



Meeting Name: Town Council

Meeting Date: December 13, 2023

Prepared By: F. Davila, CFM.

Item Title: Ordinance 780 – Harmony Criteria (1st Reading)

DISCUSSION:

At the December 14, 2022, Town Council meeting, Council gave consensus to have staff gather definitions from other municipalities for the term “harmony”.

At the March 6, 2023, Planning and Zoning Board meeting, the Board made a motion to recommend that Town Council direct staff to create an ordinance to define the term “harmony” by looking to the definitions used by the Village of North Palm Beach and City of Lake Worth Beach and add specific requirements to Section 34-116(b)(2) of the Town Code to address harmony utilizing language from the Town of Palm Beach.

At the March 22, 2023, Town Council meeting, Council gave direction to staff to proceed with drafting language to address the recommendation made by the Planning and Zoning Board.

At the May 1, 2023, Planning and Zoning Board meeting, the Board reviewed and discussed proposed Ordinance No. 763 and unanimously recommended to Town Council to adopt Ordinance No. 763.

At the May 24, 2023, Town Council meeting, Council reviewed and discussed Ordinance No. 763. During the discussion, the contents of Senate Bill 250 was reviewed as Ordinance No. 763 may not be able to be adopted on second reading due to it being construed as more restrictive and burdensome. However, Attorney Torcivia advised the Council that it was able to proceed with the first reading. Town Council unanimously passed proposed Ordinance No. 763 on first reading.

At the July 26, 2023, Town Council meeting, Staff informed Council that Senate Bill 250 was approved by Governor DeSantis. It was staff’s opinion that Ordinance No. 763, as proposed on first reading, created a more restrictive or burdensome amendment to the Town’s Land Development Regulations (Chapter 34), and that its implementation and enforcement creates a more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, and development permit. Specifically, staff was concerned with addition of the 300 foot radius when determining harmony. Town Council reviewed and discussed Ordinance No. 763 on second reading and unanimously approved it with staff’s recommended change to remove the last sentence regarding the 300-foot radius.

At the December 4, 2023, Planning and Zoning Board meeting, the Board reviewed and discussed the previously approved language (approved by P&Z Board on May 1, 2023) for the requirements addressing the term “harmony” under code section 34-116(3)(b)(2). The Board made minor changes to the language and unanimously recommended that the Town Council approve Ordinance No. 780 as amended (additional language is underlined and deleted language is stricken through):

2. Is of a design and proportion which enhances and is in harmony with the area; The concept of harmony shall not infer 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 within the same zoning district.

Please note that the previously approved language is not being changed (as approved in Ord. 763). This includes the definition for the terms *harmony*, *scale*, *mass*, *bulk*, and *proportion* under Code Section 34-4.

RECOMMENDATION:

Staff recommends that the Town Council consider proposed Ordinance No. 780 on first reading.

Attachment(s):

- Proposed Ordinance No. 780.