

Sec. 18-166. - Membership; appointment.

- (a) The architectural commission shall consist of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are in the discretion of the town council, no bona tide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. In addition to the two registered architects, one member of such commission shall be a landscape architect, if available. However, in the event a landscape architect is not available, then one member of such commission shall be a master gardener or someone with equivalent expertise in landscape.
- (b) The members of such commission shall be appointed by the town council, and the commission shall designate a chair and a vice-chair.

(Ord. No. 11-2015, § 1(Att.), 4-15-15; Ord. No. 07-2018, § 1, 6-12-18)

Sec. 18-167. - Qualifications of members.

- (a) All members of the architectural commission shall be specially qualified by reason of training or experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effects of a proposed building upon the desirability, property values and development of surrounding areas.
- (b) Each member of the commission is required to be a registered voter in the town; however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise as a State of Florida licensed architect or landscape architect that will benefit the commission and the town.

(Ord. No. 11-2015, § 1(Att.), 4-15-15; Ord. No. 07-2018, § 1, 6-12-18)

Sec. 18-168. - Terms.

- (a) Members of the architectural commission shall be appointed for terms of three years from and after the expiration of each term. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.
- (b) No member of the commission may serve more than two consecutive terms; but this subsection shall not preclude any person from being appointed to a successive term, subsequent to the serving of two consecutive three-year terms, if such person has ceased to be a member of the commission for a period of time not less than nine months. Further, if a member has been appointed to fill a vacant term of office, which term is for a period of time less than 50 percent of a full three-year term, that person shall not be precluded from

serving for two successive three-year terms. Additionally, although an alternate member may not serve more than two three-year terms as an alternate, the alternate member may be appointed to serve as a regular member of the commission and shall be entitled to serve two full three-year terms thereafter.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Sec. 18-175. - Issuance of permits.

- (a) Approval of request. Unless requests for demolition (request shall be reviewed considering proposed date to demolish, construct, and future use of new construction), building and landscaping plans, elevations and proposed signs for buildings or structures, or alterations thereto, including reroofing that involves a significant change in materials or appearance, have been approved by the architectural commission, or by the town council on appeal, no permit shall be issued for any such demolition, building, structure, sign, or other development of property, or appurtenances or alterations thereto. In addition to the criteria outlined in section 18-205, such requests will be reviewed in accordance with the procedures set forth in the ARCOM Project Designation Manual, as adopted by the town council by resolution and amended by the town council from time to time by resolution after review and recommendation by the architectural commission.
- (b) Prior to approval of a building permit for construction for all primary structures other than single family structures in the town, the owner/applicant shall provide financial proof of ability to complete the construction. In addition, the owner/applicant shall provide to the town a financial guarantee in writing executed by all parties in interest to the property, including mortgagees, if any, in an amount to be adopted by resolution of the town council and amended by adoption of a resolution by the town council representing a percentage of the estimated cost of demolition of the construction when complete as verified by the town's building official, as well as the cost of returning the property to grade, and to be sodded, landscaped and irrigated. The financial guarantee shall provide that in the event the construction is not completed within 12 months of the maximum time permitted for construction as set forth in section 18-237 of this Code, the town may call in the financial guarantee which shall be secured in the form of a bond, cash deposit or clean, irrevocable letter of credit, and cause the demolition of the structure permitted herein, including bringing the property back to grade, sodded, irrigated and landscaped as required. The financial guarantee shall be recorded in the public records of Palm Beach County, Florida, so as to provide notice of said guarantee to all who may have or obtain an interest in the property. This subsection, requiring a financial guarantee, shall apply only to new construction on vacant lots and shall not be required for restoration or renovation of existing structures or structures accessory to an existing primary structure.
- (c) **Exceptions.**
- (1) When in the opinion of the planning, zoning and building department director or his or her designee, the improvements contemplated in an application for a construction permit are minimal in nature, and are not included in the listing of projects subject to architectural review contained within the ARCOM Project Designation Manual, and such improvements do not defeat the purposes and objectives of this article, he or she may grant the permit without requiring architectural review, notwithstanding any other

provisions of this section or this article. The decision of the planning, zoning and building department director or his/her designee shall be subject to appeal made to the town council in accordance with the provisions of section 18-177.

- (2) Individual structures and/or properties that have been designated or are under consideration or in an historic district are subject to review by the landmark preservation commission and shall not be subject to review by the architectural commission.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

DIVISION 1. - GENERALLY

Sec. 54-71. - Required.

