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**Meeting Name:** Town Council

**Meeting Date:** May 28, 2025

**Prepared By:** Davila, F. CFM.

**Item Title:** Discussion - Appearance Review Criteria for Single-Family Homes

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### **BACKGROUND:**

On May 2, 2025, the Town held an Appearance Review Criteria for Single-Family Homes Workshop, to further discuss the current Appearance Review criteria being used for single-family homes not located within a Planned Unit Development (PUD). At the workshop, the Town Council gave the following consensus:

1. Discontinue performing architectural review for single-family homes and amend the Code accordingly.
2. Continue the status quo in the methods used by staff in the application of harmony for single-family homes, pending staff review of best practices and associated recommendations.
3. For staff to conduct an analysis of the proposed language submitted by Vice Mayor Callaghan providing criteria for the assessment of Harmony (see attachment #1) and for staff to return with additional options that incorporate tools such as FAR, increased setbacks, and other mechanisms that could help clarify the code.

### **DISCUSSION:**

Following the May 2, 2025 Appearance Review Workshop Council, staff is providing the following responses to the consensus provided in the background section stated above.

1. Town staff will be providing a proposed code-text amendment to the Planning and Zoning Board for their review at the June Planning and Zoning Board meeting to codify the removal of Architectural Review for single-family homes not located within a PUD, please note that Historic Districts (Saturn Lane Historic District, Beachbound Historic District and Zephyr Historic District) will not be affected by the proposed code-text amendment.
2. Staff continues to take applications for Appearance Review as directed. Currently, the town has received 3 Appearance Review applications. The staff's review of the applications will be based on staff's methodology as explained at the workshop (status quo). As the Town continues to receive additional applications, staff's review and the recommendation will follow the status quo until otherwise directed by Town Council.

3. For the review of tools and criteria for assessing harmony in single-family homes, please note that staff consulted with the Town Attorney. This was done to ensure that our approach is legally sound and to avoid any unintended consequences. Please see below the Town Attorney's comments:

**The Town Attorney has indicated that adding metrics that result in restricting the size of new homes so that a property owner is limited to less square footage than existing homes in the immediate vicinity could potentially result in Bert Harris Act claims as this regulation could unfairly or unreasonably limit the existing use of property to an extent that the property owner is unable to attain his/her reasonable, investment-backed expectation.**

Based on the Town Attorney's comments, staff reviewed the proposed language submitted by Vice Mayor Callaghan that included an amendment to the current language for Appearance Review, criteria #2 *harmony*, and metrics to achieve harmony by quantifying its provisions. Staff concluded that most of the criteria are not quantifiable as these terms (landscape, site planning, orientation, materials, etc...) are often used as visual/aesthetic elements which leads them to be qualitative in nature. For the quantifiable terms, such as mass and bulk, staff applied the proposed methodology of +/- a percentage of the average size home within the study area, and tested 10, 15, 25, and 50 percent. Staff concluded that by using this methodology, certain properties could not build to the square footage of the "largest" house within the study area and those homes under the average may be able to build smaller type of addition(s) (i.e. bedroom, bathrooms, etc...). This approach would contradict the guidance provided by the Town Attorney and thus is not recommended by staff.

Staff benchmarked other municipalities to find out what controls have been implemented to regulate "super-sized" houses, these include:

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|-----------------------------------------------------|----------------------------------|
| a. Limit Building Height*                           | g. Privacy Protections           |
| b. Design Review                                    | h. Gross Floor Area (GFA)        |
| c. Floor Area Ratio (FAR)*                          | i. Daylight Plane Requirements   |
| d. Make bulk and mass fit neighbors*                | j. Lot Coverage*                 |
| e. Increased front, rear and/or side yard setbacks* | k. Increased Parking*            |
| f. Floor Area Limit (FAL)                           | l. Open Space / Landscape*       |
|                                                     | m. Overlay/Conservation District |
|                                                     | n. Zero Lot Lines                |

The Town currently regulates 7(\*) of these controls through the Building Site Area Regulations (Base Zoning) for each zoning district and through the Appearance Review. Based on the guidance received from the Town Attorney, staff recommends the following tools for Council to review and consider.

