



SPECIAL TOWN COUNCIL MEETING MINUTES

February 18, 2026 at 5:30 PM

Council Chambers – 340 Ocean Drive and YouTube

PRESENT: PEGGY WHEELER, MAYOR
JOHN CALLAGHAN, VICE MAYOR
DIANA DAVIS, VICE MAYOR PRO TEM
MARIANNE HOSTA, COUNCILMEMBER
DD HALPERN, COUNCILMEMBER

ALSO PRESENT: ROBERT A. COLE, TOWN MANAGER
TG LAW PLLC, TOWN ATTORNEY
CAITLIN COPELAND-RODRIGUEZ, TOWN CLERK
FRANK DAVILA, DIRECTOR OF PLANNING & ZONING

AUDIENCE: 36+

CALL TO ORDER – 5:30PM

PLEDGE ALLEGIANCE TO THE FLAG

ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA - *None*

COMMENTS FROM THE TOWN MANAGER, THE TOWN ATTORNEY, AND STAFF

MOTION: *Davis/Halpern made a motion to proceed in repairing the JB3 beach access in an amount not to exceed of \$36,000, waving the procurement process; and authorize the Town Manager to execute the agreements.*

ACTION: *The motion passed unanimously.*

Council gave unanimous consensus to schedule a closed executive session on Wednesday, February 25, 2026, at 3pm prior to the regularly scheduled Town Council meeting.

COMMENTS FROM THE PUBLIC

All Non-Agenda items are limited to three (3) minutes. Anyone wishing to speak is asked to complete a comment card with their name and address prior to the start of the meeting as well as state their name and address for the record when called upon to speak (prior to addressing the Town Council). Town Council will not discuss these items at this time.

Public Comments Opened at 5:37pm.

Public Comments Closed at 5:47pm.

COUNCIL ACTION/DISCUSSION ITEMS *(A Public Comment Period was provided for each item below.)*

Vice Mayor Pro Tem Davis provided handouts (see attached).

Vice Mayor Callaghan, Vice Mayor Pro Tem Davis, and Councilmember Halpern gave consensus to go through each ordinance separately.

1. ORDINANCE NO. 795

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING DIVISION 4, "SITE PLAN AND APPEARANCE REVIEW," OF ARTICLE II, "ADMINISTRATION AND ENFORCEMENT," OF CHAPTER 34, "ZONING" OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR ADMINISTRATIVE REVIEW AND APPROVAL OF APPEARANCE FOR SINGLE FAMILY DWELLINGS; AND CLARIFYING COMPLIANCE OF APPEARANCE REVIEW WITH FLORIDA LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

***MOTION:** Davis/Halpern made a motion to postpone making any of the changes regarding architectural review until the legal risks have been assessed.*

***ACTION:** The motion failed 2-3 with Mayor Wheeler, Vice Mayor Callaghan, and Councilmember Hosta opposed.*

Mayor Wheeler recessed the meeting at 7:49pm.

Mayor Wheeler reconvened the meeting at 7:57pm.

***MOTION:** Callaghan/Hosta made a motion to approve Ordinance No. 795 as written on second and final reading.*

***ACTION:** The motion passed 3-2 with Vice Mayor Pro Tem Davis and Councilmember Halpern opposed.*

2. ORDINANCE NO. 796

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING SECTION 34-115, "INTENT AND PURPOSE," OF DIVISION 4, "SITE PLAN AND APPEARANCE REVIEW," OF ARTICLE II, "ADMINISTRATION AND ENFORCEMENT," OF CHAPTER 34, "ZONING" OF THE TOWN OF JUNO BEACH'S CODE OF ORDINANCES TO CLARIFY THE STATED LEGISLATIVE INTENT OF SITE PLAN AND APPEARANCE, INCLUDING ARCHITECTURAL, REVIEWS WITH RESPECT TO SINGLE-FAMILY AND TWO-FAMILY DWELLINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

***MOTION:** Davis/Halpern made a motion to postpone this item until after the election.*

***ACTION:** The motion failed 2-3 with Mayor Wheeler, Vice Mayor Callaghan, and Councilmember Hosta opposed.*

***MOTION:** Hosta/Callaghan made a motion to approve Ordinance No. 796 on second and final reading.*

***ACTION:** The motion passed 3-2 with Vice Mayor Pro Tem Davis and Councilmember Halpern opposed.*

3. ORDINANCE NO. 797

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA AMENDING DIVISION 1, "GENERALLY," OF ARTICLE II, "ADMINISTRATION AND ENFORCEMENT," OF CHAPTER 34, "ZONING," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 34-28, "PLANNING AND ZONING BOARD DUTIES," TO REMOVE REVIEW OF PLATS AND REMOVE REVIEW OF SINGLE FAMILY SITE PLANS AND APPEARANCE (INCLUDING ARCHITECTURAL) FROM THE PLANNING AND ZONING BOARD TO ADMINISTRATIVE STAFF; PROVIDING FOR ADOPTION OF RECITALS; CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

***MOTION:** Davis/Halpern made a motion to postpone this item until after the election.*

***ACTION:** The motion failed 2-3 with Mayor Wheeler, Vice Mayor Callaghan, and Councilmember Hosta opposed.*

***MOTION:** Callaghan/Hosta made a motion to approve Ordinance No. 797 on second and final reading.*

***ACTION:** The motion passed 3-2 with Vice Mayor Pro Tem Davis and Councilmember Halpern opposed.*

COMMENTS FROM THE COUNCIL

***MOTION:** Halpern/Davis made a motion to have the current council as well as the new Town Council to give input on the draft strategic plan before a final version is publicly released.*

***ACTION:** The motion passed unanimously.*

***MOTION:** Davis/Halpern made a motion to have the Town Attorney assess the legal risk to the Town of the Mayor's cease and desist letters that can potentially be interpreted as coming from the Town.*

***ACTION:** The motion was withdrawn.*

***MOTION:** Davis/Halpern made a motion to return to Weekly Activity Reports.*

***ACTION:** The motion passed 4-1 with Vice Mayor Callaghan opposed.*

Mayor Wheeler, Vice Mayor Pro Tem Davis, Councilmember Hosta, and Councilmember Halpern gave consensus to not include regularly assigned weekly tasks.

***MOTION:** Halpern/Hosta made a motion to have all regularly scheduled Town Council Meetings start at 5:30pm.*

***ACTION:** The motion passed 4-1 with Councilmember Hosta opposed.*

ADJOURNMENT

Mayor Wheeler adjourned the meeting at 9:53pm.



Peggy Wheeler, Mayor

Dave Santilli



Caitlin E. Copeland-Rodriguez, Town Clerk



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

DATE: Jan 18 2026

NAME: Bill Stone

PHONE NO.: 617-501 8058

REPRESENTING (IF APPLICABLE):

ADDRESS: 600 Ocean Ave, Juno Beach

CHECK WHAT MAY APPLY:

☐

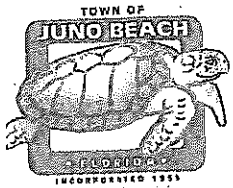
SUPPORT

☐

OPPOSE

☒

I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

general

DATE: 2/17/26

NAME: Mary Peterson

PHONE NO.: (561) 329-7376

REPRESENTING (IF APPLICABLE):

ADDRESS:

481 Mars Way

CHECK WHAT MAY APPLY:

☐

SUPPORT

☐

OPPOSE

☐

I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

P.C.

DATE:

2.18.26

NAME:

Allison Rick

PHONE NO.:

561-632-6886

REPRESENTING (IF APPLICABLE):

Horizon

ADDRESS:

600 Ocean Dr

Juno Beach FL 33408

CHECK WHAT MAY APPLY:

☐

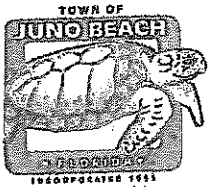
SUPPORT

☐

OPPOSE

☒

I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

DATE:

NAME:

Anne Bosso

PHONE NO.:

REPRESENTING (IF APPLICABLE):

ADDRESS:

765

CHECK WHAT MAY APPLY:

☐

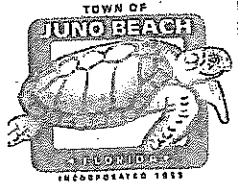
SUPPORT

☐

OPPOSE

☐

I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #: 1

DATE: 2-18-20

NAME: GLEN TORCIVIA

PHONE NO.: 561 6868700

REPRESENTING (IF APPLICABLE):

ADDRESS: 701 N. OAKPORT PARKWAY WPB FL

CHECK WHAT MAY APPLY:

☐

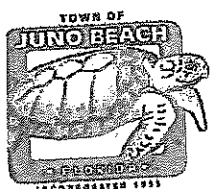
SUPPORT

☐

OPPOSE

☒

I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #: 5795

DATE: 2/18/2020

NAME: Kathy Peterson

PHONE NO.: (407) 831-0738

REPRESENTING (IF APPLICABLE):

ADDRESS: 456 Ocean Ridge Way

CHECK WHAT MAY APPLY:

☐

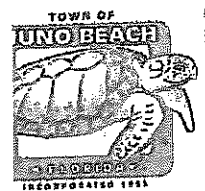
SUPPORT

☐

OPPOSE

☒

I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

1795

DATE:

2/18/25

NAME:

John Stellingma

PHONE NO.:

407.891.7318

REPRESENTING (IF APPLICABLE):

ADDRESS:

CHECK WHAT MAY APPLY:

☒ SUPPORT

☐ OPPOSE

☒ I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

1, 2, 3

DATE:

2/18/26

NAME:

Susan Van Lindt

PHONE NO.:

561-512-2138

REPRESENTING (IF APPLICABLE):

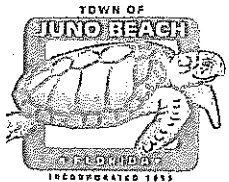
ADDRESS: 504-B3 Sea Oats Dr., Juno Beach, FL

CHECK WHAT MAY APPLY:

☐ SUPPORT

☐ OPPOSE

☒ I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #: 1, 2, 3

DATE:

2/18/26

NAME:

JIM EHRET PE

PHONE NO.:

302-540-7600

REPRESENTING (IF APPLICABLE):

ADDRESS:

450 OCEAN DR #802 JUNO BEACH FL

CHECK WHAT MAY APPLY:

☐

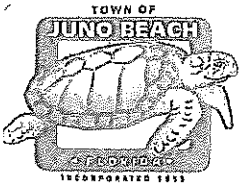
SUPPORT

☐

OPPOSE

☒

I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #: 1, 2, 3

DATE:

2/18/2026

NAME:

ALDO ROVERE

PHONE NO.:

631-335-447

REPRESENTING (IF APPLICABLE):

ADDRESS:

400 VVO LAGO DR.

CHECK WHAT MAY APPLY:

☐

SUPPORT

☐

OPPOSE

☒

I WISH TO SPEAK

Wednesday, February 18, 2026

Good evening, Mayor and Council Members, Staff and Residents,

My comments tonight concern Ordinances 795 through 797 and the broader context in which they are being considered.

The backup materials for this second reading include a timeline dating back to 1984 documenting Juno Beach's long-standing commitment to "harmony." That history is not incidental. It reflects more than four decades of intentional policy decisions designed to preserve the character of Juno Beach as a quaint seaside community.

Harmony was never about stopping growth. It was about managing it thoughtfully.....ensuring that redevelopment respected neighborhood scale, protected green space, and maintained the unique coastal identity that distinguishes our town from surrounding communities.

Over the past several years, however, many residents.....myself included....have become increasingly concerned about the pace and scale of development. Projects have grown larger. Massing has increased. Expectations have shifted. At the same time, we are now being asked to fundamentally alter the review framework that has guided this community since 1984.

Ordinances 795 through 797 do more than streamline process. They recalibrate how compatibility is evaluated. They reduce or redirect Planning & Zoning oversight. They elevate administrative discretion at the very moment when the community is asking for greater predictability and clarity.

Whether one supports or opposes these ordinances, we cannot ignore the timing.

On March 10, 2026, three of the five seats on this Council, including the mayor, will be decided by the voters. Only one of those seats is currently held by an incumbent. This election will, in effect, serve as a referendum on growth, property rights, and the future direction of land use policy in Juno Beach.

To move forward with structural changes to our harmony framework just weeks before that vote risks doing two things:

First, it diminishes public trust. Residents may reasonably ask why such consequential changes cannot wait for the Council that the voters will choose.

Second, it risks instability. If a newly elected Council takes a different view, we may find ourselves revisiting, amending, or undoing policies adopted in haste. That kind of regulatory whiplash benefits no one..... not residents, not applicants, and not the Town.

Shelving these ordinances until after March 10 is not a rejection of property rights. It is not a denial of due process. It is an affirmation of democratic legitimacy.

If these reforms are truly in the long-term best interest of the Town, they will withstand a brief pause. If they reflect the will of the majority, the newly seated Council can adopt them with a clear mandate.

Harmony has guided this community for over 40 years. Surely it can withstand a few more weeks to ensure that the people of

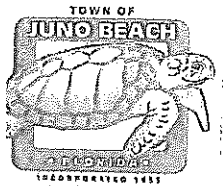
Juno Beach have their voice fully reflected in the direction we choose.

I respectfully ask that Ordinances 795, 796, and 797 be tabled until the new Council is seated after the March 10, 2026 election.

