning & Preservation.

**BOARD MEMBER COMMENTS:** E. Deveaux -Laws are all wrong. Code Enforcement is not the issue. Workshop with public participation to re-work all this. Policy is the issue. Why do we pick and choose for the poor people? they don’t do that in the mansions on 5<sup>th</sup> Ave South with state of the art windows and doors. Do we tell people in Palm Beach what windows they can have? Absolutely not, not one day will we pick and choose for them. The person who wrote the Design Guidelines doesn’t even live in this town. Hear from the citizenry, input and implement it. Now we are a structural town. If you sell your house you loose the grandfathering and have to come up to code.

**Board Attorney:** As per the previous training presented when the Board first took office, City rules are set out in accordance with the State laws. This allows for the CLG status. All historic properties are treated the same in order to meet the CLG status requirements. There were extensive workshops prior to the adoption in 2018. There is a timeline to review the rules and regulations to make sure they are current and relevant. It really doesn’t matter what is occurring in the rest of the City, the Board is to here to preserve the Historic nature which includes the structure and the feel of the neighborhood. **Response:** E. Deveaux asks if City is infringing on First Amendment. **Board:** It is a choice to live in a Historic District. E. Deveaux questions if the Board is going to decide what doors windows and roofs will be allowed? Is that our job? **Board Attorney:** Yes that is exactly the job of the Board. **Board:** Can a portion of the City decide to opt out of a Historic District if they believe its too onerous?

**Vice-Chair:** Laws are frequently dictated by the State.

**ADJOURNMENT** 7:06 pm





**MINUTES  
CITY OF LAKE WORTH BEACH  
HISTORIC RESOURCES PRESERVATION BOARD MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, FEBRUARY 14, 2024 -- 6:03 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were- R. D'Arinzo, Chair; Elaine DeRiso, Ed Deveaux, Ed LeBlanc, Laura Devlin; Absent: Nadine Heitz. Also present were: Yeneneh Terefe, Preservation Planner; Anne Greening, Senior Preservation Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:** None

**CASES**

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

**PROOF OF PUBLICATION** None required

**WITHDRAWALS / POSTPONEMENTS** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** Laura Devlin and Robert D'Arinzo both visited staff offices to review the financials for the Economic Hardship application. R. D'Arinzo will recuse himself from New Business Item A as the applicant is a friend and client.

**UNFINISHED BUSINESS:**

- A. HRPB Project Number 23-00100140:** Consideration of a Certificate of Appropriateness (COA) for roof replacement at 611 7th Avenue North. The subject property is a non-contributing resource to the Northeast Lucerne Historic District and is located in the Single-Family and Two-Family Residential (SF-TF-14) Zoning District. This project was continued from the January 10, 2024 HRPB meeting.

**Board:** How long has this been going on? **Response:** Since last year.

**Staff:** Y. Terefe contacted the applicant after the January 10, 2024 HRPB meeting letting him know the Board wanted to hear the perspective of the applicant. The applicant was apprised of the meeting date and time and stated he would be here. Staff has not heard from him since.

**Staff:** The applicant was advised that standing seam metal roof was not an appropriate replacement for asphalt shingles according to the Design Guidelines.

**Board:** E. Deveaux states the applicant has to do what is necessary to obtain insurance. We don't have the Guidelines so that he can have that roof.

**Board members:** No, we have Guidelines passed down from the State and Federal level; Dept of Interior Historic Resource Preservation.

E. Deveaux -Historical Preservation to maintain the structural integrity of the architectural structure. How does that interfere with the structural integrity of the Historical Preservation? We, the City don't have it, is it somewhere else in the State that has it? Is the State saying we can't have it or is the City saying we can't have it?

**Response:** Several years ago the City asked the State for leniency on several items while at the same time maintaining the Certified Local Government status. All Board minutes and agendas are sent to the State for review, if it is seen that the Board is deviating from our custom made Guidelines, we risk losing Certified Local Government status and the state benefits derived from that designation. Consultants were hired; in conjunction with the public input and Historic Resources Preservation Board input the Guidelines that were created and are the result of that effort.

**Board:** L. Devlin states that as a novice, when beginning service on the Board, she had to do a lot of research. The Guidelines are not capricious, they come from the Dept. of the Interior through the State to the City. Her role is to follow and apply the Guidelines as fairly as possible. E. DeRiso – We are not asking the applicant to have a less structurally sound home. Although replacement may occur more frequently, asphalt shingles are not a less structurally sound replacement. E. LeBlanc – We need to be firm; consistency is important while reviewing each case on its own merits. The Board shouldn't be handing out passes without some extenuating circumstances. R. D'Arinzo – Some roofs, windows and doors were installed prior to the establishment of Historic Board.

**Staff:** The Historic Board was once combined with Planning & Zoning Board. Designation of the districts began circa 2000; COA's were not implemented until much later and more frequently used since 2015.

**Board Attorney:** Until about 2 years ago, a request for asphalt shingles was required to be heard by Board; approval methods on the approval matrix changed to allow for staff approval whereas the metal standing seam roof has always been contrary to guidelines and continues to be required to be heard by Board.

L. Devlin – Doesn't see any information provided by the applicant that it is an economic hardship, costs are extreme, or the applicant is unable to obtain insurance. The applicant should make an effort to attend this meeting and has had several opportunities to attend, no further discussion is needed.

**Public Comment:** None

**Motion:** E. DeRiso moves to deny HRPB 23-00100140 because the applicant has not established by competent substantial evidence that the application complies with the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; L. Devlin 2<sup>nd</sup>.

**Vote:** Ayes all 5/0, unanimous.

**B. HRPB Project Number 23-00100138:** Consideration of a Certificate of Appropriateness (COA) for roof replacement and an Unreasonable Economic Hardship application at 623 North Ocean Breeze. The subject property is a contributing resource to the Old Lucerne National Historic District and is located in the Single Family Residential (SFR) Zoning District.

**Staff:** A. Greening – The applicant has applied several times. In September staff met regarding the Hardship application. The applicant re-applied in 2024. The structure does have metal shingles. Design, quality, texture and materials are important historic characteristics. Visual compatibility criteria in the Design Guidelines does not address cost. Roofing is an important character defining feature. New metal shingles are considered the successful replacement of metal shingles. They continue to be available and do meet code with regard to wind load. In May 2022, the Board gave staff direction that metal shingle roofs could be approved/replaced with new metal shingles without coming to Board; also that light grey asphalt shingles could replace metal shingle provided it is accompanied by an Economic Hardship application. The Board is vested with the authority to determine if the Hardship exists.



**Board Attorney:** Unreasonable Economic Hardship is a high standard to prove. US Supreme Court Penn Central vs New York City is the legal precedent.

**Applicant:** Christopher Pope - The cost for the metal shingles are double the cost of other roofs. The property has been in his family since the late 90's in his family; he purchased the property from his mother's estate for \$100,000.00.

**Motion:** L. Devlin moves to approve HRPB 23-00100138 for a COA for roof replacement with light, grey asphalt shingles due to an unreasonable economic hardship 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; E. Deveaux 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**Robert D'Arinzo passes the gavel to Edmond LeBlanc and departs the dais and premises.**

### **NEW BUSINESS:**

**A. HRPB Project Number 23-00100211:** Consideration of a Certificate of Appropriateness (COA) for construction of a new accessory dwelling unit at 118 South J Street. The subject property is a contributing resource to the Southeast Lucerne Historic District and is located in the Medium Density Multi-Family Residential (MF-30) Zoning District.

**Staff:** Y. Terefe-The structure was built in the 1920's, the garage was demolished in the 60's with the intent to build an ADU which was never constructed. There is an open code case needing to be cleared prior to permitting. The unpermitted work needs to be addressed prior to the commencement of new construction but not prior to Board approval. A full zoning review of the proposed ADU could not be completed due to existing unpermitted work. The proposed square footage is 446 square feet. The style would be Mission or Med Revival with flat parapet roof. The window design for the full light window is conditioned to be similar to other proposed windows. E. DeRiso questions different styles of structures on same parcel. **Response:** A similar situation has occurred at 310 N Federal Hwy.

**Applicant:** Brock Featherstone and Al Churiso

**Board:** What is purpose of the ADU? **Response:** He would like to rent the house and live in the ADU during the winter as he spends half of year in Minnesota.

**Staff:** The ADU cannot be larger than 60% of the total square footage of the primary dwelling.

**Board:** Is the applicant in agreement with the Conditions?

**Applicant Response:** It shouldn't take six (6) months to get through the approval process. States he had to devalue his property in order to be Code compliant. Believes he is being punished for work without permit and suggests the City is flying drones over his property. How else would anyone know that he has pallets of pavers in the backyard.

**Board:** Caution applicant about making unfounded allegations.

**Public Comment:** None

**Motion:** E. DeRiso moves to approve HRPB 23-00100211 with staff recommended Conditions of Approval 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; E. Deveaux 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** There will possibly be a joint workshop in April. May is Historic Preservation Month with the awards ceremony. Please begin thinking of potential nominees. Staff will nominate in some categories, as well as the Board and the nominees can come from the public. All nominated projects will be before staff prior to being voted on by the Board.

The workshop is still being drafted, topics are still being determined.

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

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** E. Deveaux explains the City does not allow the elevating of a historic structure for flood consideration. Wooden structures in Delray and West Palm Beach cannot be demolished but can be raised with a concrete structure surrounding the property. There are 20,30,40 things the City does not do. Refresh the Code and be more flexible, honest with new ideas.

**Staff:** We have not had a request for raising a wooden structure. It is not something that is immediately disallowed.

**Board:** E. DeRiso is there an opportunity or forum for the public to respond to how they are treated in response to code compliance citations.