- (a) No landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission.
- (b) The commission shall not consider interior arrangement or use, except as this may affect a request for exterior changes.
- (c) Nothing in this article shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design or material or that do not affect the outward appearance of a building.
- (d) The commission shall exercise only those powers and duties granted by this article and those powers and duties that may be assigned to it at a later date by the town council.
- (e) For an exterior change project consistent with division 3 of this article, a determination may be made that this is a minor exterior change and the requirement of a certificate of appropriateness may be waived. Such determination shall be made by the landmarks project coordinator, with the concurrence of the chair or such other member of the commission as may be designated by the commission, who will so advise the building official, who may then issue a building permit.
- (f) An exterior change project determined by the landmarks project coordinator to be inappropriate, potentially controversial or precedent setting shall be submitted by the staff to the commission for review. No exterior change project with an estimated expenditure exceeding \$2,000.00 as determined by the building official shall fall within the definition of this minor project category.
- (g) Review of minor exterior change projects for which certificates of appropriateness have been waived will be reviewed quarterly by the commission.

(Code 1982, § 16-37)

Secs. 54-72—54-90. - Reserved.

DIVISION 3. - CRITERIA FOR ISSUANCE

Sec. 54-121. - Generally.

In passing upon an application for a certificate of appropriateness, the commission shall consider the criteria in this division.

(Code 1982, § 16-41)

Sec. 54-122. - New construction.

- (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:
 - (1) The height, the gross volume, and the proportion between width and height of the facade;
 - (2) The proportions and relationships between doors and windows;
 - (3) The rhythm of solids to voids created by openings in the facade;
 - (4) The materials used in the facade;
 - (5) The texture inherent in the facade;
 - (6) The colors, pattern and trim used in the facade; and
 - (7) The design of the roof.
- (b) Existing rhythm created by existing building masses and space between them should be preserved.
- (c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.
- (d) A new street facade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.
- (e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

(Code 1982, § 16-41(a))

Sec. 54-123. - Exterior alterations.

- (a) The criteria set forth in section 54-122, if applicable, shall be considered in passing upon an application for exterior alterations; provided that the commission may consider the original design of the building and the buildings visually related to it and disregard alterations subsequently made thereto.
- (b) Exterior alterations shall not affect the architectural quality or historical character of the building.

(Code 1982, § 16-41(b))

Sec. 54-124. - Signs.

For signs located or plainly visible from out-of-doors, the scale, design, materials, style and patterns should be compatible with the buildings and environment with which they are visually related.

(Code 1982, § 16-41(c))

Sec. 54-125. - Demolition.

- (a) *Generally.* For demolition of a landmark or a building in an historic district, the following should be considered:
 - (1) The historic or architectural significance of the building.

- (2) The importance of the building to the overall ensemble of buildings within the district and the importance of the building integrity of the historic district.
 - (3) The special character and aesthetic interest the building adds to the district.
 - (4) Whether the building is one of the last remaining examples of its kind in the neighborhood, historic district or city.
 - (5) The difficulty or the impossibility of reproducing such a building because of its design, texture, material, detail, or uniqueness of location.
 - (6) The future utilization of the site and the effect those plans for the site will have on the architectural, historical, archaeological, social, aesthetic or environmental character of the surrounding area and district.
 - (7) Whether reasonable measures can be taken to save the building from further deterioration, collapse, arson, vandalism or neglect.
- (b) *Partial demolition.*
- (1) In the event of a request for a partial demolition, in addition to the above criteria, the commission shall consider the impact of the proposed demolition on the architectural and historical integrity of the remaining structure.
 - (2) If a determination is made by the commission that a demolition permit will not be granted on the basis of those items specified in subsection (a) of this section, the applicant may within 30 days of notice of the decision of the commission apply for an exception of extreme economic hardship on the basis that the denial of the permit will result in the loss of all reasonable and beneficial use of or return from the property.
- (c) *Appeals on grounds of extreme economic hardship.* When a claim of extreme economic hardship is presented, the property owner/applicant must prove he cannot realize any reasonable and beneficial use of or return from the property. The finding of the commission shall be made by considering, and the property owner/applicant may submit to the commission, evidence establishing each of the following factors:
- (1) The current levels of economic return on the property as considered in relation to the following:
 - a. For all property:
 1. Real estate taxes for the previous four years and the assessed value of the land and improvements thereon according to the two most recent assessed valuations.
 2. The amount paid for the property and the date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired.
 3. The fair market value of the property immediately prior to its designation as a landmark and/or designation of the historic district and the fair market value of the property (in its protected status as a landmark or contributing structure within an historic district) at the time the application for certificate of appropriateness is filed.
 4. Remaining balance of any mortgage or other financing secured by the property and the annual debt service, if any, for the previous two years.
 5. All appraisals obtained within the previous two years by the property owner/applicant in connection with the purchase, financing or ownership of the property.
 6. Any state or federal income tax returns on or relating to the property for the past two years.
 7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture, or other.
 - b. For income producing property:
 1. Annual gross income from the property for the previous two years.
 2. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed.
 3. Depreciation deduction and annual cash flow, if any, for the previous two years before and after debt service, if any, during the same period.
 4. Proof that efforts have been made by the owner to obtain a reasonable return on this investment based