Thank you for your consideration and attention,

Aldo Rovere

400 Uno Lago Drive



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

776

DATE:

2/18/29

NAME:

John Stelling

PHONE NO.:

361 891 7378

REPRESENTING (IF APPLICABLE):

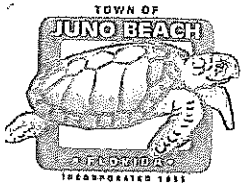
ADDRESS:

CHECK WHAT MAY APPLY:

☒ SUPPORT

☐ OPPOSE

☒ I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

DATE:

2/18/29

NAME:

Larry Sornby

PHONE NO.:

732-994-8864

REPRESENTING (IF APPLICABLE):

ADDRESS:

120 Ocean Dr

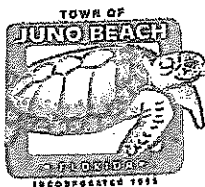
Ordianca

CHECK WHAT MAY APPLY:

☐ SUPPORT

☐ OPPOSE

☐ I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #: 1-3 DATE: 15 Feb 26

NAME: MICHAEL CALP PHONE NO.: Del-307-1463

REPRESENTING (IF APPLICABLE): Self

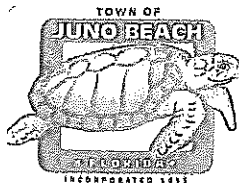
ADDRESS: 471 Sunset Way

CHECK WHAT MAY APPLY:

☐ SUPPORT

☐ OPPOSE

☒ I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #: Ord. 795/796/797 DATE: 2/18/26

NAME: Cynthia Frasier PHONE NO.: 631-603-8701

REPRESENTING (IF APPLICABLE):

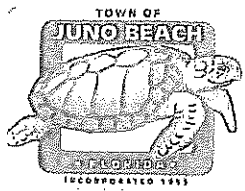
ADDRESS: 1705 Moral Dr. Juno Beach

CHECK WHAT MAY APPLY:

☐ SUPPORT

☐ OPPOSE

☐ I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #: 1,2,3

DATE: 2-17-26

NAME: MARCIA WOLF PHONE NO.: 861 371-0243

REPRESENTING (IF APPLICABLE): OROs

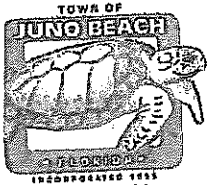
ADDRESS: 410 Sunrise

CHECK WHAT MAY APPLY:

☐ SUPPORT

☐ OPPOSE

☐ I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

DATE:

NAME: Anne Bossa PHONE NO.:

REPRESENTING (IF APPLICABLE): Ordinances

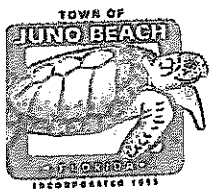
ADDRESS:

CHECK WHAT MAY APPLY:

☐ SUPPORT

☐ OPPOSE

☐ I WISH TO SPEAK



TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

ANY CITIZEN WISHING TO SPEAK SHOULD COMPLETE THIS CARD AND GIVE IT TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING.

AGENDA ITEM #:

797

DATE:

2/18/24

NAME:

John Steinhilber

PHONE NO.:

561-691-7338

REPRESENTING (IF APPLICABLE):

ADDRESS:

CHECK WHAT MAY APPLY:

☒

SUPPORT

☐

OPPOSE

☒

I WISH TO SPEAK



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Tue, Feb 17, 2026 at 6:21 PM

Submitted on Tuesday, February 17, 2026 - 6:21pm

Submitted by anonymous user: 73.138.36.150

Submitted values are:

First Name Vaino

Last Name Keelmann

Address 410 North Lyra Circle Juno Beach FL 33408

Email Address vkeelmann@rogers.com

Agenda Item Number (Ex: 1, 2, 3) ?

Public Comment / Question

Please reinstate the timely Weekly Activity Report which can be issued as well as the monthly Town Manager's missive.

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/20064>



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Mon, Feb 2, 2026 at 7:30 PM

Submitted on Monday, February 2, 2026 - 7:30pm

Submitted by anonymous user: 73.138.36.150

Submitted values are:

First Name Anne

Last Name Keelmann

Address 410 N LYRA CIR

Email Address AKEELMANN@ROGERS.COM

Agenda Item Number (Ex: 1, 2, 3) ???

Public Comment / Question Please reinstate the weekly activity reports which were very informative.

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/20055>



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Wed, Feb 11, 2026 at 1:48 PM

Submitted on Wednesday, February 11, 2026 - 1:48pm

Submitted by anonymous user: 73.138.36.150

Submitted values are:

First Name Anne
Last Name Keelmann
Address 410 N LYRA CIR
Email Address akeelmann@rogers.com
Agenda Item Number (Ex: 1, 2, 3) General comment
Public Comment / Question

As a taxpayer who is not in Juno Beach year round, I have really appreciated receiving and reading the weekly reports from the Police Department and all the Juno Beach departments. They keep us informed of all that is happening on a weekly basis in town (especially when out-of-town). They also keep the staff accountable to it citizens. Please reinstate the weekly activity reports from the different departments of Juno Beach for the benefit of its citizens and taxpayers. I do appreciate the monthly report from the Town Manager, but it does not capture the detail provided in the weekly reports. My understanding of the motion put forth at a previous town council meeting was that the weekly reports were not to be substituted by a monthly town manager report. Much appreciated! With thanks for the fine work being done by all!

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/20060>



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Tue, Feb 17, 2026 at 6:30 PM

Submitted on Tuesday, February 17, 2026 - 6:30pm

Submitted by anonymous user: 73.138.36.150

Submitted values are:

First Name Vaino

Last Name Keelmann

Address 410 North Lyra Circle Juno Beach FL 33408

Email Address vkeelmann@rogers.com

Agenda Item Number (Ex: 1, 2, 3) ?

Public Comment / Question

Kindly defer the Town Council vote on the Harmony Ordinances until after the new Mayor and Councillors are elected in March. Juno Beach is in the ridiculous situation where a non-elected Councillor Mr. John Callaghan will participate in the process to have significant implications for real estate values here. Let the people vote and decide the outcome in the imminent elections.

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/20065>



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Tue, Feb 17, 2026 at 8:03 PM

Submitted on Tuesday, February 17, 2026 - 8:03pm

Submitted by anonymous user: 172.58.133.73

Submitted values are:

First Name Debra

Last Name Levulis

Address 401 Sunset Way Juno Beach FL 33408

Email Address johndeb642@gmail.com

Agenda Item Number (Ex: 1, 2, 3) 1, 2, 3

Public Comment / Question

Please fast track to codify legacy-defining ordinances 795, 796, 797 to ensure our single family property protections. These ordinances will protect single family homeowners and taxpayers from unfair, and potentially illegal reduction of property rights that trigger Bert Harris Act claims.

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/20066>



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Tue, Feb 17, 2026 at 2:12 PM

Submitted on Tuesday, February 17, 2026 - 2:12pm

Submitted by anonymous user: 140.248.44.140

Submitted values are:

First Name Deli

Last Name Torres

Address 311 Ocean Drive

Email Address imdgt@aol.com

Agenda Item Number (Ex: 1, 2, 3) All

Public Comment / Question

I would like to express my concerns regarding the harmony issue in our community.

The lots being developed are relatively small, yet the homes being constructed are quite large. Because of this, there is limited space for adequate driveways and off-street parking. We are already seeing the impact — many streets now have cars parked outside continuously. This narrows roadways, affects visibility, and raises concerns about emergency vehicle access and pedestrian safety.

Another serious concern is infrastructure capacity. Some of these homes have four or more bathrooms on small lots. With that level of water usage, I question whether our sewer system and utilities were designed to handle this increased demand. Has there been a formal infrastructure capacity review? What will be the long-term impact on our sewer and water systems?

What about the impact to our electric grid? Will these costs be passed on to the new homes or will the existing owners pay more in taxes when we reach capacity?

Additionally, many communities are moving toward more balanced development — incorporating green space, parks, and walking areas to enhance livability. In this case, it feels like we are moving in the opposite direction, maximizing building size while minimizing open space.

Once these homes are built, it becomes much more difficult — and often impossible — to scale back density or correct planning decisions. That is why thoughtful restrictions now are so important. Without reasonable limits on home size, parking requirements, and infrastructure considerations, we risk placing long-term strain on this community.

I respectfully ask the council to:

Review density and lot coverage regulations.

Reassess parking and driveway requirements.

Confirm sewer and water capacity studies.

Consider requiring meaningful green space within new developments.

We owe it to current and future residents to ensure growth is responsible, sustainable, and aligned with the character of our community.

Thank you for your time and consideration,

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/20061>



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Wed, Feb 18, 2026 at 8:18 AM

Submitted on Wednesday, February 18, 2026 - 8:18am

Submitted by anonymous user: 107.72.178.115

Submitted values are:

First Name Jacob

Last Name Rosengarten

Address 1613 East Hemingway Dr

Email Address jdrmvnh@aol.com

Agenda Item Number (Ex: 1, 2, 3) 1

Public Comment / Question

Proposed ordinances 795, 796 and 797 concerning Harmony are sad, cynical and completely dishonest.

The proposed ordinances state that Juno Beach prefers but no longer requires that the mass, bulk, scale and a proportion of a proposed build be harmonious with existing structures within 300 feet of the proposed build.

For example, Ordinance 795 reads in part:

"With respect to the review of single-family dwellings and two-family dwellings, size, mass, bulk, scale, and proportion of the structure is not to be considered in making a determination of whether the proposed dwelling is in harmony with the surrounding properties. The aforementioned architectural standards shall be considered preferred, but not required, when conducting review for approvals of single-family and two-family dwellings."

If Juno Beach prefers that the 300 foot preponderance rule be in effect, then why not require it as the existing Ordinance 780 does? If a developer can charge \$1,000 per square foot, he will max out his structure and so his profits, and our "preferences" will be absolutely meaningless and everyone knows it.

It is Council's job to protect the preferences you claim to hold dear in these proposed ordinances, not the developer's job. Since when have developers ever cared about Town preferences if they are not bound to follow them?

If the 300 foot preponderance language in Ordinance 780 is our preference, then why not keep it? Why defang it with these proposed ordinances? Why won't Council fight for what it claims to prefer?

Remember that the existing Ordinance 780 has been deemed to be legal by no fewer than 4 attorneys (Mr. Rubin, Mr. Good, Nancy Stroud and Diana Davis), and so this is not a legal issue, but rather one of Council's preferences and vision for our future.

As I said, what a cynical replacement these ordinances are to 780. What a very sad day for Juno Beach.

Once 780 is gone, I fear it will be gone forever due to SB 180 and more bills like it that are sure to follow. By then the Juno we know will be gone.

Juno Beach is not the only place in the US where developer money is buying votes. I guess we are not as unique as I thought. We are definitely for sale. That appears to be our "preference."

If these proposed ordinances are adopted and Ordinance 780 is removed, you on Council will have turned "small town charm" into "small town harm."

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/20068>



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Wed, Feb 18, 2026 at 11:31 AM

Submitted on Wednesday, February 18, 2026 - 11:31am

Submitted by anonymous user: 140.248.44.140

Submitted values are:

First Name Christine
Last Name Bright
Address 450 Ocean Dr Unit 605
Email Address c.bright09@hotmail.com
Agenda Item Number (Ex: 1, 2, 3) ordinance 795, 796, 797
Public Comment / Question
Subject: Ordinance 795, 796, 797—Protect the Character of Juno Beach

Dear Council Members,

I am urgently asking you to reconsider your vote on SFH.

I have lived in Juno Beach for more than twenty years. For decades, this town was a hidden gem—a quiet, beautiful, safe community that residents loved for its charm and natural character. That is why people choose to live here. But in recent years, aggressive development has begun to erode everything that makes Juno Beach special.

The large complex at Donald Ross and US 1 has already changed the character of our town, and the proposed project across the street will only worsen the situation. What was once a peaceful coastal community is quickly becoming congested, noisy, and dominated by oversized concrete structures. Many of us fear that Juno Beach is on the path toward becoming a northern version of Miami Beach—something residents clearly do not want.

The three “yes” votes for SFH will accelerate this decline. Most residents I speak with are deeply unhappy with this direction. If this project is truly in the best interest of the town, there is no reason to rush it through now. Let the next voter-elected council review it. If they believe it aligns with the vision of the residents, they will confirm your decision. But pushing this forward immediately—just before a new council is seated—raises serious concerns. Are you worried the new council will listen to the community and reject it?

Additionally, the oversized mansions now lining Ocean Drive do not fit the character of Juno Beach. They overshadow the scale, harmony, and natural beauty of the surrounding neighborhood. Longtime residents should not have to fear one of these massive structures suddenly appearing next door. Changing our rules to accommodate this trend is wrong for the town and wrong for the people who built their lives here.

We need stronger protections—not fewer.
We need Harmony Review.
We need Architectural Review.
We need a Resident Planning & Zoning Board.

I ask you to look inward and consider the long-term effects of these decisions. Can you truly feel comfortable knowing that a vote you cast helped transform Juno Beach into something its residents never wanted? You were elected to protect this town—not to reshape it into something unrecognizable.

Please listen to your conscience, listen to the residents, and rescind your vote before irreversible damage is done.

Sincerely,

2/18/26, 11:32 AM

Town of Juno Beach Mail - Form submission from: PUBLIC COMMENTS

Christine Bright

Juno Beach Resident

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/20069>



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

Town of Juno Beach Florida <juno-beach-fl@municodeweb.com>
Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>
To: ccopeland@juno-beach.fl.us

Wed, Feb 18, 2026 at 11:53 AM

Submitted on Wednesday, February 18, 2026 - 11:53am

Submitted by anonymous user: 174.61.93.48

Submitted values are:

First Name Pete
Last Name Williams
Address 450 Seaside Lane
Email Address junopete@gmail.com
Agenda Item Number (Ex: 1, 2, 3) 1
Public Comment / Question
Dear Mayor and Council Members,

I strongly support the approval of Ordiances 795-797 tonight by the current sitting Council. All of you have been intimately involved in the debate and discussions in this matter for approximately a year and a half. It is your duty as the elected Council to vote on this matter yourselves and not defer to an incoming new Council. This issue has dragged on too long and has to be resolved. Kicking the can down the road is not what the residents voted for.