**Board Attorney:** That is a customer service/staff issue to be directed to the Division or Department where it occurred. Each Ordinance involves a lengthy public engagement period public input to the Guidelines. Public outreach, charrettes were held prior to the 2018 adoption of the Design Guidelines. For Certified Local Government status, there is no State requirement that the Guidelines be updated on a regular basis, only that the State be apprised of any potential changes to those Guidelines.

**Staff:** Staff does not have the authority to initiate a total re-write of the Land Development Regulations. They would be at the direction of City Commission or the Community Sustainability Director. The LDR's are updated periodically, throughout the year, as issues arise through their usage.

**Board:** L. Devlin suggests that is outside the scope of the role of the Board. We should not denigrate the Guidelines and LDR's.

**Board Attorney:** Suggestion that Mr. Deveaux sit down with staff to discuss.

**ADJOURNMENT** 7:10 PM

## Legal Notice No. 49343

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, March 13, 2024 at 6:00 pm** or soon thereafter to consider the following:

**HRPB Project #24-00600001:** Consideration of an alcoholic beverage distance waiver to allow non-package sales of wine for on-site consumption at V Gallery at 804 Lake Avenue. The subject property is a contributing resource to the Old Lucerne National Historic District and is located in the Downtown (DT) zoning district. The future land use designation is Downtown Mixed Use (DMU). PCN 38-43-44-21-15-507-0090.

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

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

**Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing.** Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Historic Resources Preservation Board to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. **For additional information, please contact City staff at 561-586-1687 or [historicpreservation@lakeworthbeachfl.gov](mailto:historicpreservation@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 [historicpreservation@lakeworthbeachfl.gov](mailto:historicpreservation@lakeworthbeachfl.gov) no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald  
February 29, 2024w4

## Legal Notice No. 49345

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, March 13, 2024 at 6:00 pm** or soon thereafter to consider the following:

**HRPB Project #24-00100032:** Consideration of a Certificate of Appropriateness (COA) for construction of a new single-family residential structure at 927 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. The future land use designation is Single Family Residential (SFR). PCN 38-43-44-27-01-031-0150.

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

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

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, March 13, 2024 at 6:00 pm** or soon thereafter to consider the following:

**HRPB Project #23-00100248:** Consideration of a Certificate of Appropriateness (COA) for an addition on the northwest corner of the existing primary structure (Phase I) and demolition of the existing garage to build a new two (2) story accessory structure (Phase II) at 403 South Ocean Breeze. The subject property is a contributing resource to the South Palm Park District and is located in the Multi-Family Residential (MF-20) Zoning District. The future land use designation is Medium Density Residential (MDR). PCN 38-43-44-21-15-161-0080.

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

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**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 [historicpreservation@lakeworthbeachfl.gov](mailto:historicpreservation@lakeworthbeachfl.gov) no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald

**LEGAL NOTICE**

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, January 17, 2024 at 6:00 pm or as soon thereafter to consider the following application.

PZB Project Number 23-00900001 (Ordinance 2024-02): A request for a Residential Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/ Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as "Sunset Drive," to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units. PCN #38-43-44-29-01-004-0240.

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, January 17, 2024 at 6:00 pm or as soon thereafter to consider the following application. The City of Lake Worth Beach's Historic Resources Preservation Board will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, February 14, 2024 at 6:00 pm or as soon thereafter to consider the following application.

PZB Project Number 23-01300002 (Ordinance 2024-03): A request for an ordinance amending Chapter 23, Section 23.3-25 "Planned Development District," to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Planned Development.

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](mailto: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.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Planning and Zoning Board (PZB) to consider a minimum of one (1) full business day prior to the date of the meeting. Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or [pzoning@lakeworthbeachfl.gov](mailto: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](mailto:pzoning@lakeworthbeachfl.gov) no later than five (5) days before the hearing if this assistance is required.

\*Publish January 4, 2024  
Sherie Coale  
City of Lake Worth Beach  
561-586-1687  
PO 190157  
1/6/24 7561161



## HISTORIC RESOURCES PRESERVATION BOARD REPORT

**HRPB Project Number 24-00600001:** Consideration of an alcoholic beverage distance waiver to allow non-package sales of wine for on-site consumption at V Gallery at 804 Lake Avenue. The subject property is a contributing resource to the Old Lucerne National Historic District and is located in the Downtown (DT) zoning district. The future land use designation is Downtown Mixed Use (DMU).

**Meeting Date:** March 13, 2024

**Applicant:** Steven Sposato, V Gallery

**Property Owner:** Cimaglia Holdings Number One, LLC

**Address:** 804 Lake Avenue

**PCN:** 38-43-44-21-15-507-0090

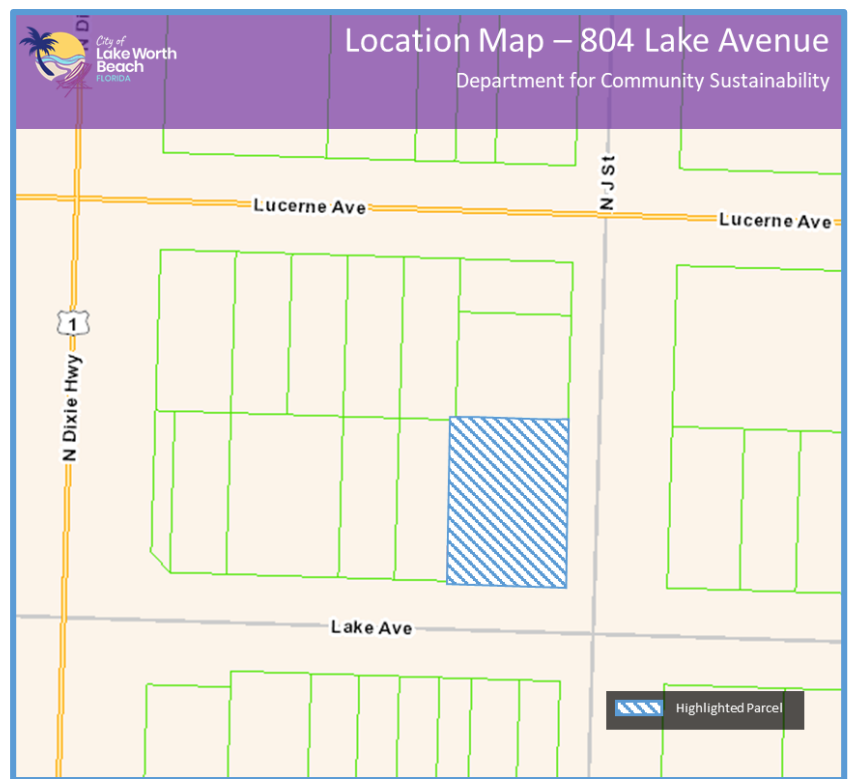
**Lot Size:** 0.16 acre / 7,000 sf

**General Location:** North side of Lake Avenue between North Dixie Highway and North J Street

**Existing Land Use:** Art Gallery

**Current Future Land Use Designation:** Downtown Mixed Use (DMU)

**Zoning District:** Downtown (DT)



## 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 for consistency with the Comprehensive Plan.

Staff recommends that the Historic Resources Preservation Board reviews this information to determine if the proposed alcoholic beverage distance waiver meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board moves to approve the request, conditions of approval have been provided on pages 6 and 7 of this report.

## PROJECT DESCRIPTION

The applicant, Steven Sposato, is requesting an alcoholic beverage distance waiver to allow non-package sales of wine for on-premises consumption at 804 Lake Avenue.

## PUBLIC COMMENT

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

## PROPERTY DEVELOPMENT HISTORY

Below is a timeline summary of the commercial property based on the Palm Beach Property Appraiser's records and City records:

- Development History
  - Circa 1915 – Construction of 804 Lake Avenue for First National Bank
  - Circa 1925 – Construction of 802 Lake Avenue (eastern half of the existing building at 802-804 Lake Avenue)
  - Major interior and exterior renovations: 1940, 1941, 1945, 1947, 1955, 1973, 1989, 1991, 1992, 2005
- Business License History (Excludes records prior to the year 2000)
  - The Sunflower Room was licensed from 2011-2015.
  - Cherry Pickings Antiques was licensed from 2015-2017.
  - E-Gear Media was licensed from 2017-2020.
  - V Gallery applied for a business license on November 11, 2023. The use and occupancy inspection was conducted on December 11, 2023, and the business license was issued on December 14, 2023.
- Recent Code Enforcement History
  - There are no active code cases associated with this property.

## ANALYSIS

### *Consistency with the Comprehensive Plan and Strategic Plan*

The subject site has a Future Land Use (FLU) designation of Downtown Mixed Use (DMU). Per Policy 1.1.1.7, the DMU FLU is intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, and some residential within the traditional downtown core of the City. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed Use category because they would be detrimental to the shopping or office functions of the area. The proposed alcohol distance waiver will allow V Gallery at 804 Lake Avenue to offer sales of wine by the glass as part of their art gallery use. Therefore, it is consistent with the intent of the DMU FLU. The subject alcohol distance waiver allows non-package sales of wine (accessory use to the principal use). As such, review of the strategic plan is not applicable to an application of this scale.

### *Consistency with the Land Development Regulations*

Staff has reviewed the documentation and materials provided and has outlined the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) concerning alcoholic beverages. The applicant's responses to the standards can be found in their Justification Statement (**Attachment A**).



**Section 5.5(d) – Standards for Review/Decision.** *A decision on a request for a waiver shall be guided by the following factors:*

1. *Whether approval of the waiver will result in two (2) or more alcoholic beverage establishments have a license within five hundred (500) feet of a protected land use or each other, or within five hundred (500) feet of a property zoned for residential uses;*

**Analysis:** The subject property is located in the City’s downtown area, where there are numerous existing establishments with alcoholic beverage licenses within a 500-foot radius. Properties zoned for residential uses within the Downtown (DT) and Mixed-Use East (MU-E) zoning districts will also be within 500 feet of the proposed wine sales at 804 Lake Avenue. Per LDR Section 5.5(a)(2), protected land uses are identified as churches, public or private schools, parks, and libraries; no protected uses will be located within 500 feet of the proposed wine sales.

