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**Meeting Name:** Town Council  
**Meeting Date:** November 13, 2024  
**Prepared By:** Davila, F. CFM  
**Item Title:** Appearance Review Board (ARB) Criteria

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**BACKGROUND:**

At the July 24<sup>th</sup>, 2024, Town Council meeting, the Town Council directed staff to draft new language for the appearance review of single-family homes not located within a planned unit development.

Currently, under Code Section 34-116(3), single-family detached dwellings not located within an approved planned unit development shall be subject to appearance review and approval or denial, or approval with modifications by the Town Planning and Zoning Board, with site plan review by the Planning and Zoning department.

The Town's appearance review criteria encompass 7 criteria (see attachment #1), due to state statute 163.3202(5)(a), which states that land development regulations relating to building design elements may not be applied to single-family or two-family dwellings (see attachment #2), town staff has not been enforcing the first criterion (#1) of the Town's appearance review criteria.

As directed by Council, staff has drafted new language to address the appearance review criteria for single-family dwellings, the proposed language is a combination of the site plan criteria and appearance criteria and the creation of two definitions, substantial damage and substantial improvement, which are aimed to clarify when a remodel or upgrade to a single-family home needs to be reviewed by the Planning and Zoning Board. Please see below, the underline is new language, and the ~~strikethrough~~ is deleted language, the yellow highlights are recommendations made by the Planning and Zoning Board at their October 2024 meeting:

Sec. 34-4. Definitions

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure as determined by the Palm Beach County Property Appraiser before the damage occurred.

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a ten-year period, the cumulative cost of which equals or exceeds 50 percent of the fair market value of the building or structure as determined by the Palm Beach County Property Appraiser before the improvement or repair is started. For each building or structure, the ten-year period begins on the date of the first permit issued for improvement or repair of that building or structure. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

### Sec. 34-116. Required; criteria.

No construction or clearing of land may begin in any district prior to review and approval of the site plan and appearance. The review shall consist of:

(1) Consideration of the application by the development review committee (DRC), which may recommend approval, denial, or approval with modifications and/or conditions;

(2) Consideration of the application by the town planning and zoning board, which may recommend approval, denial, or approval with modifications and/or conditions; and

(3) Final review and approval or denial, or approval with modifications by the town council. ~~Single family detached dwellings not located within an approved planned unit development shall be subject to appearance review and approval or denial, or approval with modifications by the town planning and zoning board, with site plan review by the town planning and zoning department. Single family dwellings within an approved planned unit development shall be subject to site plan and appearance review and approval only by the town planning and zoning department in accordance with the established design criteria.~~ The criteria to be used in this review shall be to ascertain that the proposed site plan for new development meets the following criteria:

#### a. Site plan criteria.

1. Is in conformity with the comprehensive plan and is not detrimental to the neighboring land use;
2. Has an efficient pedestrian and vehicular traffic system, including pedestrian, bicycle, and automotive linkages and proper means of ingress and egress to the streets;
3. Has adequate provision for public services, including, but not limited to, access for police, fire and solid waste collection;
4. Complies with the provisions of chapter 20, article III, regarding potable water, sanitary sewer, solid waste, drainage, recreation and open space, and road facilities;
5. Is planned in accordance with natural characteristics of the land, including, but not limited to, slope, elevation, drainage patterns (low areas shall be used for lakes or drainage easements), natural vegetation and habitats, and unique physical features;
6. Preserves environmental features and native vegetation to the maximum extent possible, and complies with the Environmentally Sensitive Lands Ordinance;
7. Protects estuarine areas when concerning marina siting, drainage plans, alteration of the shoreline, provisions for public access and other concerns related to water quality and habitat protection;
8. Complies with all sections of this chapter.

b. Appearance review criteria.