on previous service.

5. Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (2) The marketability of the property considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
 - a. Any real estate brokers or firms engaged to sell or lease the property.
 - b. Reasonableness of the price or rent sought by the applicant.
 - c. Any advertisements placed for the sale or rent of the property.
 - d. Any contracts for purchase submitted.
 - (3) The infeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:
 - a. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - b. Estimate from a registered architect or professional engineer of the cost of construction, alteration, demolition or removal, and estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of proposed alterations.
 - c. Estimate from a qualified appraiser, with competent credentials, of the market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use.
 - d. In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of existing structure on the property.
 - e. Financial proof of the ability to complete the replacement project, which may include but is not limited to a performance bond, a letter of credit, a trust for completion of improvements, or letter of commitment from a financial institution.
 - f. Any other information the applicant feels is relevant to show extreme economic hardship.
 - (4) The commission may require that an applicant furnish such additional information that is relevant to its determination of extreme economic hardship and may require that such additional information be furnished under oath. The commission may also furnish additional information as the commission or staff believes is relevant. In the event any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file an affidavit specifying the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.
 - (5) The commission shall not consider a self-imposed hardship as an extreme economic hardship.

Should the applicant for demolition satisfy the commission that he will suffer an extreme economic hardship if a demolition permit is not recommended, such recommendation shall be made.

- (d) *Demolition and construction permits; plans.* Following recommendation of demolition, the applicant must seek approval of replacement plans based on the standards set forth in this section, prior to receiving a demolition permit. Replacement plans for this purpose shall include but not be limited to project concept, preliminary elevations and site plans, and adequate working drawings. Once the commission has approved the permit for replacement construction, the demolition permit may be issued without further action. Permits for demolition and construction shall be issued simultaneously if the requirements set forth in this section are met and the property owner/applicant provides financial proof of his ability to complete the project. When the commission recommends approval of demolition of buildings of historic or architectural significance, permits shall not be issued until all plans for the site have received approval from all appropriate town departments.

- (e) *Time period for applications.* Applications for demolition, which demolition involves more than 50 percent of the cubic foot: landmarked structure, shall be heard by the commission only during the months of November, December, January, Februar and April.

(Code 1982, § 16-41(d))

Sec. 54-126. - Reconstruction of a nonconforming use building.

The reconstruction of a building legally nonconforming as to use and destroyed by fire, storm or other act of God shall be governed by the provisions of the zoning ordinance, chapter 134 of this Code, except that the commission shall regulate the exterior design of such buildings in accordance with the criteria set forth in section 54-122.

(Code 1982, § 16-41(e))

Secs. 54-127—54-160. - Reserved.

Wayne Bergman

From: Michelle Sentmanat
Sent: Friday, February 28, 2020 11:56 AM
To: Wayne Bergman; Kelly Churney
Subject: ARCOM and LPC STAFF APPROVALS

As per our conversation Wayne, the totals for 2/28/2019-2/28/2020 are as follows:

ARCOM STAFF APPROVALS APPROVED -	469
ACROM STAFF APPROVALS DENIED -	7
LPC STAFF APPROVALS APPROVED -	123
LPC STAFF APPROVALS DENIED -	1

I gave all reports to Kelly.

Thank you.

Please note, our permit application has been updated and new signatures are required on page 5. [Click here for our updated application](#)

Michelle Sentmanat
Senior Development Permit Technician

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