2. *Whether the license is being added to or is a license upgrade of an existing use or to an establishment which is relocating to the subject location;*

**Analysis:** The proposed non-package wine sales will be an accessory use to the existing art gallery business at 804 Lake Avenue, which has an existing City of Lake Worth Beach business license. If approved, staff has added a condition of approval that the Applicant shall submit their Development Order to the City of Lake Worth Beach Business License staff to reflect the approval of non-packaged alcohol sales as an accessory use to the proposed business.

3. *If the property contains a structure which is on the National Register of Historic Places or otherwise has been designated by the city as having historic architectural significance, whether the structure will be preserved or developed so as to retain its architectural and historic character; and*

**Analysis:** The subject property is classified as a contributing resource to the Old Town National and Local Historic District. The Applicant is not proposing any exterior alterations as part of the request for wine sales for on-site consumption.

4. *Whether the waiver promotes the health, safety and welfare of the neighborhood and the public.*

**Analysis:** The waiver is necessary to allow non-package sales of wine at the subject property. Per the applicant’s justification statement, the waiver will enable V Gallery to be a safe, friendly space for local artists and visitors. Staff has added several conditions of approval so that the business operates within the allowed hours of sale to ensure the proposed accessory use is not detrimental to the health, safety, and welfare of the surrounding community.

## CONCLUSION AND CONDITIONS

The proposed accessory non-package sale of wine for on-site consumption is not anticipated to have direct impact on protected land uses, and is not detrimental to the health safety and welfare of the neighborhood and public. Staff recommends that the HRPB review this information to determine whether to waive the prohibition of alcoholic beverage sales within five hundred (500) feet of other places of business of other alcoholic beverage establishments, protected land uses, and residential properties. If the HRPB moves to approve the request, conditions of approval have been provided below.

**Conditions of Approval:**

1. The on-site consumption of wine or other forms of alcohol is not allowed as a principal use.
2. The Applicant shall submit their Development Order to the City of Lake Worth Beach Business License staff to reflect the approval of non-packaged alcohol sales as an accessory use to the proposed business.
3. No person shall sell, deliver, or permit the sale, delivery, of alcoholic beverages on the premises except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages, having more than one (1) percent of alcohol by weight (Section 5-4) shall be from 12:00 a.m. (midnight) to 2:00 a.m., and 7:00 a.m. to 11:59 p.m., each day.

**BOARD POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number 24-00600001 for an alcoholic beverage distance waiver to allow non-package sales of wine for on-site consumption at V Gallery at **804 Lake Avenue**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations.

I MOVE TO **DENY** HRPB Project Number 24-00600001 for an alcoholic beverage distance waiver to allow non-package sales of wine for on-site consumption at V Gallery at **804 Lake Avenue**, because the application is not consistent with the waiver criteria for the following reasons [Board member please state reasons].

**Consequent Action:** *The Historic Resources Preservation Board's decision will be final decision for the alcohol distance waiver for on-site consumption of wine. The Applicant may appeal the Board's decision to the City Commission.*

**ATTACHMENTS**

- A. Justification Statement and Floor Plan





## HISTORIC RESOURCES PRESERVATION BOARD REPORT

**HRPB Project Number 23-00100248:** Consideration of a Certificate of Appropriateness (COA) for an addition on the northwest corner of the existing principal structure (Phase I) and demolition of the existing garage to build a new two (2) story accessory structure (Phase II) at **403 South Ocean Breeze**. The subject property is a contributing resource to the South Palm Park District and is located in the Multi-Family Residential (MF-20) Zoning District.

**Meeting Date:** March 13, 2023

**Property Owner:** Aaron Hassinger

**Applicant:** Jay Cunningham, Cairn Construction, LLC

**Address:** 403 South Ocean Breeze

**PCN:** 38-43-44-21-15-161-0080

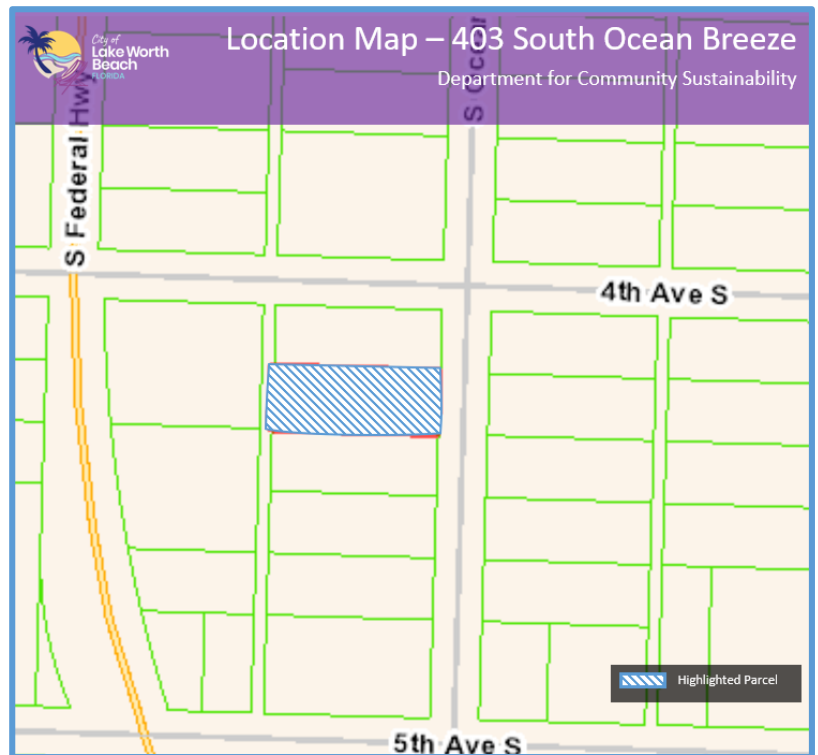
**Lot Size:** 0.155 acre /6,750 sf

**General Location:** West side of South Ocean Breeze between 5<sup>th</sup> Avenue South and 4<sup>th</sup> Avenue South

**Existing Land Use:** Two-Family Residential

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

**Zoning District:** Multi-Family Residential (MF-20)



## RECOMMENDATION

The application is consistent with the City's Land Development Regulations, with the exception of the required back out and surface material for the off-street parking spaces. The proposed addition and new accessory structure are consistent with the requirements in the Historic Preservation Design Guidelines for additions and new construction, and staff contends that the proposed demolition of the existing accessory structure meets the required criteria in the Historic Preservation Ordinance. **Therefore, staff recommends approval of the application with conditions.**

## PROJECT DESCRIPTION

The applicant, Jay Cunningham of Cairn Construction, LLC, on behalf of the property owner, Aaron Hassinger, is requesting a Certificate of Appropriateness for a phased project. Phase I proposes an addition on the northwest corner of the existing structure primary structure to add a master suite. Phase II proposes to demolish the existing accessory structure (garage) to construct a new two (2) story accessory structure, serving as a carport and guest house.

## PUBLIC COMMENT

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

## PROPERTY DEVELOPMENT HISTORY

The existing duplex at 403 South Ocean Breeze was constructed as a single-family house c. 1925 in the Bungalow architectural style; while the exact date of the structure's conversion to a duplex is unknown, based on the Property Appraiser's records the structure was converted between 1956 and 1977. The existing garage was built c. 1956. The primary structure's defining architectural features are its porch with tapered columns, second-floor dormer, jerkinhead gable roof shape, stuccoed exterior wall finish, and four-over-one single hung windows.

The applicant first contacted staff about the project in February 2023 and expressed their interest in pursuing HRPB approval for the addition and construction of a new accessory structure. In June 2023 and November 2023, the applicant provided incomplete COA submittals. In December 2023, Historic Preservation staff received a completed COA application for an addition on the northwest corner of the main structure, demolition of the existing garage, and construction of a new accessory structure. The project was placed on the HRPB agenda for February 14, 2024; however, as the applicants did not meet the courtesy notice requirements for that meeting, the project was re-scheduled for the March 13<sup>th</sup> meeting.

The proposed architectural plans and survey are included as **Attachment A**, and photographs of the site are included as **Attachment B**.

## 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 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 principal dwelling units, each for occupancy by one family or household. Implementing zoning districts are SF/TF-14, MF-20 and NC."*

**Analysis:** The Medium-Density Residential designation is primarily intended to permit development of two-family and multi-family structures. 403 South Ocean Breeze is an existing two-family property; no change of use or density is proposed for the property.

Based on the analysis above, the proposed development request is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan.

### Consistency with the Land Development Regulations – Zoning

**Multi-Family Residential (MF-20):** Per LDR Section 23.3-10(a), the "MF-20 low-density multiple-family residential district" is intended to permit development of multiple-family structures. It is also intended to permit development of one-family and two-family structures. Provision is made for a variety of dwelling unit types in multiple-family structures on lots which meet minimum lot size requirements for multiple-family structures. Permitted dwelling unit types include efficiency, one-bedroom, two-bedroom and larger types. Provision is also 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 residential character. The "MF-20 multiple-family residential district" implements the "medium-density multiple-family residential" land use category of the Lake Worth Comprehensive Plan."

**Analysis:** Per LDR Section 23.3-10(b), a two-family structure on a platted lot of record is permitted by right in the MF-20 zoning district. The parcel at 403 South Ocean Breeze is a platted lot of record; therefore, the property is permitted by right to have a two-family residential structure with an accessory structure.