Thank you all for your time in representing Juno Beach.

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/20074>



Caitlin Copeland <ccopeland@juno-beach.fl.us>

Form submission from: PUBLIC COMMENTS

1 message

'Town of Juno Beach Florida' via Council <town_council@juno-beach.fl.us>

Wed, Feb 18, 2026 at 2:01 PM

Reply-To: Town of Juno Beach Florida <ccopeland@juno-beach.fl.us>

To: town_council@juno-beach.fl.us

Submitted on Wednesday, February 18, 2026 - 2:01pm

Submitted by anonymous user: 67.191.62.164

Submitted values are:

First Name SIOBHAN

Last Name O'DONNELL

Address 431 N LYRA CIR

Email Address cjreinc@gmail.com

Agenda Item Number (Ex: 1, 2, 3) ALL

Public Comment / Question

John Callaghan's proposed ordinances 795, 796 and 797 that were created at the expense to Juno Beach Taxpayers, and which are designed to remove and replace Juno's successful Harmony Ordinance 780, are dishonest and harmful to the Town of Juno Beach and only benefit a handful of developers, loud real estate brokers (who have spread false information to residents for their personal gain), and property owners wishing to destroy the unique character of the Town for their profit. Mr. Callaghan appears to have aligned himself with them. Mr. Callagan stated repeatedly at the January Council meeting that if the Architects of the Harmony Ordinance 780 provide ANY additional clarification to the Ordinance he will stop all of his efforts to replace Ordinance 780 with Ordinances 795, 796 and 797 and he stated on video that he would not even have to see the clarifications but if provided that he will vote to keep our existing Harmony Ordinance 780. Mr. Callaghan not only received clarification from the Architects of the Harmony Ordinance 780, he received an overwhelming abundance of information clarifying the need for the Harmony Ordinance, which was created to keep the Town in legal compliance with our "Constitution" AKA the Juno Beach Comprehensive Plan.

Former Juno Beach Councilmember Jacob Rosengarten said it best, so I am quoting directly from Jacob below:

"For example, Ordinance 795 reads in part:

With respect to the review of single-family dwellings and two-family dwellings, size, mass, bulk, scale, and proportion of the structure is not to be considered in making a determination of whether the proposed

dwelling is in harmony with the surrounding properties. The

aforementioned architectural standards shall be considered preferred, but not required, when conducting review for approvals of single-family and two-family dwellings.

If Juno Beach It is Council's job to protect the preferences you claim to hold dear in these proposed ordinances, not the developer's job. Since when have developers ever cared about Town preferences if they are not bound to follow them?

If the 300 foot preponderance language in Ordinance 780 is our preference, then why not keep it? Why defang it with these proposed ordinances? Why won't Council fight for what it claims to prefer?

Remember that the existing Ordinance 780 has been deemed to be legal by no fewer than 4 attorneys (Mr. Rubin, Mr. Good, Nancy Stroud and Diana Davis), and so this is not a legal issue, but rather one of Council's preferences and vision for our future.

As I said, what a cynical replacement these ordinances are to 780. What a very sad day for Juno Beach.

Once 780 is gone, I fear it will be gone forever due to SB 180 and more bills like it that are sure to follow. By then the Juno we know will be gone.

Juno Beach is not the only place in the US where developer money is buying votes. I guess we are not as unique as I thought. We are definitely for sale. That appears to be our "preference."

If these proposed ordinances are adopted and Ordinance 780 is removed, you on Council will have turned "small town charm" into "small town harm."

Sincerely,

Siobhan O'Donnell

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/20076>

*Provided by Via Mayor Pro Tem
Davis
at the 2/18/26 Special
Town Council
meeting.*

Legislative Record for the Proposed Ordinance 795, 796, and 797, includes the following:

1. Analysis of Legal Review for Appearance Review by TG Law (presented at first reading so not recreated here: **Town Attorneys TG Law**, have determined that our architectural and harmony reviews are legal and may continue.
- TG Law's legal analysis. & 1984 ordinance establishing architectural review authority.
2. **Harmony Review** is legal for the Town of Juno Beach to continue completing.
 - Leonard G. Rubin, legal opinion dated July 21, 2025, Former Town Attorney Opinion option 2 on page 6.
 - Nancy E. Stroud, P.A., legal opinion dated July 22, 2025.
 - Nancy E. Stroud, P.A., legal opinion dated Oct 7, 2025. (not unreasonable risk of Bert Harris claim)
3. **Architectural Reviews** both legal opinions confirm architectural review is not illegal, and Town Council could continue with its architectural review.
 - Leonard G. Rubin, Town Attorney, April 21, 2025, legal opinion. (conclusion on page 9).
 - Nancy E. Stroud, P.A., January 22, 2025, legal opinion.
4. **Harmony Review Solution** to resolve issues presented with metrics as pass-fail criteria and allows mitigation measures or subjective judgement by Planning and Zoning Staff and our Board to be the final review. This is the plan B in Len Rubin's memorandum describing how harmony reviews could continue
5. Town Council passed measures over the past year asking staff for code improvements.
 - **Chen Moore & Associates (CMA)** were contracted for code improvements including factors within the harmony review. The Town Manager was given the authority to decide the priority of the work, and the harmony code factors were not given a high priority.
6. **Examples of how current harmony reviews have worked.** Second stories with towers or even third stories with towers have never been turned down. The current reviews are reasonable and provide tools to our Planning and Zoning Staff to work with new construction applicants to improve their projects.
7. **Resident survey of 256 residents** (my newsletter survey from May 2025) with the overwhelming majority who believe that the analysis of size in context for new construction is important to retain the quality of life for existing residents and it is the best way to retain property values of existing residents.
8. Jacob Rosengartin's Harmony memorandum
9. Aldo Rovere's opinion letter – let the voter's decide
10. Wheeler letter 2019 requesting town complete a harmony review to protect the value of their 10,000 square foot home from the out of character development of a neighboring 14,000 square foot home
11. John Callghan's six paragraph memo to make ordinances for SFH voluntary and consistent with 1992 requirements.
12. Comprehensive Plan Requirements codes must satisfy

MEMORANDUM

TO: Mayor Peggy Wheeler
Vice Mayor John Callaghan
Members of the Town Council

FROM: Leonard G. Rubin, Town Attorney 

RE: Senate Bill 180 and its Impact on Appearance Review/Harmony Standards for Single-Family Dwellings

DATE: July 21, 2025

CC: Robert Cole, Town Manager
Frank Davila, Planning and Zoning Director
Caitlin Copeland-Rodriguez, Town Clerk

BACKGROUND:

Town Council's Direction

At its May 28, 2025, meeting, the Town Council directed Staff to proceed with the following revisions to the Town's Zoning Code as a means of continuing the enforcement of harmony review for single-family dwellings and complying with the state law preemption of the regulation of building design elements:

1. Amend the Zoning Code to remove architectural review of single-family and two-family dwellings from the Appearance Review Criteria;
2. Create a Zoning in Progress to provide Staff with ample time to update the Code as necessary, thereby pausing applications for Appearance Review under the existing Code provisions;
3. Amending the Zoning Code to remove Appearance Review for single-family dwellings;
4. Amend the Zoning Code to revert the review of single-family dwellings from the Planning and Zoning Board back to Town Planning and Zoning Staff;
5. Amend the Zoning Code to revise the comparison of harmony language among buildings from "the preponderance of buildings or structures within 300 feet from the proposed site in the same zoning district" to "the buildings or structures within the same contiguous zoning district;" and
6. Amend the Zoning Code to implement the following additional tools/regulations to

the building site area regulations for each single-family zoning district to promote harmony through base zoning:

- a. Require an additional five-foot setback for second stories for all yards;
- b. Require a second-story Floor Area Limit ("FAL") of seventy-five percent (75%) of the floor area of the first story;
- c. Increase the percentage of minimum landscaped open space; and
- d. Implement a design/pattern book highlighting the Town's desired architectural styles and explore the possibility of providing incentives to encourage use of the desired styles.

Senate Bill 180

While Town Staff was in the process of implementing the Town Council's direction, on June 26, 2025, the Governor signed Senate Bill 180 into law as Chapter 2025-190, Laws of Florida. Senate Bill 180 imposes a multitude of additional requirements on local governments relating to emergencies. Most importantly, however, Section 28 of Senate Bill 180 drastically limits the Town's ability to revise its Zoning Code. Specifically, because Palm Beach County is listed in the Federal Disaster Declaration for Hurricane Milton, prior to October 1, 2027, the Town may **not**:

1. Propose or adopt any moratorium¹ on construction, reconstruction, or redevelopment of any property damaged by such hurricane;
2. Propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or
3. Propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order.

Any such moratorium or more restrictive or burdensome comprehensive plan amendments, land development regulations, or procedures shall be "null and void ab initio." These restrictions apply retroactively to August 1, 2024.

Senate Bill 180 further authorizes a resident or business owner in a municipality to bring a civil action for declaratory and injunctive relief against the municipality for violating the foregoing prohibitions. Once the action is filed, the resident or business owner is entitled to a preliminary injunction against the municipality preventing the implementation of the moratorium or the comprehensive plan amendment, land development regulation, or procedure. If such a civil action is successful, the resident or business owner is entitled to an award of reasonable attorney fees and costs. Attorney fees and costs may **not** be

¹ The Town's current moratorium is not impacted by Senate Bill 180 because it only applies to new applications for development approval of a commercial, mixed-use, or multi-family residential project and would not impact property damaged by a hurricane.

awarded if: (i) the resident or business owner provides the governing body written notice that the moratorium, comprehensive plan amendment, land development regulation, or procedure is in violation of Section 28 of Senate Bill 180; and (ii) the governing body withdraws the proposed moratorium, comprehensive plan amendment, land development regulation, or procedure within fourteen (14) days or, in the case of an adopted moratorium, comprehensive plan amendment, land development regulation, or procedure, the governing body "notifies an intent to repeal within fourteen (14) days of receipt of the notice, and repeals the moratorium, comprehensive plan amendment, land development regulation, or procedure within fourteen (14) days thereafter."

Impact of Senate Bill 180 on Town Council's Direction

As set forth above, Senate Bill 180 prevents the Town from adopting any amendments to its Zoning Code that impose a greater burden on residents or business owners or are more restrictive or limiting. On their face, the following proposed revisions to the Zoning Code addressing harmony for single-family dwellings through base zoning are more restrictive or burdensome and would likely subject the Town to a civil action for declaratory and injunctive relief (and the potential for payment of both its own attorney's fees and costs and the attorney's fees and costs incurred by the resident or business owner):

- increasing the yard setbacks for the second story;
- imposing a second-story Floor Area Limitation; and
- increasing the minimum landscaped open space.

The expansion of the comparison area for harmony is not necessarily more burdensome or restrictive because the comparison of all buildings and structures within the same contiguous zoning district (as opposed to the preponderance of those located within 300 feet) may, dependent upon the circumstances, work to the benefit of the resident or business owner and allow a *larger* structure. By way of example, utilizing the three newly constructed single-family homes on U.S. Highway One as comparators may allow larger homes to be constructed on both Appollo Drive and Diana Lane because they are located within the same contiguous (RS-1) zoning district. In fact, these dwellings were cited by the Planning and Zoning Board when approving the appearance review application for 401 Diana Lane, notwithstanding that they are not located within 300 feet of that particular property.

Senate Bill 180 does not, however, prevent the Town from moving forward with other Zoning Code revisions as directed by the Council, namely:

- removing architectural review for single-family and two-family dwellings;
- removing appearance review for single-family dwellings; and
- reverting to Staff review and approval/denial of appearance review for single-family dwellings.

The Zoning in Progress is still in place until the Town Council affirmatively votes to lift it; however, as explained above, given the preemptions set forth in Senate Bill 180, various components of the direction provided to Staff in May, particularly those aimed addressing harmony for single-family dwellings through base zoning, are no longer viable or available to the Town without the risk of being sued.

Town's Existing Appearance Review Regulations

The Town's current regulations governing appearance review of single-family dwellings were adopted prior to August 1, 2024, and therefore are **not** impacted by Senate Bill 180. The Town Code currently requires appearance review by the Planning and Zoning Board for single-family dwellings. The Code contains the following applicable appearance review criteria as set forth in Section 34-116 of the Town Code:

1. 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 limited to porches, roof types, fenestration, entrances, and stylistic expression. For the purposes of this section, the comparison of harmony between buildings shall consider the preponderance of buildings and structures within 300 feet from the proposed site within the same zoning district;
2. 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;
3. 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;
4. 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;
5. Shall locate and design mechanical equipment with architectural treatments so that any noise or other negative impact is minimized;
6. Complies with the town's community appearance standards (see article IV, division 14 of this chapter).

When determining whether a proposed dwelling "is of a design and proportion which enhances and is in harmony with the area," the Zoning Code defines both "harmony" as well as certain terms contained within the definition of harmony:

- *Harmony* means a quality which produces an aesthetically pleasing whole as in an arrangement of varied architectural and landscape elements. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials and architectural components, including, but not limited to, porches, roof types, fenestration, entrances and stylistic expression.
- *Bulk* means the overall size and volume of a building or structure.
- *Mass* means the relationship and sizes between different volumes of a building or structure.
- *Proportion* means the visual effect of relationship of one portion to another, or of a portion to the whole, or of one thing to another.
- *Scale* means the proportions of a building in relation to its surroundings, particularly other buildings in the surrounding context.

As fully explained at the Town Council's May 2, 2025, workshop meeting, in applying these criteria, Town Staff has utilized various tests or metrics for assessing both the bulk and mass of proposed single-family dwellings and evaluating their scale. Staff developed these metrics to ensure consistent application of the subjective criteria and to satisfy requests from the Planning and Zoning Board for measurable, objective standards. These tests or metrics are not codified; rather, they were developed to provide transparency to applicants and members of the public regarding Staff's analysis of appearance review applications.