1. Is of an architectural style representative of or reflecting the vernacular of Old Florida style which is indigenous to the town and which is commonly known and identified by its late Victorian (Key West Cracker), Spanish revival (Mediterranean), Modern (early to mid-20th century), or combination thereof style of architecture. Summarized briefly, common features of the vernacular of Old Florida style that identify the Victorian (Key West Cracker), and Spanish revival (Mediterranean) architectural style include wood or concrete block with stucco siding; simple pitched roofs; tile, metal, or asphalt roofs; ornate details such as but not limited to exposed soffits, individualized vent and louver shapes, reliefs, and detailed window and door treatments; lush landscaping with private yards; and use of porches, balconies and patios. Common features of the vernacular of Old Florida Style that identify the Modern (early to mid-20th century) architectural style include clean geometric lines, often at right angles; an emphasis on function; materials such as glass, steel, iron, and concrete; and the use of natural light through large and expansive windows;
2. Is of a design and proportion which enhances and is in harmony with the area. The concept of harmony shall not imply that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression. For the purpose of this section, the comparison of harmony between buildings shall consider the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district;
3. Elevator and stairwell shafts and other modern operations and features of a building shall be either completely concealed or shall incorporate the elements of the architectural style of the structure; rooftop equipment and elevator and mechanical penthouse protrusions shall be concealed; and parking garages and other accessory structures shall be designed with architectural features and treatments so that they are well proportioned and balanced and in keeping with the architectural style of the principal structure;
4. Shall have all on-site structures and accessory features (such as but not limited to light fixtures, benches, litter containers, including recycling bins, traffic and other signs, letter boxes, and bike racks) compatible in design, materials, and color;
5. Shall have a design in which buildings over 40 feet in height shall appear more horizontal or nondirectional in proportion rather than vertical, accomplished by the use of architectural treatments as described in these criteria;
6. Shall locate and design mechanical equipment with architectural treatments so that any noise or other negative impact is minimized;
7. Complies with the town's community appearance standards (see article IV, division 14 of this chapter).

(4) New single-family detached dwellings, substantial damaged or substantial improvements to existing single-family detached dwellings not located within an approved planned unit development shall be subject to appearance review and approval or denial, or approval with modifications by the town planning and zoning board, with site plan review by the town planning and zoning department. Single-family dwellings within an approved planned unit development shall be subject to site plan and appearance review and approval only by the town planning and zoning department in accordance with the established design criteria. The criteria to be used in this review shall be to ascertain that the proposed new single-family detached dwelling development meets the following criteria:

a. Appearance Review Criteria.

1. Is compatible with and/or reflects the natural characteristics of the land, including, but not limited to, slope, elevation, drainage patterns, natural vegetation and habitats, and unique physical features;
2. All reasonable efforts to preserve environmental features and native vegetation shall be made, and complies with the County's Environmentally Sensitive Lands Ordinance per article 14, chapter C of the Palm Beach County Unified Land Development Code;
3. Is of a design and proportion which enhances and is in harmony with the area. The concept of harmony shall not imply that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, and architectural components including but not limited to porches, roof types,

fenestration, entrances, and stylistic expression. For the purpose of this section, the comparison of harmony between buildings shall consider the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district;

4. Shall have a design in which buildings over 30 feet in height (including tower structure) shall appear the same or more horizontal or nondirectional in proportion rather than vertical, accomplished by the use of architectural treatments. style representative of or reflecting the vernacular of Old Florida style which is indigenous to the town and which is commonly known and identified by its late Victorian (Key West Cracker), Spanish revival (Mediterranean), Modern (early to mid-20th century).

5. Shall locate and design mechanical equipment with architectural treatments so that any noise or other negative impact is minimized;

6. The proposed addition or accessory structure is similar in style and massing to the principal or main structure.

### **RECOMMENDATION:**

Staff recommends that the Town Council review and direct staff on how to proceed with the proposed code text amendment.

#### Attachments:

1. Town of Juno Beach Code of Ordinance, Code Section 34-116.
2. Florida Statute 163.3202(5)(a).