Per LDR Section 23.4-10(f)(1), duplex uses are required to provide 1.5 off-street parking spaces per unit, for a total of three spaces. The off-street parking at 403 South Ocean Breeze is an existing non-conformity, as the property currently only has one off-street parking space (existing garage structure). Although the two new parking spaces in the site plan will not bring the property into full compliance with the off-street parking requirements, they will reduce the existing non-conformity. Furthermore, per LDR Section 23.4-10(f)(2), additional parking is not required for remodeling of existing buildings that are designated as contributing structures in one of the City's historic districts, and, per LDR Section 23.4-10(k), properties within multi-family residential zoning districts may utilize on-street parking spaces to count towards up to fifty percent of their required off-street parking spaces.

Per LDR Section 23.4-10(b)(1)(A)(1)), parking accessed from an alley shall maintain a twenty-foot back out in addition to the standard parking space dimensions. The alley constitutes ten feet of that backout area, and the other 10 feet must be provided on the subject site. As they are currently proposed, the rear parking spaces at 403 South Ocean Breeze only provide seven additional feet of back out. Additionally, parking spaces are required to be located on an improved surface (pavers, asphalt, concrete, gravel, etc.). The current site plan depicts a parking space on a non-improved surface. Staff has added conditions of approval to revise the site plan at permit to meet the parking requirements for alley back out and surface material.

Formal and complete review for compliance with the City's Land Development Regulations, including landscaping, will be conducted at building permit review. The proposed site plan and architectural drawings are included in this report in **Attachment A**.

Development Standard		Medium Density Multi-Family Residential (MF-20)	Provided
Lot Size (min)		5,000 sf	6,750 sf
Lot Width (min)		50'	50'
Density		20 du/acre x 0.155 ac = 3 du	2 du
Principal Structure Setbacks	Front	20'	17.91' (existing non-conformity)
	Rear	13.5'	33.43'
	Side	5'	5.5'
Accessory Structure Setbacks	Front	n/a	n/a
	Rear	5'	5.23'
	Side	5'	5.5'
Impermeable Surface Coverage (max)		60%	estimated 48.7% with required adjustments to rear parking spaces

Structure Coverage (max)	40%	35.9%
Building Height (max)	Principal: 30' Accessory: 24'	Principal: 17.14' Accessory: 20.79'
Front Yard	75% permeable & landscaped	92.6%
Accessory Structure Gross Floor Area	40% of principal structure's floor area	33.4%
Maximum Wall Height at Side Setback (Primary structure addition)	18' @ 5' setback Up to 23' at 10' setback	8.5' @ 5.5' setback
Maximum Wall Height at Side Setback (Accessory structure)	26' @ 5' setback Up to 31' at 10' setback	18.4' @ 5.5' setback
Floor Area Ratio (FAR) (max)	0.55	0.53
Parking	1.5 spaces/unit x 2 units = 3 spaces	2 spaces*

\*see analysis above regarding off-street parking requirements, required back out area, and surface material for parking spaces.

### 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 applicant has also submitted a Justification Statement, provided in this report in **Attachment D**.

#### **Section 23.5-4(k)2 – Additional guidelines for alterations and additions, contributing structures.**

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

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

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

**Analysis:** Yes, the addition is visually compatible with the neighboring properties as viewed from the public right-of-way.

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

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

3. That the replacement windows and doors match the old in design, color, texture and, where possible, materials where the property is significant for its architectural design or construction.
4. If the applicant avails himself of this paragraph the materials used must appear to be as historically accurate as possible and in keeping with the architectural style of the structure.

**Analysis:** Not applicable – No windows or doors are being replaced.

**Section 23.5-4(k)(4)A) – Additional requirements for demolition:** All requests for demolition shall require a certificate of appropriateness. No certificate of appropriateness for demolition of a landmark or contributing property shall be issued by the HRPB unless the applicant has demonstrated that no other feasible alternative to demolition can be found. In making its decision to issue or deny a certificate of appropriateness to demolish, in whole or in part, a landmark building or structure, the HRPB shall, at a minimum, consider the following additional decision-making criteria and guidelines:

- 1) Is the structure of such interest or quality that it would reasonably fulfill criteria for designation as a landmark on the National Register of Historic Places?

**Analysis:** The accessory garage structure is unlikely to fulfill the criteria for designation as an individual landmark on the National Register of Historic Places.

- 2) Is the structure of such design, texture, craftsmanship, size, scale, detail, unique location or material that it could be reproduced only with great difficulty or economically unreasonable expense?

**Analysis:** This structure could be reproduced using modern building materials.

- 3) Is the structure one of the few remaining examples of its kind in the city?

**Analysis:** No, there are other remaining examples of mid-century accessory structures throughout the City's historic districts.

- 4) Would retaining the structure promote the general welfare of the city by providing an opportunity to study local history, architecture and design or by developing an understanding of the importance and value of a particular culture or heritage?

**Analysis:** The existing accessory structure would not necessarily provide an exemplary opportunity to study local history or design.

- 5) Does the permit application propose simultaneous demolition and new construction? If new construction is proposed, will it be compatible with its surroundings (as defined above) and, if so, what effect will those plans have on the character of the surrounding sites or district?

**Analysis:** Yes, the application proposes simultaneous demolition and new construction for the accessory structure. The proposed new construction is compatible with its surroundings, as established in this report.

- 6) Would granting the certificate of appropriateness for demolition result in an irreparable loss to the city of a significant historic resource?

**Analysis:** While all demolition within historic districts constitutes loss of a potential resource, it is staff's analysis that the demolition of the structure would not result in an irreparable loss of a significant historic resource. The

existing accessory structure is non-contributing, does not display a unique example of fine craftsmanship, and does not have other unique ties to the history or culture of the City.

- 7) Are there definite plans for the immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the architectural, historic, archeological or environmental character of the surrounding area or district?

**Analysis:** Yes, the applicants are proposing to build a new accessory structure with a carport. The proposed plan will not have a detrimental impact on the historical, archaeological or environmental character of the surrounding area or district.

- 8) Is the building or structure capable of earning reasonable economic return on its value?

**Analysis:** This criterion is not applicable to an accessory garage structure.

- 9) Would denial of demolition result in an unreasonable economic hardship for the property owner?

**Analysis:** No, the denial of the demolition will not result in an unreasonable economic hardship.

- 10) Does the building or structure contribute significantly to the historic character of a designated historic district and to the overall ensemble of buildings within the designated historic district?

**Analysis:** No, the accessory structure is currently non-contributing to the South Palm Park historic district and has not been recommended to be re-designated as contributing in the updated historic resources survey.

- 11) Has demolition of the designated building or structure been ordered by an appropriate public agency because of unsafe conditions?

**Analysis:** No, the garage structure has not been condemned or ordered for demolition by any agency.

- 12) Have reasonable measures been taken to save the building from further deterioration, collapse, arson, vandalism or neglect?

**Analysis:** It appears that reasonable measures have been taken to secure the property.

**Section 23.5-4(k)3.A – Additional guidelines for new construction and for additions; visual compatibility:** *In approving or denying applications for certificates of appropriateness for new construction and additions, the City shall also, at a minimum, consider the following additional guidelines which help to define visual compatibility in the applicable property's historic district:*

- 1) The height of proposed buildings shall be visually compatible and in harmony with the height of existing buildings located within the historic district.

**Analysis:**

- Addition: The proposed addition is smaller in scale and size to the existing principal structure, and it is visually compatible in height of existing buildings within South Palm Park.
- Accessory structure: While the proposed accessory structure is slightly taller than the existing principle structure by an estimated 2.5 feet, the difference in height will have minimal visual impact as viewed from the public right-of-way, and the proposed height is visually compatible with existing buildings within South Palm Park.

- 2) The relationship of the width of the building to the height of the front elevation shall be visually compatible and in harmony with the width and height of the front elevation of existing buildings located within the district.

**Analysis:**

- Addition: Not applicable as the addition is on the rear elevation of the structure.
- Accessory structure: This requirement is not applicable as the front elevation is not visible from the public right-of-way.

- 3) For landmarks and contributing buildings and structures, the openings of any building within a historic district should be visually compatible and in harmony with the openings in buildings of a similar architectural style located within the historic district. The relationship of the width of the windows and doors to the height of the windows and doors in a building shall be visually compatible with buildings within the district.

**Analysis:**

- Addition: The openings for the proposed addition are in harmony in width and length with the existing structure and the Bungalow architectural style.
- Accessory structure: The openings for the proposed accessory structure are in harmony in width and length with the existing structure and the Bungalow architectural style.

- 4) The relationship of solids to voids in the front facade of a building or structure shall be visually compatible and in harmony with the front facades of historic buildings or structures located within the historic district. A long, unbroken facade in a setting of existing narrow structures can be divided into smaller bays which will complement the visual setting and the streetscape.

**Analysis:**

- Addition: Although the proposed addition is not on the front façade of the principal structure, the small area of the addition that may be visible from the public right-of-way avoids expanses of blank façade.
- Accessory structure: The portion of the accessory structure's façade which may be visible from the public right-of-way avoids expanses of blank façade.

- 5) The relationship of a building to open space between it and adjoining buildings shall be visually compatible and in harmony with the relationship between buildings elsewhere within the district.

**Analysis:**

- Addition: The proposed addition adheres to setback requirements within the current zoning code and is spaced appropriately in relation to neighboring buildings.
- Accessory structure: The proposed accessory structure adheres to setback requirements with the current zoning code and is spaced appropriately in relation to neighboring buildings.

- 6) The relationship of entrance and porch projections to sidewalks of a building shall be visually compatible and in harmony with the prevalent architectural styles of entrances and porch projections on buildings and structures within the district.

**Analysis:**

- Addition: This requirement is not applicable since the entrance to the primary structure is not changing and the addition is on the rear elevation.
- Accessory structure: This requirement is not applicable since the accessory structure's primary entrance is not visible from the public right-of-way.



- 7) The relationship of the materials, texture and color of the façade of a building shall be visually compatible and in harmony with the predominant materials used in the buildings and structures of a similar style located within the historic district.