QUESTION PRESENTED:

Given the preemptive language of Senate Bill 180, what are the Town's options moving forward as they relate to appearance/harmony review for single-family dwellings?

SHORT ANSWER:

The preemptive language of Senate Bill 180 prevents the Town from proceeding with the direction provided to Town Staff at its May 28, 2025, Town Council meeting. Consequently, the Town Council's options are: (1) to continue with the direction provided in May to the extent not preempted by Senate Bill 180 and revert to base zoning for single-family dwellings; or (2) to continue to conduct appearance/harmony review consistent with the Zoning Code regulations currently in effect. If the Town Council chooses the latter option, it should create a Design or Appearance Review Board, consisting of persons trained in the fields of architecture, planning, real estate, and similar fields, to perform such review and authorize appeal of the Board's decisions to the Town Council.

ANALYSIS:

1. Continue with the direction provided in May to the extent not preempted by Senate Bill 180 and revert to base zoning:

As discussed above, the Town Council can choose to move forward with the portions of the direction provided to Staff that are not preempted by Senate Bill 180. This would involve removing architectural review, removing appearance review, and reverting approval of single-family dwellings back to Town Staff. Because Staff is precluded from amending the base Zoning Code to address "harmony" through modified site area regulations (increasing the second-story setback, imposing a FAL for the second-story, and increasing the minimum landscaped open space), this would essentially revert the review of single-family dwellings back to the current base zoning regulations. However, the Town Council could still move forward with the pattern book (either with or without incentives) and encourage specific architectural designs and styles.

This course of action would allow residents to add second-stories and otherwise expand the square footage of existing single-family dwellings pursuant to the existing site area regulations. It would also eliminate the possibility of lawsuits arising out of appearance review decisions, including any claims for monetary damages pursuant to the Bert J. Harris Act. Because there would no harmony review for single-family dwellings, the potential negative would be larger, boxier single-family dwellings, especially by those seeking to purchase lots within the Town with the intent to construct new single-family dwellings, "flip" the properties, and maximize their investment.

2. Continue to conduct appearance review consistent with the regulations currently in effect

As explained above, the Town's current regulations governing appearance review for single-family dwellings are not impacted by Senate Bill 180. However, various stakeholders within the Town have raised concerns regarding the continued enforcement of the existing regulations. These concerns include, but are by no means limited to, Staff's use of uncodified tests or metrics, the unpredictable nature of the inherently subjective regulations, the reluctance of the Planning and Zoning Board to enforce non-quantifiable standards, and the potential for inconsistent application of such regulations moving forward. Such concerns warrant an analysis of the validity of such regulations and the potential for future legal challenges.

a. *Validity of the Town's existing regulations:*

In Florida, municipal zoning ordinances are presumed valid and constitutional and must be upheld if it can be shown that they bear a "rational relationship to a legitimate public purpose." *Kuvin v. City of Coral Gables*, 62 So. 3d 625 (3d DCA 2010), *rev. denied*, 64 So. 3d 118 (Fla. 2011). In other words, "zoning restrictions must be upheld unless they bear no substantial relation to legitimate societal policies, or it can be clearly shown that the regulations are a mere arbitrary exercise of the municipality's police power." *Id.* at 632. Florida courts "have repeatedly found that measures designed to enhance or

maintain the aesthetic appeal of a community are a valid exercise of a local government's police power and these measures bear a rational relationship to a legitimate purpose." *Id.* at 633. Florida has long recognized that local governments may legislate to protect the appearance of their communities as a legitimate exercise of their inherent police power. *Id.* at 634 (quoting *City of Sunrise v. D.C.A. Homes*, 421 So. 2d 1084, 1085 (Fla. 4th DCA 1982), *rev. denied*, 434 So. 2d 886 (Fla. 1983)).

While the Town is authorized to enact zoning ordinances to regulate the aesthetics and appearance of single-family dwellings, there are limitations on this authority, and zoning ordinances are subject to legal challenge. A direct facial challenge to the validity of an ordinance is generally made by an original proceeding for declaratory or injunctive relief. *Miami-Dade County v. Omnipoint Holdings, Inc.*, 863 So. 2d 195 (Fla. 2003). A challenge to a zoning ordinance as applied to a particular applicant or property owner, on the other hand, may be raised on appeal. *Key Haven Associated Enterprises, Inc. v. Board of Trustees of Internal Improvement Trust Fund*, 427 So. 2d 153 (Fla. 1983).

The first potential challenge to the Town's regulatory scheme for appearance review is that it is void for vagueness, thereby resulting in a denial of due process. The standard for testing vagueness is whether an ordinance "gives a person of ordinary intelligence fair notice of what constitutes forbidden conduct." *Jones v. Williams Pawn & Gun, Inc.*, 800 So. 2d 267, 270 (Fla. 4th DCA 2001), *rev. denied*, 821 So. 2d 305 (Fla. 2002). The language of a statute or ordinance "must provide a definitive warning of what conduct is required or prohibited, measured by common understanding and practice." *Id.* A property owner is entitled to be apprised of objective, discernible development standards as contained in a valid comprehensive plan and development ordinances. *Board of County Commissioners v. Snyder*, 627 So. 2d 469 (Fla. 1993). Consideration of vague or subjective criteria in zoning ordinances can violate an applicant's right to due process of law as guaranteed by the Fourteenth Amendment of the United State Constitution. *Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983), *rev. denied*, 444 So. 2d 416 (Fla. 1984). See also *North Bay Village v. Blackwell*, 88 So. 2d 524 (Fla. 1956) (zoning ordinance must prescribe definite standard applicable to all citizens similarly conditioned).

An ordinance may also be challenged as violating equal protection. A party asserting that a zoning ordinance has been applied in a manner that violates equal protection must show: (1) that they were treated differently from similarly situated individuals; and (2) that the approving body unequally applied a facially neutral ordinance for the purpose of discriminating against that party. *Burns v. Town of Palm Beach*, 343 F.Supp.3d 1258, 1272 (S.D. Fla. 2018). For a proposed development to be "similarly situated," it must be *prima facie identical* in all relevant respects. Additionally, development plans submitted during different time periods can render comparators not sufficiently similar. Consequently, in the zoning context, an equal protection claim is extremely difficult to prove.

While there is an argument that the Town's appearance review criteria are too subjective and fail to provide objective, discernible development standards, courts are very reluctant to strike down ordinances on these grounds. The only two reported federal court decisions addressing zoning ordinances with provisions somewhat similar to the Town's harmony

criteria both rejected challenges that the ordinances were unduly vague so as to deny the property owner due process or equal protection under the law.

In *Burns*, the plaintiff alleged that the Town of Palm Beach's zoning regulations were unconstitutionally vague because they granted the Town's Architectural Review Committee unbridled discretion. The court explained that when evaluating such claims, courts must determine whether a person of ordinary intelligence has a reasonable opportunity to know what is prohibited and whether the ordinance provides explicit standards to avoid arbitrary and discriminatory enforcement. *Id.* at 1270. The Town of Palm Beach's ordinance listed specific design elements that cannot be "excessively dissimilar to other structures within a 200-foot radius," including the "height of the building," "architectural compatibility," "arrangement of the components of the structure," and "design that is complimentary with the size and massing of adjacent properties." The court determined that these criteria were sufficiently clear for an ordinary person to understand what is prohibited and "provided parameters that constrain the Town's Architectural Review Commission's discretion, preventing arbitrary and discriminatory enforcement." *Id.* at 1271. The court further determined that the property owner failed to show that he was treated differently than others who were similarly situated. Consequently, the Town did not violate the property owner's equal protection rights when it denied approval of the proposed design for his residence as non-compliant with the Town's zoning ordinance that provided that the building should not be "excessively dissimilar" in relation to other structures within 200-foot radius. The proposed comparators (or approved homes) were not identical to his proposed design, were located in different neighborhoods, and were submitted during different time periods.

In upholding the District Court's decision, the Eleventh Circuit Court of Appeals determined that the Architectural Review Commission's discretion was limited by the ten criteria noted in the Town's zoning ordinance. *Burns v. Town of Palm Beach*, 999 F.3d 1317 (11th Cir. 2021). The court further explained that "the commission has limited membership made of no less than two, but no more than three, registered architects and one landscape architect, and even the other members had to be 'specially qualified' in art, architecture, community planning, land development, real estate, landscape architecture, or another relevant profession, or have 'civic interest and sound judgement' that could be used to determine the effects of a proposed building on 'the desirability, property values and development of surrounding areas.'" *Id.* at 1350. Finally, the court noted that the Town Council had the power to review any potentially arbitrary decisions by the Architectural Review Commission. *Id.*

Similarly, in *Rectory Park, L.C. v. City of Delray Beach*, 208 F.Supp.2d 1320 (S.D. Fla. 2002), the court upheld a zoning ordinance that provided that an application for a proposed project could be denied if it was "not compatible . . . with surrounding development" because it listed standards for determining the permissible density of a particular project. The court rejected a facial vagueness challenge to the City's conditional use ordinance that gave the city commission discretion to deny an application when a proposed project was "not compatible in terms of building mass and intensity of use with surrounding development." *Id.* at 1332. Recognizing that a decision maker is permitted discretion as to concepts as inherently subjective as "compatibility," the court

concluded that when a zoning regulation contains clear and definite standards, it will not be declared impermissibly vague just because the decision-maker has flexibility in applying the standards. *Id.* In other words, the fact that there is subjectivity and discretion accorded to decision-makers does not in and of itself render the criteria unconstitutionally vague.

Notwithstanding the foregoing, continuing with the Town's current harmony standards for single-family dwellings could still subject the Town to challenges to both the facial validity of the Town's Code and as-applied challenges based on vagueness and equal protection. While facial challenges are generally in the form of actions seeking declaratory relief (a court order that the ordinances are not valid) or injunctive relief (a court order preventing continued enforcement of the ordinances), a claim for damages is still possible. Additionally, property owners could allege, on appeal through a petition for writ of certiorari, both vagueness and equal protection challenges resulting from the application of the ordinances to their specific applications. Finally, as previously discussed with Council, a property owner could file Bert Harris claims against the Town, alleging that the application of the appearance review and harmony standards "inordinately burden" an existing use or vested right. The measure of damages under Bert J. Harris, Jr. Private Property Protections Act is compensation for the actual loss to the fair market value of the real property caused by the government action. Section 70.001, Fla. Stat. (2025).

Like the standards applied by the Town of Palm Beach and the City of Delray Beach, the Town's current harmony criteria are inherently subjective in nature. However, as explained in those decisions, mere subjectivity does not render a zoning ordinance invalid so long as there are sufficient criteria to guide the decision-maker. Consequently, if the Town Council chooses to continue to enforce the existing regulations, the Town Council should consider creating a formal Design or Appearance Review Board with persons experienced in the areas of architecture, planning, and/or real estate. These persons would have the requisite expertise in the field and would be more comfortable applying and enforcing the Town's standards.² Furthermore, if the Town were to continue enforcing its appearance review criteria, it should, like the Town of Palm Beach, include a provision allowing the Town Council to review these decisions. Finally, while Town Staff could continue to analyze the square footage and floor area ratio of structures within the comparison area when formulating its recommendations as to bulk, mass, and scale, it should avoid the adoption of strict formulas in applying the harmony criteria. Rather, in accordance with the case law cited above, its recommendations should be guided by the application of the actual words used in the Town's Zoning Code.

Should you have any questions, please do not hesitate to contact me.

² Shifting review from the Planning and Zoning Board to a Design or Appearance Review Board would merely represent a change in the decision-making body and would not present a more burdensome or restrictive change to either the harmony standards or the procedural requirements and therefore would not violate the Senate Bill 180 preemption.

Memorandum

Question: Does the Bert J. Harris Act raise a significant litigation risk to the Village unless the Village restricts appearance review such that the size of proposed new single family residences must be allowed up to the largest single family residences in the "immediate vicinity" ?

The Harris Act. The Bert J. Harris Act ("Harris Act") was enacted in 1995, and is codified at Chapter 70.001, Florida Statutes. In brief, it creates a legal remedy for landowners who challenge a local regulatory action as an "inordinate burden" on private property rights without amounting to a constitutional taking. § 70.001(1). Landowners may pursue compensation for an inordinate burden or unreasonable governmental action that causes decrease in the fair market value of their real property. Before filing suit, the landowner must initiate a claim with the local government which may lead to settlement without the necessity of court proceedings. If the case goes to court and the court finds that there was an inordinate burden, then it must impanel a jury to determine the total amount of compensation to the property owner for the loss to the fair market value caused by the inordinate burden to the property. § 70.001(6)(b).

What constitutes an "inordinate burden" is not well defined in the statute or the case law. The statutory definition provides that it is a direct restriction on the use of real property "with respect to the real property as a whole", such that the owner of real property is permanently unable to attain the reasonable, investment-backed expectations for the property. § 70.00(3)(e)2.

One of the few cases interpreting the phrase "reasonable, investment-backed expectation" explains "whether a landowners (sic) expectations for development are 'reasonable' and 'investment-backed' depends on the physical and regulatory aspects of the property." *Ocean Concrete, Inc. v. Indian River Cty., Bd. of Cty. Comm'rs*, 241 So. 3d 181, 189 (Fla. 4th DCA 2018).

The Harris Act specifically precludes a claim for the application of any law enacted on or before May 11, 1995. However, an amendment to the law will create an action to the extent that the amendment imposes the inordinate burden. See § 70.001(12):

No cause of action exists under this section as to the application of any law enacted on or before May 11, 1995, or as to the application of any rule, regulation, or ordinance adopted, or formally noticed for adoption, on or

1875 N.W. Corporate Blvd., Suite 100, Boca Raton, Florida 33431

Telephone — 561 826 2800 Facsimile — 561 826 2828

before that date. A subsequent amendment to any such law, rule, regulation, or ordinance gives rise to a cause of action under this section only to the extent that the application of the amendatory language imposes an inordinate burden apart from the law, rule, regulation, or ordinance being amended.