- a. Step-Back / Setbacks for 2<sup>nd</sup> stories – a similar regulation is currently referred to in the Saturn Lane Historic Zoning District which requires *"All floors above the first floor level shall be set back an additional five feet from the first floor front yard setback"*, another example is the Commercial General Zoning District which requires *"For all buildings higher than two stories, all stories above the first two stories shall be set back a minimum of five feet from the first story building facade and shall include an architecturally compatible roof treatment or element along such building line break"*. The proposed language would require **a second story and above to provide an additional 5-foot minimum setback for all yards.**
- b. 2<sup>nd</sup> Story Floor Area Limit (FAL) – The Village of North Palm Beach adopted a second-story floor area regulation for their residential zoning district which reads: *"Second-Story Floor Area. The floor area of the second story of a single-family dwelling shall not exceed seventy-five percent (75%) of the floor area of the first story. For the purposes of this*

*subsection, floor area shall include all areas lying within the building perimeter established by the interior side of the exterior walls of the building, including garages, covered patios, and other open-air exterior areas that are under roof. The floor area for the second story shall include areas open to below.”* Staff would propose adopting the same language.

- c. Increase Minimum Landscape Open Space Percentage – the Town’s minimum Landscape Open Space Percentage for single-family dwelling uses range between 20-25%. The increase in the percentage would require for the balance of the lot coverage to not be used for non-permeable surfaces, such as driveways, concrete pads, pool decks, artificial turf, etc...

The Town’s consultant Chen Moore & Associates (CMA) is currently reviewing the Town’s Landscape Requirements in its entirety, where regulations for single family homes such as minimum landscape open space, and the addition of trees, hedges and/or other landscape materials may be recommended.

- d. Design Review – At the workshop, the implementation of a design/pattern book was discussed. The Town cannot enforce the architecture of single-family homes not located in a PUD but may provide a pattern/design book which highlights the Town’s desired architectural styles reflecting the vernacular of Old Florida as identified in Code Section 34-116 (3)(b)(1) that would serve as a recommendation guide for single-family projects. The pattern book would be helpful as the Town can still enforce Architectural Styles for projects other than single-family and two-family dwellings.

Please note that tools a, b, and c would allow a property to be developed to a maximum square footage that is lower than the current permissible maximum square footage under base zoning.

#### Proposed Council Direction

For the Council’s review and discussion, the following steps are being proposed to move forward if the Town is to continue to enforce *harmony* for single-family homes not located in a PUD while protecting the Town from potential Bert Harris Act claims:

- Amend the code to remove the architectural review of single-family and two-family homes from the Appearance Review criteria as directed at the April 2<sup>nd</sup>, 2025, workshop.
- Create a Zoning in Progress (ZIP) to provide staff with ample time to update the code as necessary, this will prevent applications for substantially improved and new single-family homes from going through the current Appearance Review and Building Permit process.
- Amend the code to remove Appearance Review from single-family homes. Please note that the Appearance Review will still apply to other projects (two-family and above). For single-family homes, with the addition of the proposed tools (a-d), harmony would be further emphasized within base zoning.
- Amend the code to revert the review and the approval/denial of single-family dwellings from the Planning and Zoning Board to staff. Please note that only staff review and approval would be required.
- Amend the code to remove the comparison of harmony language that reads “consider the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district” and replace it with “comparison of the buildings or structures within the same contiguous zoning district”.
- Amend the code to implement additional regulations (see options a through d above) to the Building Site Area Regulations (base zoning) for each zoning district with the “Single-family detached dwellings” use to promote harmony through base zoning.

**RECOMMENDATION:**

Staff recommends for the Town Council to incorporate the steps mentioned in the Proposed Council Direction section of the memorandum.

If there is no resolution on how to move forward, staff will continue to use the current methodology for the review of “harmony”.