**Analysis:**

- Addition: The proposed addition will match the existing primary structure in materials, texture, and color.
- Accessory structure: The proposed accessory structure will match the existing primary structure in materials, texture, and color.

- 8) The roof shape of a building or structure shall be visually compatible and in harmony with the roof shape of buildings or structures of a similar architectural style located within the historic district.

**Analysis:**

- Addition: The proposed addition utilizes a jerkinhead gable roof shape and shingles to match the existing roof style and material. Gable roofs with shingles are a visually compatible roof shape and material for many architectural styles within the South Palm Park historic district.
- Accessory structure: The proposed accessory structure also utilizes a jerkinhead gable roof shape and shingles to match the existing primary structure's roof style and material. Gable roofs with shingles are a visually compatible roof shape and material for many architectural styles within the South Palm Park historic district

- 9) Appurtenances of a building, such as walls, wrought iron, fences, evergreen, landscape masses and building facades, shall, if necessary, form cohesive walls of enclosures along a street to ensure visual compatibility of the building to the buildings and places to which it is visually related.

**Analysis:**

- Addition: The site features are largely appropriate for the structure and its context in the neighborhood. Landscaping will be reviewed at permit.
- Accessory structure: The site features are largely appropriate for the structure and its context in the neighborhood. Landscaping will be reviewed at permit.

- 10) The size and mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible and in harmony with the buildings and places to which it is visually related.

**Analysis:**

- Addition: The proposed addition is compatible in size and massing both with the existing principal structure and the surrounding neighborhood.
- Accessory structure: The size and mass of the proposed accessory structure are in harmony with other residential properties on the block and are generally appropriate for the surrounding neighborhood.

- 11) A building shall be visually compatible and in harmony with the buildings and places to which it is visually related in its directional character: vertical, horizontal or non-directional.

**Analysis:**

- Addition: The applicant has provided a streetscape showing 403 South Ocean Breeze with the proposed addition and accessory structure in relation to other existing properties to either side of the subject property, as viewed from South Ocean Breeze. The proposed one-story addition is visually compatible in height and massing to neighboring structures.
- Accessory structure: The applicant has provided a streetscape showing 403 South Ocean Breeze with the proposed addition and accessory structure in relation to other existing properties to either side of the



subject property, as viewed from South Ocean Breeze. The proposed two-story accessory structure is visually compatible in height and massing to neighboring two-story structures.

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

**Analysis:**

- Addition: The addition design successfully incorporates elements of the Bungalow architectural style present in the existing structure, and is visually compatible with the existing structure and surrounding district.
- Accessory structure: The design of the accessory structure successfully incorporates elements of the Bungalow architectural style present in the existing principal structure, and is visually compatible with the principal structure and the surrounding historic district.

- 13) In considering applications for certificates of appropriateness to install mechanical systems which affect the exterior of a building or structure visible from a public right-of-way, the following criteria shall be considered:

(a) Retain and repair, where possible, historic mechanical systems in their original location, where possible.

**Analysis:**

- Addition: The applicant has not provided mechanical plans for staff review. Staff will review mechanical system locations at building permit.
- Accessory structure: Not applicable.

(b) New mechanical systems shall be placed on secondary facades only and shall not be placed on, nor be visible from, primary facades.

**Analysis:**

- Addition: The applicant has not provided mechanical plans for staff review. Staff has included a condition that all new mechanical systems shall not be visible from the public right-of-way or placed on primary facades.
- Accessory structure: Staff has included a condition that all mechanical systems shall not be visible from the public right-of-way or placed on primary facades.

(c) New mechanical systems shall not damage, destroy or compromise the physical integrity of the structure and shall be installed so as to cause the least damage, invasion or visual obstruction to the structure's building materials, or to its significant historic, cultural or architectural features.

**Analysis:**

- Addition: The applicant has not provided mechanical plans for staff review. Should the HRPB move to approve the additions, staff will recommend a condition that all mechanical systems shall be installed so as to cause the least damage to the structure's historic fabric.
- Accessory structure: Not applicable to the new accessory structure.

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

**Analysis:** The site plan includes two off-street parking spaces accessed from the alley. Parking accessed from an alley is a common and compatible parking configuration within the City's historic districts. As currently proposed, the parking spaces do not meet the 20-foot back out requirement or the parking surface material requirements. Staff has added a condition of approval to revise the site plan at permit to comply with the parking dimension and material requirements in LDR Section 23.4-10.

#### **Consistency with the Historic Preservation Design Guidelines: Addition**

The City's Historic Preservation Design Guidelines provide standards and recommendations for rehabilitation of historic buildings, including new additions. New additions should be designed and constructed so that the character defining features of the historic building are not radically changed, obscured, damaged, or destroyed in the process. New additions should be differentiated from, yet compatible with, the old so that the addition does not appear to be part of the historic fabric. The Bungalow architectural style is covered as a primary style in the Lake Worth Beach Historic Preservation Design Guidelines, and that chapter is included in this report as **Attachment C**.

**Analysis:** The proposed addition is designed with materials and detailing that are consistent with the Bungalow architectural style. The design uses many elements from the existing structure, including asphalt shingle roofing, a jerkinhead gable roof shape, stucco exterior wall finishes, exposed rafter tails and decorative brackets, and four-over-one single hung windows. Faux shutters are used on the west elevation to break up expanses of blank wall space. The addition is also appropriately placed on the rear elevation of the structure so as to minimize its visual impact to the historic building.

While many of the architectural design features on the addition mimic those of the historic structure, the addition differentiates itself from the historic fabric by offsetting the new portions of the building, creating a different setback for the addition as compared to the historic house. The doors and columns for the rear open porch on the addition are also differentiated from those on the existing structure.

#### **Consistency with the Historic Preservation Design Guidelines: New Construction**

Per the Lake Worth Beach Historic Guidelines, *"New construction can be designed utilizing the architectural language of one of the 10 defined primary styles, or an alternative yet compatible style. It is very important that new construction not hybridize the styles, borrowing pieces from one and another. This approach creates confusion and dilutes the intrinsic value of the historic structures and styles. The best approach is to choose one style of architecture, and to design a structure that utilizes the common characteristics, proportions, and materials of that style."* The Bungalow architectural style is covered as a primary style in the Lake Worth Beach Historic Preservation Design Guidelines, and that chapter is included in this report as **Attachment C**.

**Analysis:** The proposed new accessory structure is designed with materials and detailing that are consistent with the Bungalow architectural style. The design uses many elements from the existing principal structure, including asphalt shingle roofing, a jerkinhead gable roof shape, stucco exterior wall finishes, decorative brackets, and four-over-one single hung windows. Faux shutters are used on the west and north elevations to break up expanses of blank wall space.

While the proposed new accessory structure is slightly taller than the existing principal structure, the accessory structure is sited so as to minimize visibility from the public right-of-way and the overall height is compatible with other structures in the surrounding neighborhood. In addition to differentiation through its height, the proposed accessory structure uses horizontal stucco banding and columns that match the addition on the principal structure to further differentiate the new construction from the historic principal structure.

## **CONCLUSION AND CONDITIONS**

The proposed addition and new accessory structure are consistent with the requirements in the Historic Preservation Design Guidelines for additions and new construction. Based on the criteria provided in the Historic Preservation

Ordinance and analysis provided in this staff report, staff also contends that the proposed demolition of the existing accessory structure meets the required criteria. The application is also consistent with the City's Land Development Regulations, with the exception of the required back out and surface material for the off-street parking spaces. Therefore, staff recommends approval of the application with the conditions outlined below.

**Conditions of Approval – Addition (Phase I):**

1. The windows and doors shall be compatible with Bungalow architectural style, subject to staff review at permitting.
2. All divided light patterns shall be created utilizing exterior raised applied muntins. Exterior flat muntins or "grids between the glass" shall not be used.
3. 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.
4. All windows and doors shall be installed recessed in the jambs and shall not be installed flush with the exterior wall.
5. Decorative (faux) shutters shall be appropriately proportioned to match the window sizes.
6. The roofing shall use dimensional asphalt shingles.
7. The addition shall utilize a stucco finish to match the existing structure.
8. Formal and complete review for compliance with the City's Land Development Regulations will be conducted at building permit review.
9. In addition to a Landscape Plan, a tree survey and disposition plan shall also be required at building permit. Trees that are removed must be replaced on site and/or mitigated, and a tree removal permit shall be required. Landscaping shall be reviewed for compliance with the City's landscape requirements at building permit.
10. All mechanical equipment shall be located outside of required setbacks, shall not be placed on the primary façade, and shall be installed so as to minimize damage to the structure's historic fabric.

**Conditions of Approval – New Accessory Structure (Phase II):**

1. Within one (1) year of receiving the Certificate of Occupancy for Phase I, the applicant shall submit permits for Phase II.
2. The accessory structure shall not be utilized as an accessory dwelling unit (ADU).
  - a. The accessory structure shall not have kitchen facilities as defined in the City's Land Development Regulation (LDR) Section 23.1-12: "Facility within a dwelling unit inclusive of all the following: cooling and food preparation appliances, cold storage, plumbing, and ventilation. A microwave, sink, and refrigerator shall not constitute a kitchen." Future alterations that would lead to the conversion of the structure to an accessory dwelling unit (ADU) shall be prohibited. The accessory structure shall function as an extension of and subordinate to the two-family residence at 403 South Ocean Breeze.
  - b. The accessory structure shall not be granted an additional utility meter from the Public Utilities Department and shall not be issued a rental license from the Lake Worth Beach Business License Division.
3. The windows and doors shall be compatible with Bungalow architectural style, subject to staff review at permitting.
4. All divided light patterns shall be created utilizing exterior raised applied muntins. Exterior flat muntins or "grids between the glass" shall not be used.
5. 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.
6. All windows and doors shall be installed recessed in the jambs and shall not be installed flush with the exterior wall.