Town of Juno Beach Code. § 34-116 of the Town Code provides for appearance review by the Town prior to the construction and clearing of land. Paragraph b. of this section provides the criteria for appearance review, and subparagraph 2. criteria are focused on the “harmony” of the proposed construction with the area. The criteria require, among other things, a review of the proposal’s “design and proportion” and whether it “enhances and is in harmony with the area,” including consideration of mass, bulk, proportion and other aspects of the construction. The comparison of harmony between buildings must consider “the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district. . . .” Until adoption of Ordinance No. 753 in 2023, this subparagraph 2. provided more simply that construction must be “of a design and proportion which enhances and is in harmony with the area. . . .”

Analysis. The Harris Act does not provide hard and fast rules for what is a “reasonable” regulation or an “inordinate burden,” and the cases that interpret those terms do not give much guidance either. Many commentators on the Act point out that the Act’s pre-suit provisions encourage negotiation and out-of-court resolution of claims that avoid “bright line” conclusions about the meaning of the terms. Local governments are left with the general admonition to be “reasonable” in their application of regulations.

If the original “harmony” criteria was adopted before May 11, 1985, the Town may avoid a Harris Act claim altogether by applying the original code.

It is my opinion that the appearance code reference to harmony is a reasonable factor for the Town to apply, and more reasonable that a new, hard line numerical factor such as “no larger than the largest residence” in a particular area. The numerous factors set out by the code to assist in determining “harmony” allow for various aspects of architecture and site placement to be considered, not just the square footage of the residence. Additionally, the more general criteria of “harmony” is a well-established concept in architectural review and has been upheld in numerous cases as reasonable for the purpose of protecting neighborhood character and property values. Most recently in *Burns v. Town of Palm Beach*, 999 F.3d 1317 (11th Cir. 2021), the federal appellate court (citing to other similar cases throughout the country) upheld the Town of Palm Beach architectural appearance standards, which include the following:

Nancy E. Shroud, P.A.

... (4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

... (6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

....

e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.

f. Diversity of design that is complimentary with size and massing of adjacent properties.

g. Design features that will avoid the appearance of mass through improper proportions...

The discretion afforded by a "harmony" factor, especially with the several more qualitative factors in the current subparagraph b.2. reasonably reflects the complexity of determining when a structure is in character with the neighborhood. It thus acts to implement the intent of appearance review, which is in part to "provide adequately for a high type and quality of improvement in said property, and thereby enhance the property values and the quality of life in the town." See § 34-115(7) of the Village Code. Limiting the review to only the size of the residence may instead open the door to a challenge that it is too restrictive to accomplish the purpose of ensuring the harmony that enhances property values.

Likewise, it is reasonable to assume that the size of the residence will not be the only factor, or even the most significant factor in determining its fair market value. Other factors such as the location of the property, the placement on the site to enhance its functionality or attractiveness, the materials used in construction, and the like may be as important as square footage to its fair market value.

Finally, note that any decrease in fair market value by the application of the criteria must be an "inordinate burden" or unreasonable in order to support a Harris Act claim. The Merriam-Webster dictionary shows the synonyms for "inordinate" to be "excessive" or "extreme" or "immoderate." This implies that some moderate decrease in fair market value is acceptable.

In conclusion, my opinion is that it is not necessary in order to avoid a Harris Act claim for the Town to ensure that approval for new residences must be at least the size of existing residences in the immediate vicinity.

Nancy E. Stroud, P.A.

Nancy Shroud, Esq.

October 7, 2025

Direct Dial: 561 826 2804

Ms. Diana Davis
440 Sunset West
Juno Beach, FL 33408

Re: Harmony Standards

Dear Ms. Davis,

Thank you for asking me to review the question of whether the Town of Juno Beach has the authority to continue "harmony" review for single family homes under the Town of Juno Beach code and Florida Statutes Section 163.3202(5)(a)7. I have reviewed the memoranda and correspondence that you provided, including the Memorandum from Town Attorney Rubin dated July 21, 2025. I agree with Mr. Rubin's thorough analysis regarding Option 2.

In my opinion, the Town's existing regulations at Section 34-116(3)(b)(2) are well within the parameters accepted by the Florida court for a local government's appearance review process. They are very similar to the standards accepted by the federal appellate court for South Florida very recently in *Burns v. Town of Palm Beach*, 999 F. 3d 1317 (11th Cir. 2021). While the court in that case pointed to the expertise of the deciding town body, the Architectural Review Commission, it did not require that there be such a body in order for the standards to be sufficient. The court explained that the law requires, for standards to be not unconstitutionally vague, for a "person of ordinary intelligence" to have a reasonable opportunity to know what is prohibited.

In the case of *Rector Park, L.C. v. City of Delray Beach*, 208 F. Supp. 2d 1320 (S.D. Fla. 2002), the federal court upheld the City of Delray Beach's "compatibility" standards under the same judicial review tests. The City's code allowed an increase of density in the downtown by conditional use permit granted by the City Commission. The code included various non-numerical, descriptive "performance standards" for the approval review, but also provided what the court characterized as an escape clause: "Notwithstanding the above, the approving body may deny an application for increased density where it is determined that the proposed project is not compatible in terms of building mass and intensity of use with surrounding development." (emphasis added). The court found that this compatibility standard was not too subjective to be legally invalid. Instead, it stated (at page 1332):

This sentence simply makes clear that notwithstanding an applicant's compliance with many of the performance standards, the city commission possesses discretion to deny an application for increased density if it finds that the project is "not compatible" with the surrounding buildings in terms of building mass and

1875 NW Corporate Blvd., Suite 100, Boca Raton, FL 33431
Telephone - 561 826 2800 Fax - 561 826 2825

14

intensity of use. Again, in land-use regulation the decision-maker is permitted to exercise some discretion where the matter concerns a concept as inherently subjective as "compatibility." See *Nostimo (Inc. v. Clearwater)*, 594 So.2d at 781 (stating that portion of city code permitting conditional use approval only if use was "compatible" with surrounding area was not facially unconstitutional). Moreover, the ordinance limits the inquiry on "compatibility" to consideration of "building mass and intensity of use."

The Town's harmony standards are very similar, and their legality under established case law is very supportable.

For these reasons, it is my legal opinion that the Town of Juno Beach is not precluded from applying the Town code's harmony standards to single family dwelling units.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Stroud".

Nancy Stroud, J.D., FAICP

MEMORANDUM

TO: Mayor Peggy Wheeler
Vice Mayor John Callaghan
Members of the Town Council

FROM: Leonard G. Rubin, Town Attorney *(signature)*

RE: Regulation of Architectural Styles for Single-Family Detached Dwellings

DATE: April 21, 2025

CC: Robert Cole, Town Manager
Frank Davila, Planning and Zoning Director
Caitlin Copeland-Rodriguez, Town Clerk

BACKGROUND:

For well over thirty years, the Town has regulated the architectural style of all buildings and structures erected within the Town as part of its site plan and appearance review procedures. Buildings were required to be of an architectural style representative of or reflecting the "Old Florida" style of architecture indigenous to the Town and commonly known and identified as late Victorian (Key West Cracker), Spanish revival (Mediterranean), or a combination thereof. In 2014, the list of architectural styles was expanded to include Modern (early to mid-20th century). All new commercial developments, mixed-use developments, and residential dwellings of two or more units were required to undergo site plan and appearance review, including architectural review. These applications were first considered by the Planning and Zoning Board and presented to the Town Council for final action with the Board's recommendation. However, single-family detached dwellings were subject to site plan and appearance review, including architectural review, only by the Town's Planning and Zoning Department.

During its 2021 session, the Florida Legislature amended Section 163.3202, Florida Statutes, to limit the ability of local governments to regulate "building design elements" for single-family and two-family dwelling units. The term building design elements refers only to the exterior appearance and layout of the structures, not the size or massing, and is defined by statute as follows:

[T]he external building color; the type or style of exterior cladding material; the style of material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms. The term does not include the height, bulk, orientation, or location of a dwelling on a zoning lot; or

the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.

§163.3202(5)(b)1, Fla. Stat. (2024) (emphasis added). Section 163.3202(5)(a), Florida Statutes, did provide certain exceptions to this limitation on municipal regulation of single-family and two-family dwellings, including, but not limited to, dwellings located in planned unit developments or master planned communities or dwellings located within a jurisdiction of a local government that has a design review board or architectural review board.

As set forth above, prior to 2021, single-family detached dwellings were not considered by either the Planning and Zoning Board or the Town Council and were subject solely to site plan and appearance review and approval by the Planning and Zoning Department. To comply with the statutory amendment and to facilitate the Town's continued regulation of architectural styles for single-family detached dwellings, on October 27, 2021, the Town Council adopted Ordinance No. 745, amending the Town's Zoning Code to designate the Planning and Zoning Board as the Town's appearance review board for single-family detached dwellings. The Board was granted final decision-making authority on site plan and appearance review¹, specifically including architectural review, of detached single-family dwellings not located within an approved planned unit development, thereby invoking the statutory exception outlined above.

However, during its 2023 session, the Florida Legislature amended Section 163.3202 to only allow local governments to continue to regulate building design elements for single-family detached dwellings if the local government had a design review board or architectural review board created before January 1, 2020. As set forth above, the Town did not delegate appearance and architectural review of single-family dwellings to the Planning and Zoning Board until October 27, 2021. Consequently, effective July 1, 2023 (the effective date of the statutory change), the Town ceased regulating building design elements for single-family detached dwellings.

Recently, Councilmember Davis questioned whether the Town could continue to regulate building design elements because the Planning and Zoning Board has historically conducted appearance review, albeit on an advisory basis, of commercial developments, mixed use developments, and residential structures of two or more units. Councilmember Davis presented a letter from Nancy Stroud, a local land use attorney, opining that because the Planning and Zoning Board's duties included appearance review as of January 1, 2020 and because the terms "design review board" and "architectural review board" are not specifically defined by statute, the Town could continue apply its land development regulations relating to building design elements (or architectural styles) to single-family and two-family dwellings.

¹ Through the adoption of Ordinance No. 753 on September 28, 2022, the Town Council removed the site plan review component for single-family detached homes from the Planning and Zoning Board's purview and returned that function to the Planning and Zoning Department, thereby limiting the Board's authority solely to appearance review (including architectural review) only.

QUESTION PRESENTED:

Given the Planning and Zoning Board's historical appearance review duties as a recommending body for commercial developments, multi-family developments, and residential dwellings of two or more units, did the Town have an architectural review board or design review board in place prior to January 1, 2020 to enable the Town to continue to regulate building design elements (or architectural styles) for detached single-family dwellings and two-family dwellings not included within a planned unit development pursuant to Section 163.3203(5)(a), Florida Statutes?

SHORT ANSWER:

Neither the plain language of Section 163.3203(5)(a), Florida Statutes, nor the legislative history for the 2023 amendment gives any definitive indication of the Town's ability to continue to regulate architectural styles for detached single-family dwellings and two-family dwellings. Consequently, the Town Council may wish to seek an advisory opinion from the Attorney General. However, because Attorney General opinions are advisory and not legally binding, the Town must proceed to evaluate its options and determine the appropriate course of action based on the potential risks and benefits of each approach, taking into account the best interests of the Town and its residents.

ANALYSIS:

As set forth above, the Planning and Zoning Board has historically, and most certainly prior to January 1, 2020, acted as a recommending body for site plan and appearance review for commercial developments, mixed-use developments, and residential dwellings of two or more units. As set forth in Section 34-116(3)(b) of the Town Code, architectural style is a component of appearance review. The central question is whether given this appearance review function, the Town's Planning and Zoning Board satisfies the statutory requirement of an "architectural review board" or "design review board."

As pointed out in Ms. Stroud's letter, Section 163.3202(5)(a), Florida Statutes, does not define the terms "architectural review board" or "design review board." When attempting to discern the application of a statute, the first rule of statutory construction or interpretation is to give the statute its plain and ordinary meaning. *Weber v. Dobbins*, 616 So. 2d 956 (Fla. 1993). However, when a word or term is not defined and the statutory language is unclear or ambiguous, courts apply rules of statutory construction and explore legislative history to determine legislative intent. *Nicarry v. Eslinger*, 990 So. 2d 661 (Fla. 5th DCA 2008). See also *Longval v. State*, 914 So. 2d 1098 (Fla. 4th DCA 2005) (to discern legislative intent, courts must apply a "common-sense approach" which requires consideration of, among other things, legislative history). A statute is ambiguous when its language is subject to more than one reasonable interpretation and may permit more than one outcome. *Hess v. Walton*, 898 So. 2d 1046 (Fla. 2d DCA 2005).

Initially, it appeared that the Legislature's 2023 amendment to Section 163.3202(5)(a), Florida Statutes, preempted the Town's ability to review building design elements for detached single-family dwellings because prior to October 27, 2021, architectural review

was conducted solely by the Planning and Zoning Department and not by a board with design review or architectural review functions. However, upon closer examination, the statute does explicitly state that the Town was required to have a design review board or architectural review board actively reviewing such applications prior to January 1, 2020. The statute only requires that the "dwelling be located within a jurisdiction of a local government that has a design review board or an architectural review board created before January 1, 2020." §163.3202(5)(a)7, Fla. Stat. (2024). As fully set forth above, the Planning and Zoning Board has historically conducted appearance review and architectural review of development applications as a recommending body and was in place long before January 1, 2020. Because the statutory language is subject to more than one interpretation, the next step in the analysis would be to explore the legislative history of the 2023 revision to Section 163.3202(5)(a), Florida Statutes.

While the legislative history, like the statute itself, does not provide any specific definitions, the Florida Legislature's April 27, 2023 Bill Analysis and Fiscal Impact Statement for the 2023 revision to Section 163.3202(5)(a), Florida Statutes, does, in a footnote, give two examples of the types of local government architectural review boards or design review boards to which it was referring, namely, the Village of Wellington Architectural Review Board and the City of St. Petersburg Development Review Committee, which also functions as the City's Design Review Board. However, a deeper analysis of the roles of these two example boards or committees yields no additional clarity.

The stated duties of the Village of Wellington Architectural Review Board ("ARB") are to: (1) adopt by resolution various schedules of approved materials, designs, and charts of approved colors; (2) hear and decide appeals of administrative decisions of the planning, zoning and building department pertaining to approved materials, designs, and charts of approved colors; (3) hear and approve alternatives to the development and design criteria established by ordinance or resolution; and (4) review and approve plans for multifamily and non-residential development. Appointments to the Architectural Review Board are "based on experience or interest in the businesses and professions involved in building and development." The powers and duties of the Wellington ARB include adopting schedules of approved materials, designs, and colors and go far beyond mere recommendations regarding appearance review. The Wellington ARB conducts traditional architectural or design review in the same manner as many other local government boards that review the architectural elements of single-family homes, such as the Town of Bay Harbor Islands Design Review Board, the City of Miami Beach Design Review Board, and the City of Naples Design Review Board. Each of these municipalities has extensive design and/or architectural guidelines in place that are administered by a board whose members have specific expertise relating to architecture, engineering, and/or land use.

The City of St. Petersburg, on the other hand, has a Development Review Commission ("DRC") with duties very similar to a traditional planning board like the Town's Planning and Zoning Board. In appointing members to the DRC, Section 18.80.020.2(B) of the City Code requires that, where possible, the City Council should include members "qualified and experienced in the fields of architecture, planning, landscape architecture,

engineering, construction, and land use law and real estate." While the City has developed very detailed architectural guidelines for its traditional neighborhoods, the architectural review of single-family homes is conducted by members of City Staff, with the St. Petersburg DRC's role generally limited to reviewing architectural details and materials when a property owner is seeking a variance. In fact, a representative of the City Attorney's Office confirmed that the City of St. Petersburg specifically added design review to the Commission's duties after the 2021 amendment to Section 162.3202(5)(a), Florida Statutes, to ensure continued regulation of building design elements or architectural styles for detached single-family homes. The City's approach to the 2021 legislation was very similar to Town's approach; however, the City continued to regulate architecture after 2023 amendment, relying on the fact that the Development Review Commission was in existence prior to January 1, 2020.

Because the legislative history provides two divergent examples of the types of boards that would fall within the exception allowing local governments to continue to regulate building design elements, it provides no additional clarification of the Legislature's intent.

Neither the plain language of the statute nor the legislative history provides clear direction as to whether the Town can continue to conduct architectural review of detached single-family homes. While the Town will not have a definitive answer until a court of competent jurisdiction rules on this issue or the Florida Legislature further clarifies the statutory language, the Town could, as interim step, request an advisory opinion from the Florida Attorney General. Attorney General Opinions serve to provide legal advice on questions of statutory interpretation. Attorney General opinions are advisory only and not law; however, they are persuasive and could provide additional guidance to the Town.

Irrespective of whether the Town Council seeks an Attorney General Opinion, the Town Council's decision as to whether to continue to regulate architecture for single-family detached homes² ultimately hinges upon the Town Council's risk tolerance and an evaluation of the potential benefits and consequences of each approach.

Option A – No regulation of architectural styles for detached single-family dwellings.

The first approach is to take a more conservative, restrictive interpretation of the statute and continue along the current path of not regulating building design elements or architectural styles of single-family detached dwellings. While this approach prevents the Town from requiring specific architectural styles for single-family detached dwellings, the Town can continue to address neighborhood compatibility issues through the application of other components of the appearance review process, such as harmony, or through the adoption of additional regulatory criteria, such as maximum floor area ratios. As explained above, Section 163.3202(5)(b)1, Florida Statutes, does not address size or massing and specifically excludes "bulk" from the definition of building design elements.

Additionally, the Town Council delegated final authority for appearance review of single-family detached homes to the Planning and Zoning Board for the sole purpose of allowing

² Whatever course of action the Town Council takes for single-family detached dwellings would also apply to two-family dwellings.

continued architectural review for these types of dwellings in response to the statutory amendment. However, the Board is not comprised of persons with specific qualifications or experience in the fields of architecture, design, engineering, or land planning, and some of the Boardmembers have expressed reluctance in applying appearance review criteria, some of which are inherently subjective in nature, to pending appearance review applications. If the Town is no longer regulating architectural review for single-family detached dwellings, the Town Council could delegate the appearance review function back to the members of the Planning and Zoning Staff, who do have the requisite expertise in the fields of architecture and land planning. Under this approach, if an applicant disagreed with Town Staff's application of the architectural styles or appearance review criteria, including harmony, that decision could be appealed to the Town Council sitting as the Zoning Board of Adjustment and Appeals, thereby vesting the Town Council with final decision-making authority over certain applications.

Option B – Reactivate regulation of architectural styles for detached single-family dwellings.

The second approach is to follow the lead of the City of St. Petersburg and take a more liberal interpretation of the statute, thereby reactivating the Town's regulation of building design elements or architectural styles for detached single-family homes in the same manner as the Town conducted such review prior to July 1, 2023. This option would expand the Planning and Zoning Board's review to include all aspects of appearance review, including harmony and architectural styles. The Board would continue to have final decision-making authority, and any person seeking to challenge the Board's determination would be required to file a Petition for Writ of Certiorari in the circuit court, without any potential for Town Council involvement in the process.

The potential risk associated with this approach is that applicants who are denied appearance review based on architectural style could raise the provisions of Section 162.3202(5)(a), Florida Statutes, as a basis for reversal of the Board's decision and the Town would be required to defend such an action. While there are various statutory provisions that allow for the recovery of attorney's fees for violations of a statutory preemption, these provisions are only generally applicable to challenges to ordinances and would not apply to an appeal of the denial of a development order application for appearance review. Furthermore, because the Town adopted the architectural review requirement prior to May 11, 1995, no cause of action would generally exist under the Bert J. Harris Private Property Rights Protection Act for enforcing mandated architectural styles. §70.001(12), Fla. Stat. (2024).

The Town Council could also consider returning both appearance review and architectural review of detached single-family dwellings to Planning and Zoning Staff. However, because a review board or architectural committee would not be performing this function, this approach would be more difficult to defend in the event of a challenge to the Town's authority to regulate building design elements (or architectural styles) based on Section 163.3202(5)(a), Florida Statutes.

21

CONCLUSION:

As fully discussed above, applying the rules of statutory construction does not lead to any definitive conclusion regarding the Town's ability to regulate architectural styles for detached single-family (and two-family) dwellings. Neither the plain language of the statute nor the legislative history gives any clear indication as to whether the Planning and Zoning Board's historical duties as an appearance review board satisfies the statutory criteria for the continued regulation of building design elements or architectural styles for detached single-family dwellings as set forth in Section 163.5202(5)(a), Florida Statutes. The Town Council could request an advisory opinion from the Attorney General seeking additional guidance regarding the statutory interpretation. However, even if the Attorney General issues such an opinion, it is advisory only. Consequently, it is ultimately up to the Town Council to assess the importance of architectural review of single-family (and two-family) dwellings and determine the appropriate course of action based on the potential risks and benefits of each approach.



Nancy E. Stroud, J. A.

Nancy Stroud, Esq.

Direct Dial: 561 826 2804

January 22, 2025

Ms. Diana Davis
440 Sunset West
Juno Beach, FL 33408

Re: Architectural Review of Building Design Elements

Dear Ms. Davis,

Thank you for asking me to review the question of whether the Town of Juno Beach has the authority for building design element review under Florida Statutes Section 163.3202(5)(a)7. The statute says:

(a) Land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless:

... 7. The dwelling is located within the jurisdiction of a local government that has a design review board or an architectural review board created before January 1, 2020.

The highlighted provision was adopted in 2023 by the Florida legislature by 2023 Fla. Laws Ch. 31.

The Town of Juno Beach Planning and Zoning Board as of January 1, 2020 authorized the Town Planning and Zoning Board to review site plan and appearance and to issue recommendations for the same to the Town Council. See Section 34-28:

Sec. 34-28. - Planning and zoning board duties.

The planning and zoning board shall issue recommendations to the town council and zoning board of adjustment and appeals, as applicable, on all matters involving community planning, including, but not limited to, the comprehensive plan, site plan and appearance reviews, preliminary plat reviews, variances, administrative appeals, and special exception uses. It shall exercise its power as defined in this chapter and as further established by F.S. ch. 163, part II. The planning and zoning board shall be the local planning agency required to be designated as such by F.S. § 163.3174.

As of January 1, 2020, the Town code "appearance" review included and still includes architectural review, as well as review of multiple design features. See Section 34-116(3)(b), Code of Ordinances.

23
1875 NW Corporate Blvd., Suite 100, Boca Raton, FL 33431
Telephone - 561 826 2800

Based on the language of the statute, and the Town code that existed as of January 1, 2020, the Town Planning and Zoning Board was authorized to provide design review and architectural review. I believe that although the Planning and Zoning Board is not specifically named "design review board" or "architectural review board," clearly it is authorized to function to review design and appearance and thus falls within the statute. The statute does not define what is a "design review board" or "architectural review board", but the names of the boards point to the relevant requirement that the board perform design and/or appearance review. It also is notable that the statute only requires that the board had been created prior to January 1, 2020. It does not mandate that the board must have a more specified scope or detailed duties, just that it has been created for design and appearance review.

For these reasons, it is my opinion that the Town of Juno Beach is not precluded from applying land development regulations relating to building design elements to single family and two family dwelling units.

Sincerely,



Nancy Stroud, J.D., FAICP

Harmony – Staff Tests for Bulk and Mass

Test One Is the sq. ft. & FAR within the study area range? (Y or N – go to 2)	Test Two Are calculations less than double the average? (Yes Approved, No go to test 3)	Test Three Are calculations within 10-20% of the largest structure? (Y- likely approve, go to 4; No – probable denial go to 4)	Test Four Are Mitigating factors present to compensate such as setbacks, orientation, landscaping, architectural features; more subjective features? (Y- Approval N- Denial)
--	--	---	---

Harmony – Staff Tests for Scale (height)

Test One

Are more than half the structures in the 300' study area the same stories or higher? (Yes approve or No go to 2)

Test Two

Are the immediately adjacent structures the same stories or higher? (Yes Approved, No go to test 3)

Test Three

Is the scale within the allowable limits of 34-268? (Y- likely approve, go to 4; No – probable denial)

Test Four

Are Mitigating factors present to compensate such as orientation, landscaping, architectural features; step-backs, limits on 2nd floor area? (Y- Approval, N- Denial)

Single Family Homes Appearance Review 34-116(3)(b)(2)

Bulk & Mass Tests using Comparative analysis

1. Is Sq Ft & FAR within Study Area Range (Y or No - go to 2)
2. Are calculations less than double the average? (Y approved, No go to 3)
3. Are calculations within 10%-20% of the largest structure? (Y – go to 4, No probable denial - go to 4)
4. Are other mitigating factors present to compensate (setbacks, orientation, site planning, architectural features, landscaping) (Y-approval N-denial) [purple boxes more subjective criteria. see, workshop guidance 5-2-25]

Scale Tests for Height/Stories

1. Are more than half the structures in the 300' study area the same stories or higher? Y approval, No – go to 2)
2. Are the immediately adjacent structures the same stories or higher (Y approval, No go to 3)
3. Is the scale within allowable limits of 34-268 (Y – go to 4, No denial)
4. Are other mitigating factors present to compensate (setbacks, orientation, site planning, architectural features such as step-backs or 2nd floor limits on area, landscaping,) (Y-approval N-denial) [purple boxes more subjective criteria. see, workshop guidance 5-2-25]

At the first Town Council meeting of our newly sworn-in Council, April 2024, there was **unanimous support** for staff to provide their top three to five ideas that would result in slow growth and better proposals for any development projects presented to the Town. (i.e., **Techniques for Sound and Slow Growth**) In the Council's 2024 goal setting workshop, the Town Council **again** identified as a top priority to **improve its land development codes**. These improvements were to implement concepts of "slow growth" to **preserve characteristics that make Juno Beach unique and to protect the rights of "existing" property owners**. Both Planning and Zoning and the Town Council over the past several years of reviewing development projects identified areas to explore for **code improvements and these areas were prioritized** by Council. Chen Moore & Assoc., land planners and civil engineers, ("CMA") was the contractor selected by Council **to perform this exploration of ideas to address the code issues identified and to propose code language solutions**. The proposals for code improvements will then go to workshops with the public for input prior to going before the Town Council to determine if these are workable solutions in the best interest of Juno Beach residents. [Click here for a power point that describes the issues to be addressed with photos at the end.](#) The prioritized list is provided below.

Code Improvement Topics	Problem identified to be resolved
Techniques for Sound & Slow Growth for new projects	Are techniques available to slow growth and maintain the unique character of our Town? Should certain land uses be incentivized by allowing 12 stories in height? Do we want to allow a mixture of architectural styles?
Landscape Requirements	What code requirements will create a sense of place through our landscaping? How do we beautify our Town with native and beneficial vegetation?