7. Decorative (faux) shutters shall be appropriately proportioned to match the window sizes.
8. The roofing shall use dimensional asphalt shingles.
9. The accessory structure shall utilize a stucco finish to match the existing structure.
10. The site plan shall be revised at permit to accurately depict the required twenty-foot (20') backout for parking spaces provided off the alley, as well as the impermeable or semi-permeable surfaces for the parking spaces.
11. All improved surfaces shall be set back a minimum of 1'-0" from property lines to allow for adequate water runoff within the property boundary.
12. All mechanical equipment shall be located outside of required setbacks.
13. Formal and complete review for compliance with the City's Land Development Regulations will be conducted at building permit review.
14. In addition to a Landscape Plan, a tree survey and disposition plan shall also be required at building permit. Trees that are removed must be replaced on site and/or mitigated, and a tree removal permit shall be required. Landscaping shall be reviewed for compliance with the City's landscape requirements at building permit.

#### BOARD POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 23-00100248 for a Certificate of Appropriateness (COA) for an addition to the existing primary structure, demolition of the existing accessory structure, and construction of a new accessory structure for the property located at **403 South Ocean Breeze**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 23-00100248 for a Certificate of Appropriateness (COA) for an addition to the existing primary structure, demolition of the existing accessory structure, and construction of a new accessory structure for the property located at **403 South Ocean Breeze**, because [Board member please state reasons].

**Consequent Action:** *The Historic Resources Preservation Board's decision will be final decision for the addition, demolition, and new accessory structure construction. The Applicant may appeal the Board's decision to the City Commission.*

#### ATTACHMENTS

- A. Plan Set and Survey
- B. Photos
- C. Design Guidelines – Bungalow Style, Additions, and New Construction
- D. Applicant's Justification Statement



## HISTORIC RESOURCES PRESERVATION BOARD REPORT

**HRPB Project Number 24-00100032:** Consideration of a Certificate of Appropriateness (COA) for construction of a new single-family residential structure at 927 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. The future land use designation is Single Family Residential (SFR).

**Meeting Date:** March 13, 2024

**Property Owners/Applicants:** Russell Ayers and Gina Devine

**Address:** 927 South Palmway

**PCN:** 38-43-44-27-01-031-0150

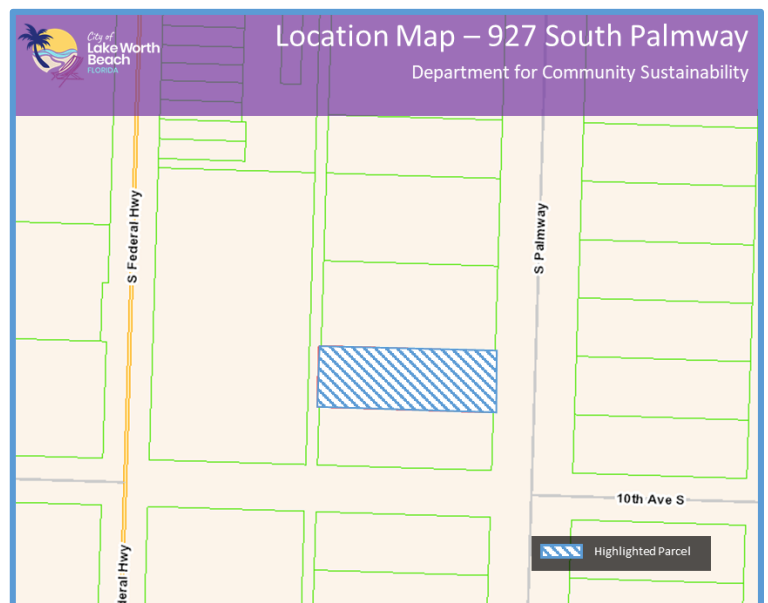
**Size:** ±0.17 acres / 7,500 sf

**General Location:** East side of South Palmway between 9<sup>th</sup> Avenue South and 10<sup>th</sup> Avenue South

**Existing Land Use:** Single Family Residential

**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), the Historic Preservation Design Guidelines, and for consistency with the Comprehensive Plan. The proposed new single-family structure is consistent with the City's Land Development Regulations. As proposed, the structure's design is partially consistent with the Historic Preservation Ordinance and the Historic Preservation Design Guidelines' requirements for new construction. Staff contends that the proposed design successfully utilizes character-defining features of the Mediterranean Revival architectural style and does provide continued visibility of the historic structure, but the proposed height and scale of the new structure are out of character with the surrounding neighborhood. **Therefore, staff recommends that the Board carefully review the proposed design, taking into consideration both the scale of the surrounding neighborhood as well as the relationship of the new construction to the existing historic structure.**

## PROJECT DESCRIPTION

The property owners, Russell Ayers and Gina Devine, are requesting approval for the construction of a new single-family residence at 927 South Palmway. The existing ±786 square foot house on the property will be converted into an accessory mother-in-law suite. A survey of the property is included in **Attachment A**. The parcel is located in the Single Family Residential (SFR) zoning district and has a Future Land Use (FLU) designation of Single Family Residential (SFR).

## PUBLIC COMMENT

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

## BACKGROUND

The one-story single-family residence located at 927 South Palmway was constructed c. 1925 in the Mission Revival architectural style. Although no architectural drawings of the building are available in the City's property files, property cards from the 1940s and 1950s describe the structure as being of wood frame construction with stucco cladding on a pier foundation, having a flat roof, and wood windows and doors.

City permit records indicate a variety of alterations to the structure over time, including the addition of a utility room in 1948, a jalousie porch to the north side of the house in 1950 and 1955, an open front porch in 1955 (which was converted to a screened porch in 1988), reroofing in 1963 and 1983, and installation of a utility shed in 1993.

While the 1998 historic resources survey and subsequent historic district designation for South Palm Park listed 927 South Palmway as a non-contributing resource due to alterations to the front of the structure, the updated 2020 historic resources survey recommends that the designation be changed to contributing.

Staff met with the previous property owner in November 2023 to discuss architectural plans for the proposed new construction, as well as historic district requirements regarding design, scale, and massing of new construction and Base Flood Elevation requirements. Staff also met and discussed historic preservation and Base Flood Elevation requirements with the new property owner in January 2024. Staff received a complete COA application for new construction on February 20, 2024, and the project was scheduled for the March HRPB meeting.

## 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 proposed structure is a single-family residence and is consistent with the intent of the Single-Family Residential designation. The proposed single-family structure is also consistent with Goal 3.1 which seeks to achieve a supply of housing that offers a variety of residential unit types and prices for current and anticipated homeowners and renters in all household income levels by the creation and/or preservation of a full range of quality housing units.

#### 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 new construction project appears to be consistent with all site data requirements in the City's Land Development Regulations; however, there are some inconsistencies between the survey and site plan that will need to be revised at permitting. Formal and complete review for compliance with the City's Land Development Regulations, including landscaping, will be conducted at building permit review. The proposed site plan and architectural drawings are included in this report in **Attachment A**.

Development Standard		Single Family Residential (SFR)	Provided
Lot Size (min)		5,000 sf	7,500 sf
Lot Width (min)		50'	50'
Setbacks	Front	20'	36.95'
	Rear	15'	52.18'
	Side	5'	7.33'
Accessory Structure Setbacks	Front	n/a	n/a
	Rear	5'	9.4' <sup>1</sup>
	Side	5'	5.3' <sup>1</sup>
Impermeable Surface Coverage (max)		50%	46% (3,468 sf)
Structure Coverage (max)		30%	27.7% (2,080 sf)
Front Yard		75% permeable & landscaped	84%
Building Height (max)		30' principal structure (2 stories) 24' accessory structure (2 stories)	About 23.4' principal <sup>2</sup> n/a (accessory structure)
Accessory Structure Size Limitation		40% of primary structure	32.4%
Maximum Wall Height at Side Setback (primary structure)		18' @ 5' setback up to 23' @ 10' setback	20'4" at 7'4" setback (primary) n/a (accessory structure)
Floor Area Ratio (FAR) (max)		0.45	0.396 (2,973 sf)
Parking		2 spaces	2 spaces
Base Flood Elevation		Current Flood Zone = 6' NAVD Pending Flood Zone = 9' NAVD	Finished floor elevation 18" above crown of road

<sup>1</sup> Inaccuracies were noted between survey and site plan for the setbacks of the existing structure. Staff has added a condition of approval to revise the site plan at permit to ensure accuracy and consistency regarding setbacks, impermeable surfaces, etc.

<sup>2</sup> Per LDR Section 23.1-12, Building height: The vertical distance measured from the minimum required floor or base flood elevation or twelve (12) inches above the crown of the road, whichever is greater, to ... (c) the average height between eaves and ridge for gable, hip, and gambrel roofs, (d) the average height between high and low points for a shed roof...

#### Consistency with the Land Development Regulations – Historic Preservation

The proposed single-family residence is designed as a contemporary interpretation of Mediterranean Revival architecture. The Mediterranean Revival architectural style gained popularity in the United States in the 1920s, emulating design elements from Spanish, French, Italian, and North African influences. Mediterranean Revival architecture (and the closely related Spanish Colonial Revival and Mission Revival styles) were particularly popular in

parts of the United States that had ties to Spanish Colonial heritage. In South Florida, the Mediterranean Revival style is also closely tied to the Florida Land Boom and the development of Palm Beach, West Palm Beach, and Miami. This architectural style uses heavy, asymmetrical massing; stucco exterior wall finishes; and casement or double-hung windows. There are often multiple levels of gabled or cross-gabled roofs covered with clay barrel tile roofing. A wide variety of materials and designs were used for ornamentation, including terra cotta, cast stone, wrought iron, and glazed ceramic tiles. The Mediterranean Revival architectural style is covered as a primary style in the Lake Worth Beach Historic Preservation Design Guidelines, and that chapter is included in this report as **Attachment C**.