Floor Area Ratio - Volume & Massing	<u>Presentation by Leslie Thomas 1/22/25</u> meeting at time 1:14:25 describing massive buildings overwhelming neighboring properties. What additional tools can we give P&Z for decision-making? What techniques are available to preserve the quality of life for existing residents, e.g., screening, setbacks? How can a pedestrian view be considered? Articulation requirements?
Sign Regulations	The Town Attorney identified that changes are needed. How do we create a sense of place with our sign requirements? How can we involve local businesses to meet their sign needs?
Topographical Features	Existing property owners need certainty that the structural integrity of their homes will not be impacted by a new developer next door. Current building code interpretation allows a developer to excavate 10 feet deep at your property line without first stabilizing the soils, so long as it is 10 feet from the walls of your home. This has caused resident structural stability questions, loss of fences, loss of landscaping and swimming pool/deck issues. Are there engineering requirements that can be added to our code for the safety of existing residents? What notifications should be given? Should there be any limits on excavations? Do we need retaining wall requirements? For existing residents in homes on our residential streets, how do we preserve the separation that is a result of each house being slightly higher in elevation than the next due to the slope of the dune prior to improvements? Should there be limits on the amount of fill brought onto a site?

Wall and Fences

Walls of 4 ft. for a front yard or 6 ft for a side or rear yard can be installed at the property line. Taller walls are allowed adjacent to U.S.1 Current interpretations allow a series of such walls without height limits or setback requirements. In a recent example, there were two walls in a series to reach heights of 15-feet (11 ft plus railing) along a side yard without meeting setbacks. The additional fill allowed the outside deck area to be accessible from a second floor and to tower over the neighboring yard. **Should we have limits on the number of walls in a series or their ultimate heights or setbacks?**

Exterior Spill Over
Lighting

Currently if an existing resident or property owner experiences problems with off-site lighting impacting their quality of life, the Town considers it a neighbor dispute without any available resolution other than asking nicely for cooperation of the offending neighbor. Town Council voted to have a lighting engineer weigh-in on measurable solutions that have worked in other municipalities.

Juno Beach Code Updates Council Goals 2024-2025 ranked as a top priority

Town Council Meeting Agenda

February 18, 2025

Why update our codes?

- Voters demand to slow growth
- Review of proposed building projects resulted in identifying areas of JB land development codes that could be improved (glitch list)
- Areas where residents have identified issues between themselves and a new building project – where they did not believe that our codes provided protection to safeguard their property rights (glitch list)
- Areas where statutes or court case results point out deficiencies in our code

Why update our Codes now? Why use a contractor and not in-house?

- Typical for municipalities to review their codes on a regular frequency to explore opportunities to improve
- These code changes were proposed over the past three years or longer from P&Z and Town Council based on actual projects
- Staff asked that a contractor take these code changes to create certainty that the changes will be made within a specific time frame and to provide options for code improvements
- Some of the code changes needed require a certain expertise for the work. For example, Lighting needs an engineer for the measurements & sign rules needs familiarity with the changes in law and interpretations.

1. Techniques for Sound and Slow Growth

Review of building site area regulations such as parking, landscaping, setback/lot coverage – **what can we do now to slow growth?** Review incentives for certain uses. Consider the elimination of *combination* of Architectural styles currently in our Code

- Example: “incentives for certain uses” – assisted living facilities 34-1250(a) are RH residential multi-family for building site area regulations, which allows structures as high as 12 stories not to exceed 130 feet. Grandfathering Waterford as an existing assisted living (RH) property, are these types of incentives appropriate moving forward for new build projects in Juno Beach?

2. Landscape Requirements for new projects

- Council 2024-2025 Goals list #1 is beautification which is created in part by landscaping improvements
- Town staff compared our code to Palm Beach Gardens and other communities at the October 2024 P&Z meeting
- Create a sense of place with landscaping, setbacks, green space and shade trees
- Code should clearly state the preferred use of Native Trees to overtime develop mature stately tree canopies in Town
- Developer should have the burden to preserve native trees and shrubs for its redevelopment projects (not existing residents)

3. Floor Area Ratio/ Volume and Massing of Single-Family Residents

- Review and benchmark other communities for mass, size, scale, mass, height, building area regulations, wall treatment, 2nd floor area, floor area ratio, cubic ratio, off-street parking for single family homes and to benchmark Lake Worth Beach, N. Palm Beach & Palm Beach
- FAR – consideration of both the structure size and the lot size
- Consideration of pedestrian level view and setbacks for upper floors
- Example: Power Point presentation 1/22/25 by Leslie Thomas of buildings in Town that are massively larger than the neighboring properties. Explore how other municipalities create more cohesiveness in their neighborhoods, what tools are available; setbacks, screening ...
- Example: 390 Jupiter Lane 32' rectangle tower wall only 5 feet from neighbor's property

4. Sign Regulations

- Remove emphasis on content in our sign code
- Consider creating a sense of place with sign codes (Hilton Head Island – what are the costs – example shown)
- Involve the business community in the process
- Address needs for temporary signs, construction signs, others



5. Topographical Features

- Existing property owners need certainty that the **structural integrity** of their homes will not be impacted by a new development next to them.
- Current building code interpretation allows a developer to excavate 10 feet deep at your property line **without first stabilizing the soils**, so long as it is 10 feet from the walls of your home. This has caused residence structural stability questions, loss of fences, loss of landscaping and swimming pool & deck issues.
- **Are there engineering requirements that can be added to our code for the safety of existing residents?** What notifications should be given? **Should there be any limits on excavations?** Do we need retaining wall requirements?
- For existing residents in homes on our residential streets, how do we preserve the separation that is a result of each house being slightly higher in elevation than the next due to the slope of the dune prior to improvements? **Should there be limits on the amount of fill brought on site?**

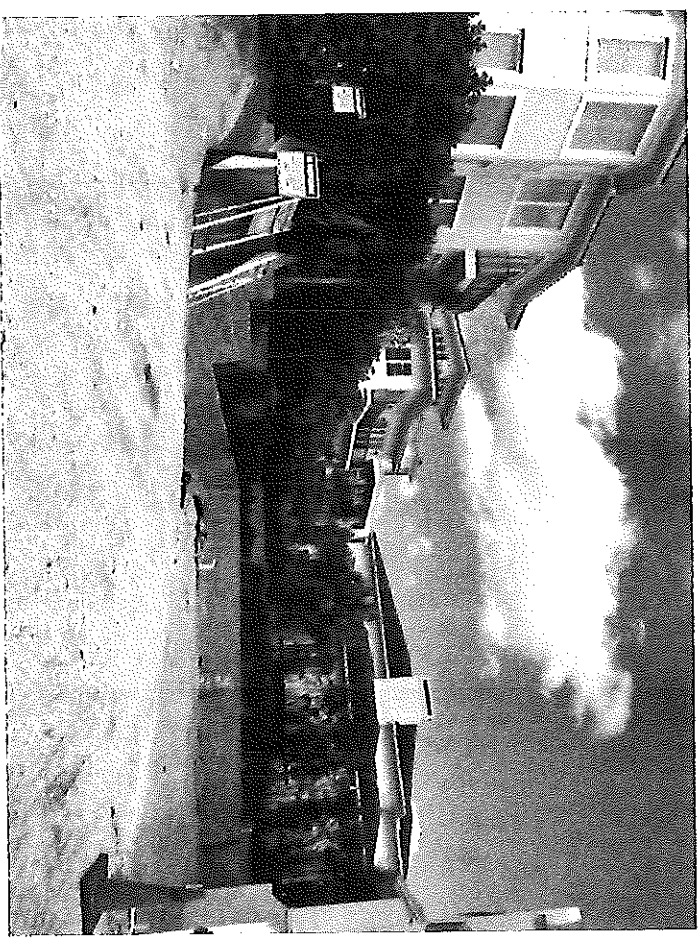
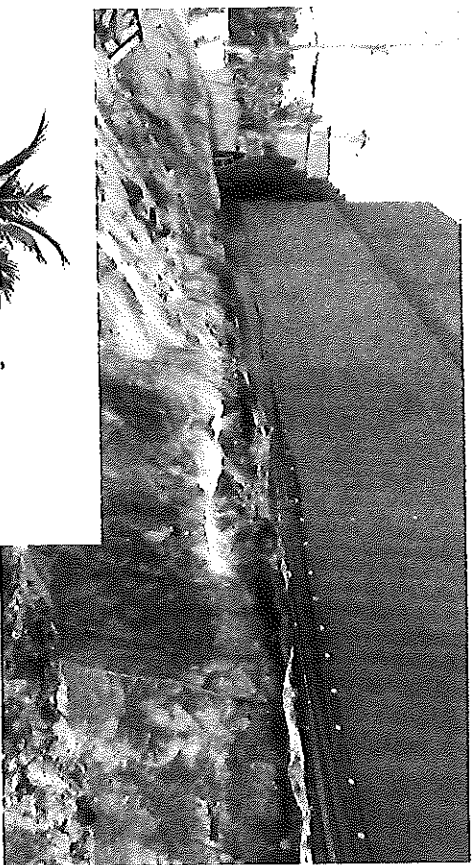
6. Walls and Fences – do existing property owners need certainty on how high the neighbor's walls will be?

- Walls of 4 ft. for a front yard or 6 ft for a side or rear yard can be installed at the property line. Current interpretations allow a series of such walls without height limits or setback requirements.
- In a recent example, there were two walls in a series to reach heights of 15-feet (11 ft plus railing) along a side yard, just five feet from the neighbor's property line. The additional fill allowed the outside deck area to be accessible from a second floor.
- Should we have limits on the number of walls in a series or their ultimate heights or setbacks?

7. Exterior Spill Over Lighting

- Planning and Zoning Board suggestion 2024 topics – limit intrusive spillover lighting from residential properties; March 2024 the Board requested that staff work with an engineer on creating lighting criteria
- Currently when an adjoining neighbor's exterior lighting is too bright for the neighboring property owner – it is considered a neighbor dispute by the Town without any remedy for the aggrieved party
- Explore what other municipalities are doing to limit intrusive spillover lighting

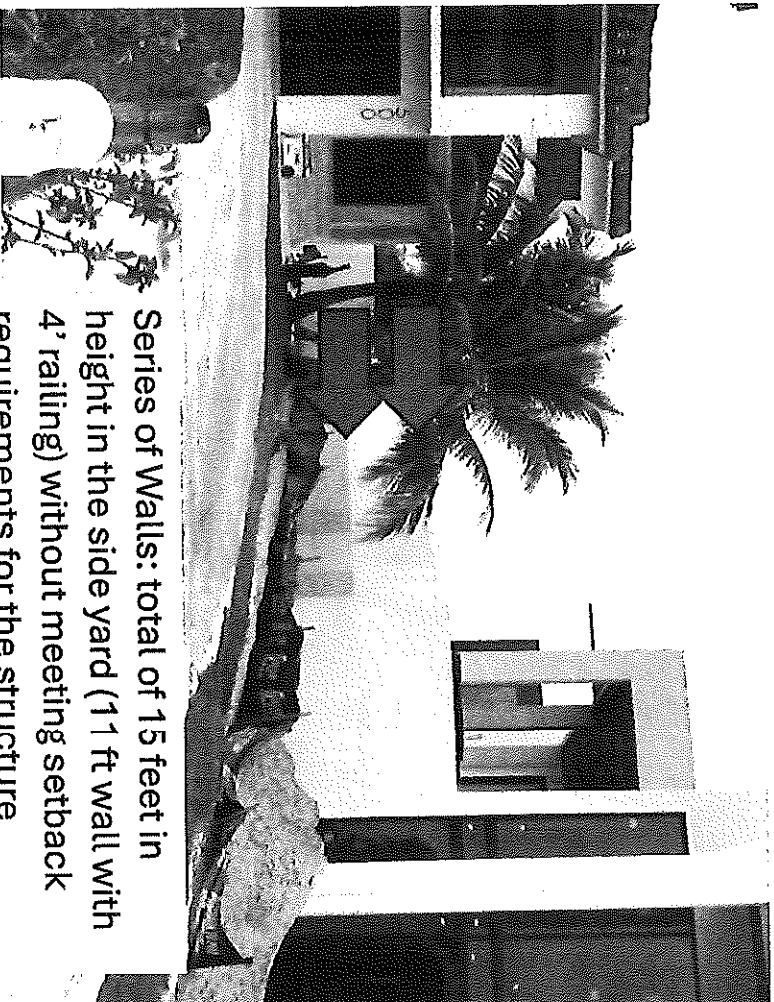
Topographical Features – what do other Town's require to stabilize soils of neighboring properties prior to excavation & are there limits on excavations?



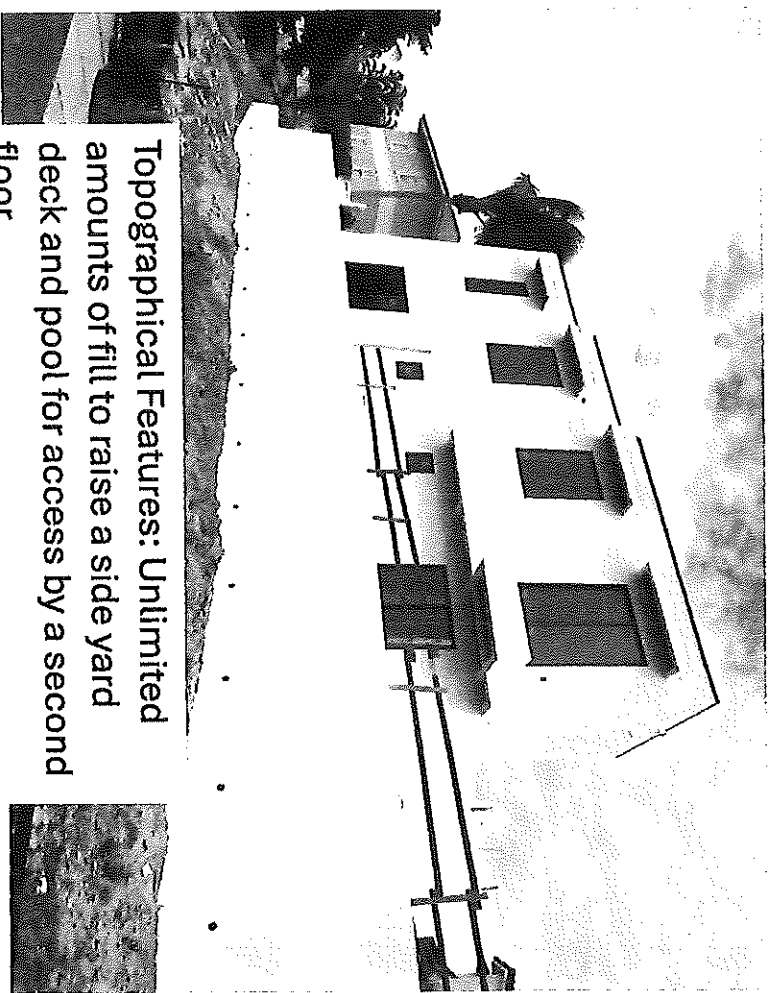
Topographical Features -Should there be limits on the amount of fill brought in to elevate an existing grade in relation to neighboring properties?