All new construction within a designated historic district shall be visually compatible. New buildings should take their design cues from the surrounding existing structures, using traditional or contemporary design standards and elements that relate to existing structures that surround them and within the historic district as a whole. Building design styles, whether contemporary or traditional, should be visually compatible with the existing structures in the district. The visual compatibility criteria for new construction within the city's historic districts is located in [Section 23.5-4\(k\)\(3\)\(A\)](#) in the LDRs. Staff has reviewed the criteria and provided an analysis in the section below. The applicant has also submitted a Justification Statement, provided in this report as **Attachment D**.

**Section 23.5-4(k)3.A – Additional Guidelines for New Construction:** *In approving or denying applications for certificates of appropriateness for new construction, the City shall also, at a minimum, consider the following additional guidelines which help to define visual compatibility in the applicable property's historic district:*

- (1) *The height of proposed buildings shall be visually compatible and in harmony with the height of existing buildings located within the historic district.*

**Analysis:** The height of the proposed building is taller than the height of most of the neighboring structures. Generally, this area of South Palmway is characterized by low, one-story houses. As the proposed new construction at 927 South Palmway is 2 stories tall, its height is not in harmony with the majority of the existing buildings in the surrounding neighborhood.

- (2) *The relationship of the width of the building to the height of the front elevation shall be visually compatible and in harmony with the width and height of the front elevation of existing buildings located within the district.*

**Analysis:** While the width of the front elevation is in scale with the surrounding properties, the two-story height of the proposed new construction creates a different relationship between the building's width and height than many of its surrounding neighbors. Whereas most of the existing buildings nearby are wider than they are tall, emphasizing horizontality, the proposed new construction is taller than it is wide, and has a greater emphasis on verticality than most of the nearby structures, which tend to be low, wide, one-story structures.

Part of the applicant's justification for the narrow, vertically-oriented design is the consideration of the existing c. 1925 structure. Staff noted during meetings with the previous and current property owners that staff would likely not be able to support a new construction design that completely blocks visibility of the historic structure from the public right-of-way, especially because of the recommendation for the existing structure to become contributing in the new historic resources survey. To retain some visibility of the historic structure while meeting the applicant's desire for space in the new house, the applicants chose to use a narrow two-story design and shifted the placement of the structure towards the north to provide continued visibility of the historic structure.

- (3) *For landmarks and contributing buildings and structures, the openings of any building within a historic district should be visually compatible and in harmony with the openings in buildings of a similar architectural style located within the historic district. The relationship of the width of the windows and doors to the height of the windows and doors in a building shall be visually compatible with buildings within the district.*



**Analysis:** The proposed design is new construction and therefore will not be a landmarked or contributing building. The proposed multi-light single hung windows, and multi-light French doors are compatible with the contemporary style of the structure and properties in the Northeast Lucerne Local Historic District that utilize masonry construction. However, the side elevations feature asymmetric window placement and that is atypical for buildings within the historic districts.

- (4) *The relationship of solids to voids in the front facade of a building or structure shall be visually compatible and in harmony with the front facades of historic buildings or structures located within the historic district. A long, unbroken facade in a setting of existing narrow structures can be divided into smaller bays which will complement the visual setting and the streetscape.*

**Analysis:** The front (east) elevation avoids expanses of black façade, and the relationship of solids to voids is generally in harmony with neighboring buildings.

- (5) *The relationship of a building to open space between it and adjoining buildings shall be visually compatible and in harmony with the relationship between buildings elsewhere within the district.*

**Analysis:** The proposed building adheres to setback requirements within the current zoning code and is spaced appropriately in relation to neighboring buildings.

- (6) *The relationship of entrance and porch projections to sidewalks of a building shall be visually compatible and in harmony with the prevalent architectural styles of entrances and porch projections on buildings and structures within the district.*

**Analysis:** The proposed design places the entrance on the front elevation, with a second-story balcony projecting out over the entryway. The surrounding homes have a variety of entrance and porch configurations; most utilize a front-facing entry door and many have narrow open-air entry porches.

- (7) *The relationship of the materials, texture and color of the façade of a building shall be visually compatible and in harmony with the predominant materials used in the buildings and structures of a similar style located within the historic district.*

**Analysis:** The proposed building will have a textured stucco exterior finish. This is a common façade material for Mediterranean Revival architecture, and is compatible with the surrounding neighborhood.

- (8) *The roof shape of a building or structure shall be visually compatible and in harmony with the roof shape of buildings or structures of a similar architectural style located within the historic district.*

**Analysis:** The structure proposes to use a hipped roof, which is a compatible roof shape for multiple architectural styles within the surrounding historic district as well as for the Mediterranean Revival style.

- (9) *Appurtenances of a building, such as walls, wrought iron, fences, evergreen, landscape masses and building facades, shall, if necessary, form cohesive walls of enclosures along a street to ensure visual compatibility of the building to the buildings and places to which it is visually related.*

**Analysis:** The site features are appropriate for the structure and its context in the neighborhood.

- (10) *The size and mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible and in harmony with the buildings and places to which it is visually related.*

**Analysis:** The size and mass of the proposed building are more substantial than the majority of the neighboring properties. The building utilizes glazing and a large front porch to add visual interest to the façade, and the proportions of the window and door openings are visually compatible with the surrounding neighborhood

*(11) A building shall be visually compatible and in harmony with the buildings and places to which it is visually related in its directional character: vertical, horizontal or non-directional.*

**Analysis:** The applicant has provided a streetscape showing the building in relation to those to either side of it. The building's height and massing are more substantial than the majority of the immediately neighboring properties.

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

**Analysis:** The proposed new structure is designed as a contemporary iteration of the Mediterranean Revival style. The Mediterranean Revival style is generally compatible with the surrounding district. While the proposed design does not use as much architectural ornamentation as many historic Mediterranean Revival structures did, the overall design successfully incorporates the character-defining features of the style.

*(13) In considering applications for certificates of appropriateness to install mechanical systems which affect the exterior of a building or structure visible from a public right-of-way, the following criteria shall be considered:*

*(a) Retain and repair, where possible, historic mechanical systems in their original location, where possible.*

**Analysis:** This requirement is not applicable to the new construction project.

*(b) New mechanical systems shall be placed on secondary facades only and shall not be placed on, nor be visible from, primary facades.*

**Analysis:** In the submitted site plan, all mechanical equipment is placed outside the required side setbacks and is placed next to a secondary (north) façade.

*(c) New mechanical systems shall not damage, destroy or compromise the physical integrity of the structure and shall be installed so as to cause the least damage, invasion or visual obstruction to the structure's building materials, or to its significant historic, cultural or architectural features.*

**Analysis:** This requirement is not applicable to the new construction project.

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

**Analysis:** The site plan proposes to adapt and expand the existing side-loaded gravel driveway, creating an L-shaped driveway accommodating 2 parking spaces. While this driveway configuration is atypical within the historic districts, it does accommodate the required 2 off-street parking spaces while meeting the requirements for front yard landscaping. The proposed site design is generally compatible with the surrounding neighborhood; in addition to a landscape plan, a tree survey and disposition plan shall be required at building permit.

### Consistency with the Historic Preservation Design Guidelines

Per the Lake Worth Beach Historic Guidelines, *“New construction can be designed utilizing the architectural language of one of the 10 defined primary styles, or an alternative yet compatible style. It is very important that new construction not hybridize the styles, borrowing pieces from one and another. This approach creates confusion and dilutes the intrinsic value of the historic structures and styles. The best approach is to choose one style of architecture, and to design a structure that utilizes the common characteristics, proportions, and materials of that style.”* The Mediterranean Revival architectural style is covered as a primary style in the Lake Worth Beach Historic Preservation Design Guidelines, and that chapter is included in this report as **Attachment C**.

**Analysis:** New construction in the City’s historic districts is not limited to any particular architectural style, but staff always recommends that projects are designed solely within one architectural style. Staff contends that the design of the structure displays architectural features and materials that are consistent with Mediterranean Revival architecture; the hipped roof with barrel tile roofing, four-over-four single-hung windows, arched windows on the front façade, and textured stucco exterior wall finish are character-defining features of the Mediterranean Revival style present in the design.

The front façade features a two-story entry porch with simple columns. While balconies were a common architectural feature of Mediterranean Revival architecture, a full two-story entry porch would be atypical for this style historically. Tall, one-and-a-half or two-story entrance porches became more common in American architecture in the late 20<sup>th</sup> century. The structure is designed with a textured stucco exterior wall finish. The structure’s massing is rectangular and symmetrical; historic Mediterranean Revival houses were typically asymmetrical in massing and configuration. Mediterranean Revival architecture is also known for its elaborate ornamentation. While the proposed design does incorporate some decorative features, such as the arched windows on the front elevation and the balcony railing, staff contends that the design could be made more compatible through additional architectural ornament, such as decorative stucco detailing around the front doors.

The structure proposes hipped roofs over the main massing of the structure as well as the entry porch, with concrete barrel tile roofing on both. Per the Design Guidelines, historic roofing materials for the Mediterranean Revival style were typically terra cotta barrel tiles; the proposed roofing will imitate the historically appropriate roofing type.

The fenestration incorporates single hung windows with four divided lights in each sash, as well as ten-light French doors. The design proposes an atypical eight-light transom window on the north elevation; although this window design is unusual for the Mediterranean Revival style, the window will not be visible from the public right-of-way. The window placement and fenestration pattern generally avoids long expanses of blank façade on the front and rear elevations, although the side (north and south) elevations do have a few blank areas.

Finally, staff contends that the scale, height, and massing of the proposed new construction are out of character for the surrounding neighborhood. As described in the Historic Preservation Design Guidelines, *“Few things can disrupt a historic street and district more than new construction that is out of scale, too tall, and simply overwhelms its lot. ... Even if the zoning code allows a two-story structure; on a street made of one-story historic structures, a two-story structure may not be appropriate.”* The 2-story height of the proposed building is taller than the height of most of the neighboring structures. Generally, this area of South Palmway is characterized by low, one-story houses. Furthermore, while the width of the front elevation is in scale with the surrounding properties, the two-story height of the proposed new construction creates a different relationship between the building’s width and height than many of its surrounding neighbors. Whereas most of the existing buildings nearby are wider than they are tall, emphasizing horizontality, the proposed new construction is both tall and wide, and has a greater emphasis on verticality. However, as discussed in the previous section, the applicant’s justification for the narrow, vertically-oriented design is to retain some visibility of the historic structure while meeting the applicant’s desire for space in the new house. Staff also has concerns that the building height could increase significantly when Base Flood Elevation requirements are addressed. Staff has added a

condition of approval to bring the design back to the HRPB if building height, wall height, and/or design are significantly altered from the current architectural plans due to Base Flood Elevation requirements.

## CONCLUSION AND CONDITIONS

The proposed new construction application is consistent with the City's Land Development Regulations. As proposed, the structure's design is partially consistent with the Historic Preservation Ordinance and the Historic Preservation Design Guidelines' requirements for new construction. Staff contends that the proposed design successfully utilizes character-defining features of the Mediterranean Revival architectural style and does provide continued visibility of the historic structure, but the proposed height and scale of the new structure are out of character with the surrounding neighborhood. Therefore, staff recommends that the Board carefully review the proposed design, taking into consideration both the scale of the surrounding neighborhood as well as the relationship of the new construction to the existing historic structure. If the HRPB moves to approve the new construction request, staff has drafted conditions of approval below.

### Conditions of Approval:

- 1) If the building height, wall height, and/or design are significantly altered due to Base Flood Elevation requirements, the project shall return to the HRPB for a revised COA review.
- 2) The existing ±786 square foot house shall be converted into an accessory structure.
  - a. The accessory structure shall not be utilized as an accessory dwelling unit (ADU).
  - b. The accessory structure (converted garage) shall not have kitchen facilities as defined in the City's Land Development Regulation (LDR) Section 23.1-12: "Facility within a dwelling unit inclusive of all the following: cooling and food preparation appliances, cold storage, plumbing, and ventilation. A microwave, sink, and refrigerator shall not constitute a kitchen." Future alterations that would lead to the conversion of the structure to an accessory dwelling unit (ADU) shall be prohibited. The accessory structure shall function as an extension of and subordinate to the new single-family residence at 927 South Palmway.
  - c. The accessory structure shall not be granted an additional utility meter from the Public Utilities Department and shall not be issued a rental license from the Lake Worth Beach Business License Division.
- 3) Windows and doors shall be compatible with the Mediterranean Revival architectural style. The exact design of the windows and doors shall be reviewed by staff at permitting.
- 4) The front door and bathroom windows may utilize clear glass, frosted glass, or glass with a Low-E coating (60% minimum VLT). Tinted, highly reflective, grey, colored, etched, or leaded glass shall not be used.
- 5) The windows and doors (excluding the bathroom windows and front door) shall utilize glazing that is 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.
- 6) The windows shall be recessed a minimum of two inches (2") in the wall, and shall not be installed flush with the exterior wall.
- 7) All divided light patterns shall be created utilizing exterior raised applied muntins. Exterior flat muntins or "grids between the glass" shall not be used.
- 8) The roofing shall use concrete barrel tile roofing in a terra cotta color to imitate clay tile roofing.
- 9) The structure shall utilize a textured stucco finish.
- 10) The site plan shall be revised at permit to accurately depict setbacks of the existing structure, as well as all existing impermeable surfaces.
- 11) Formal and complete review for compliance with the City's Land Development Regulations will be conducted at building permit review.
- 12) All improved surfaces shall be setback a minimum of 1'-0" from property lines to allow for adequate water runoff within the property boundary.

- 13) All mechanical equipment shall be located behind the front façade of the structure and outside of required setbacks.
- 14) A gravel stabilization plan shall be submitted at building permit, noting how the gravel driveway will be maintained so that gravel stays out of the right-of-way, alley, and storm water systems.
- 15) In addition to a Landscape Plan, a tree survey and disposition plan shall also be required at building permit. Trees that are removed must be replaced on site and/or mitigated, and a tree removal permit shall be required. Landscaping shall be reviewed for compliance with the City's landscape requirements at building permit.

#### BOARD POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 24-00100032 with staff recommended conditions for the construction of a new single-family structure at **927 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 **DISAPPROVE** HRPB Project Number 24-00100032 for a Certificate of Appropriateness (COA) for the construction of a new single-family structure at **927 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.

**Consequent Action:** *The Historic Resources Preservation Board's decision will be final decision for the new construction. The Applicant may appeal the Board's decision to the City Commission.*

#### ATTACHMENTS

- A. Plan Set and Survey
- B. Photos
- C. Historic Preservation Design Guidelines – Mediterranean Revival and New Construction
- D. Applicant's Justification Statement



DATE: February 26, 2024

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

FROM: William Waters, Director Community Sustainability

MEETING: March 6 & March 13, 2024 (continued from January 17, 2024 PZB Meeting)

SUBJECT: **Ordinance 2024-03:** Consideration of an ordinance amending Chapter 23, Section 23.3-25 “Planned Development District,” to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Planned Development.

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**PROPOSAL / BACKGROUND/ ANALYSIS:**

The applicant, Chris Raley on behalf of SCG Florida LLC, is requesting approval of the subject privately-initiated amendment to the City’s Land Development Regulations (LDR) to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Planned Development. As a result, there will be greater flexibility in the housing options that can be offered in the City of Lake Worth Beach.

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

- Article 3 – Section 23.3-25: Planned Development District

As part of the discussion in reviewing the proposed change to the Land Development Regulations, the Boards may consider the following additional parameters concerning townhouses projects in the Single-Family Residential (SF-R) District.

- Where planned developments allowing for the townhouse option in SF-R may be located?
- What is the appropriate minimum parcel and/or project size for the planned developments?
- Should there be a maximum or minimum number of townhouse units allowed within such a planned development?
- Should the City’s Affordable/Workforce Housing Program provide for additional stipulations regarding such planned developments?
- Should the definition of townhouses, under these provisions, be evaluated to include not only attached dwelling units but also zero lot line homes, patio homes, small villa homes, quadraplex housing, tiny homes or other non-traditional single family detached homes?

The applicant is concurrently proposing, under a separate application, a residential townhouse development on a 4.017-acre site at 826 Sunset Drive with the purpose of constructing 42 townhouses. The site will be configured with nine (9), two (2)-story townhouse buildings that are accessed from a new residential loop street.

On January 17, 2024, the project was scheduled to be considered by the Planning and Zoning Board (PZB). The Board voted to continue the item to the March 6, 2024 PZB Meeting.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-03.

**POTENTIAL MOTION:**

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendment included in Ordinance 2024-03.

**Attachments**

- A. Draft Ordinance 2024-03

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**ORDINANCE 2024-03 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 SECTION 23.3-25 “PLANNED DEVELOPMENT DISTRICT,” PARAGRAPH (e). “MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT,” PROVIDING FOR TOWNHOUSES WITHIN THE SINGLE-FAMILY RESIDENTIAL (SF-R) ZONING DISTRICT AS PART OF A RESIDENTIAL ONLY MIXED USE URBAN PLANNED DEVELOPMENT; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE**

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

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

**WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” to amend, Section 23.3-25 – Planned Development District to provide for townhouses within the single-family residential (SF-R) zoning district as part of a residential only mixed use urban planned development within the City of Lake Worth Beach; and

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

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

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

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

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

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



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**Section 2:** Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Section 23.3-25 “Planned Development District,” Paragraph (e). “Mixed use urban planned development district,” is hereby amended to read as follows:

*e) Mixed use urban planned development district.*

1. *Location.* Urban planned developments may be located in any mixed use district, such as Mixed Use — East, Mixed Use — West, Mixed Use — Dixie Highway, Mixed Use — Federal Highway, Transit Oriented Development — East, Transit Oriented Development — West and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

2. *Minimum area required.* The minimum area required for an urban planned development district shall be one-half (0.5) acres.

3. *Permitted uses.* Permitted uses within a mixed use urban development are shown in [article 3](#) of these LDRs. An urban planned development may be residential alone or may be any mixture of residential, retail, commercial, office, personal services, institutional, and cultural and artisanal arts or other uses specifically listed with the use tables of [section 23.3-6](#) for the districts where the planned development is to be located.

4. *Required setbacks.* Required setbacks shall be as provided in these LDRs for the zoning district in which the planned development is to be located.

5. *Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to [article 4](#) of these LDRs.

6. *Landscaping/buffering.* Landscaping and buffering shall be provided as required by [section 23.6-1](#).

7. *Illumination.* Any source of illumination located within a commercial or industrial planned development district shall not exceed one (1) foot candle at or beyond the boundaries of such development.

8. *Outdoor storage.* All outdoor storage facilities are prohibited in any mixed use urban planned development district.

9. *Sustainability.* All mixed use urban planned development districts shall include provisions for sustainability features such as those listed in [section 23.2-33](#), City of Lake Worth Sustainable Bonus Incentive Program.

10. *Townhouses.* Residential only mixed use urban planned development districts located within a single-family residential (SF-R) zoning district, a project may utilize townhouses. Use of townhouses shall not, in and of itself, provide a bonus on density, intensity or height.

**Section 4:** 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 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

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

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

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

The Mayor thereupon declared this ordinance duly passed on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2024.

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

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

The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Betty Resch, Mayor

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ATTEST:

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Melissa Ann Coyne, City Clerk