Unlimited Series of Walls not required to meet setback for residence and not limited in height



Series of Walls: total of 15 feet in height in the side yard (11 ft wall with 4' railing) without meeting setback requirements for the structure

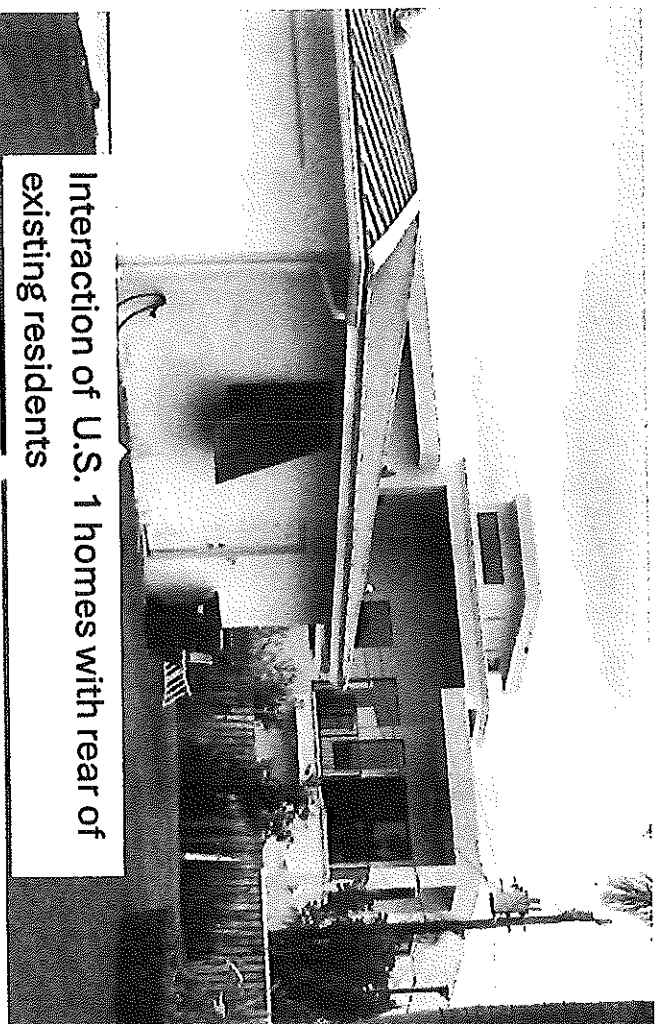


Topographical Features: Unlimited amounts of fill to raise a side yard deck and pool for access by a second floor

Three Large Residential Structures on U.S. 1



U.S. 1 Front of homes

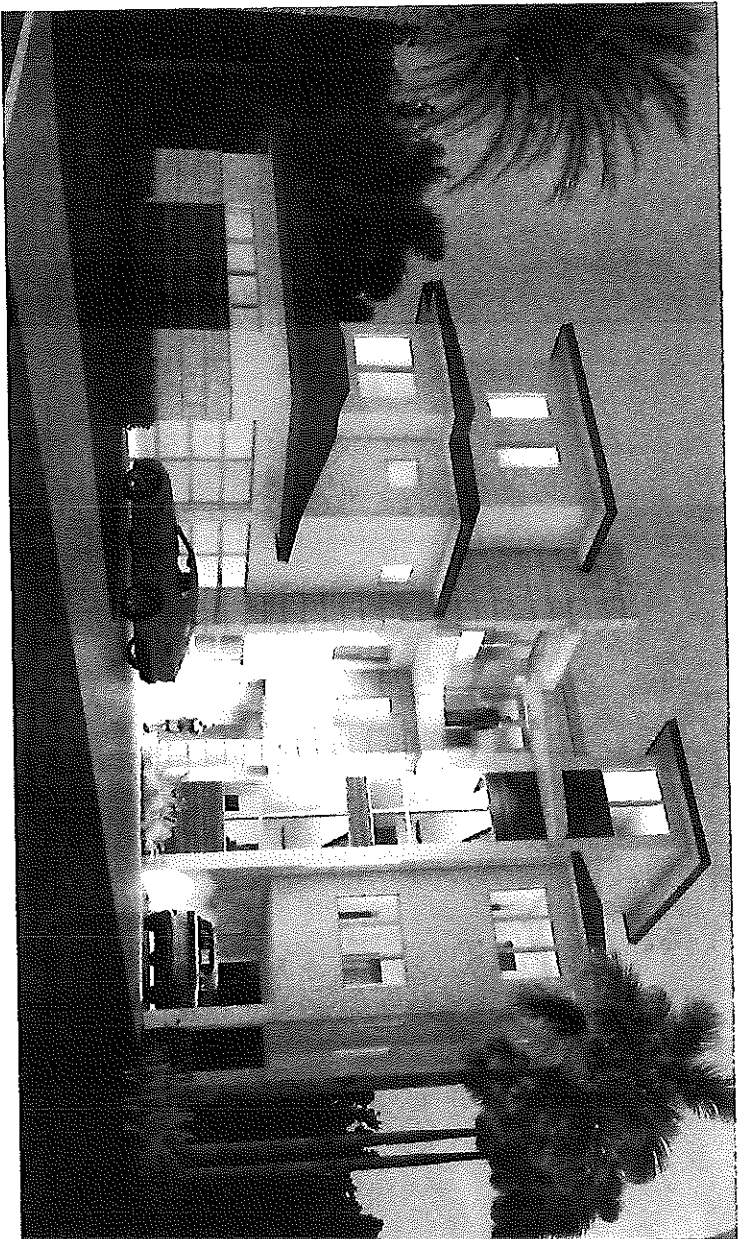


Interaction of U.S. 1 homes with rear of existing residents

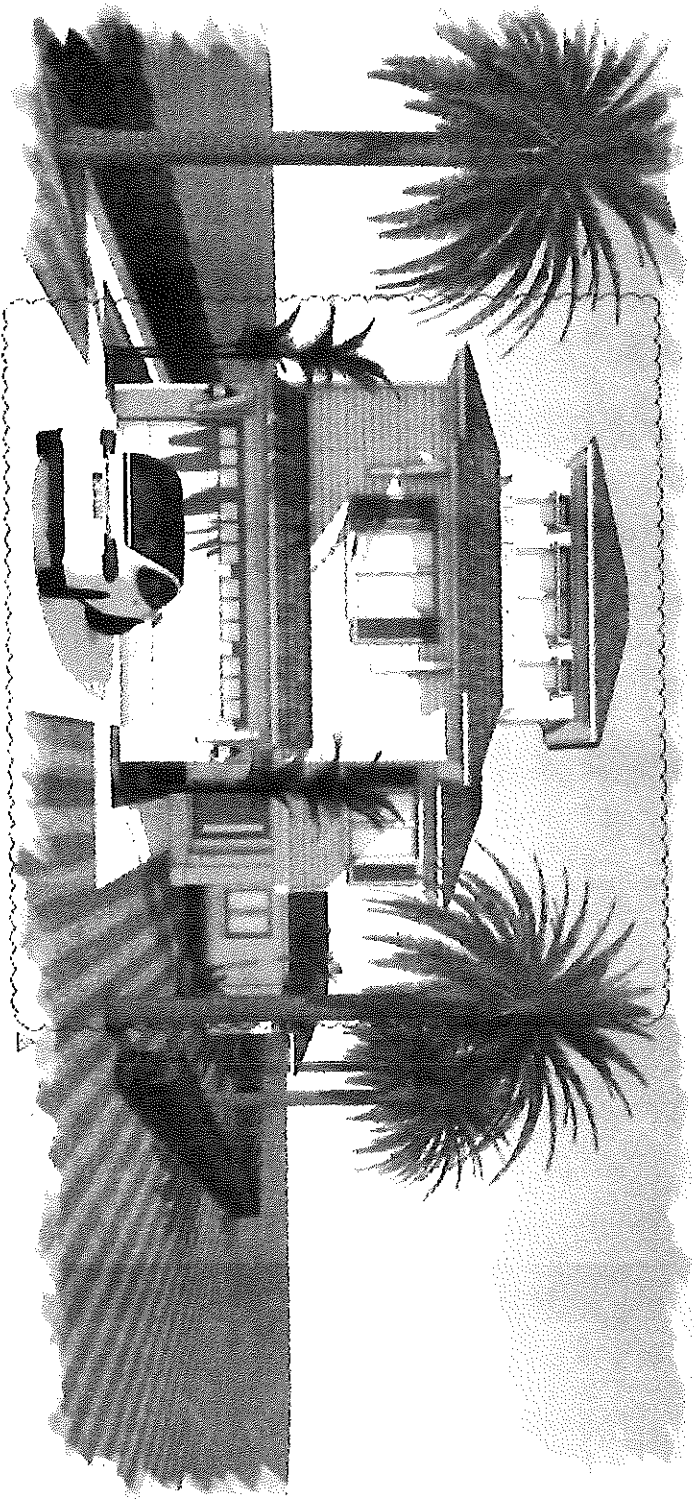
What tools are needed by Staff to better review project impacts on existing residents?
Consider 3-D GIS Scene View to calculate scale in relation to surrounding structures,
consider setback with scale in relation to other structures, consider screening
requirements, and consider not allowing the same building to repeat

Harmony comparison of bulk, mass, scale, and proportion in context

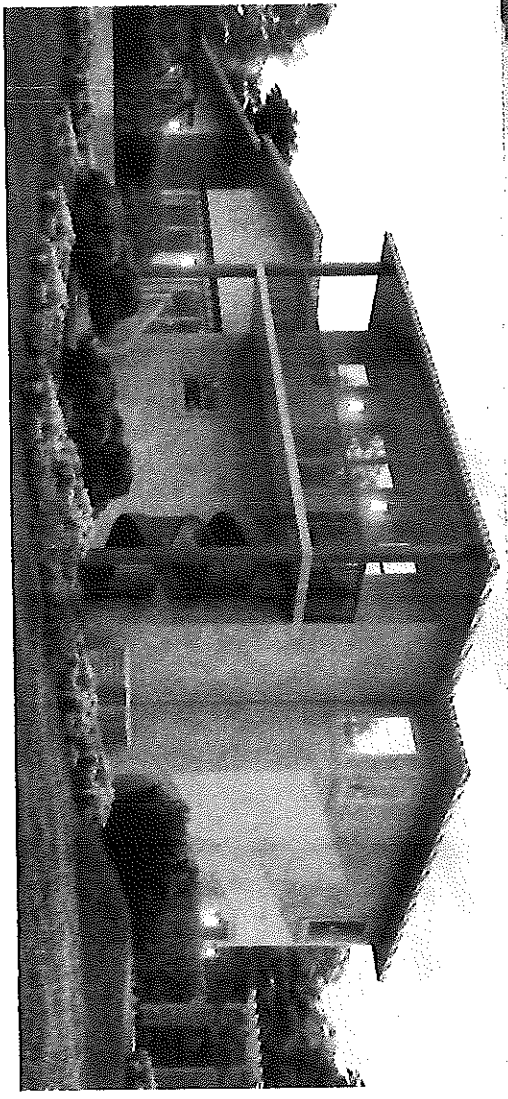
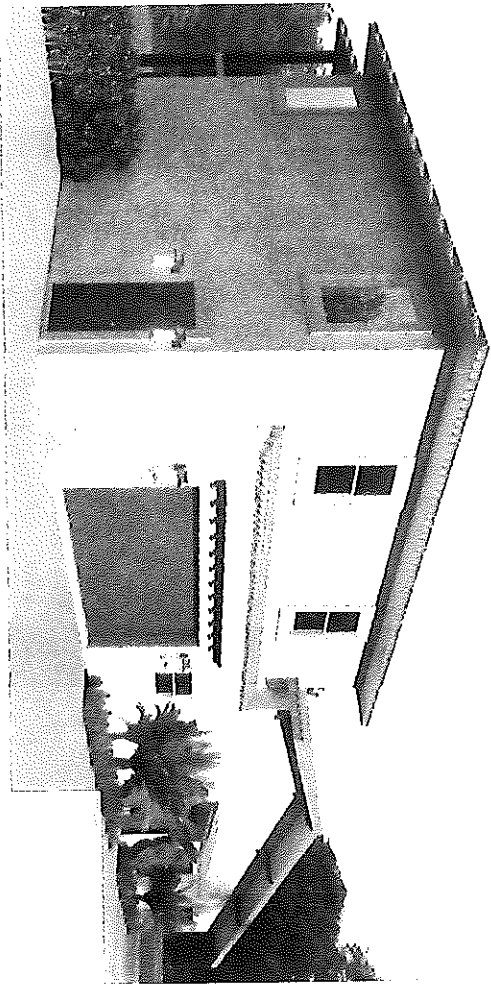
- Regulations in effect for “Harmony” over the past two years.
- Property values continue to increase in all residential zoning codes.
- Five examples of residential properties approved over the past year with the “size in context” type of reviews



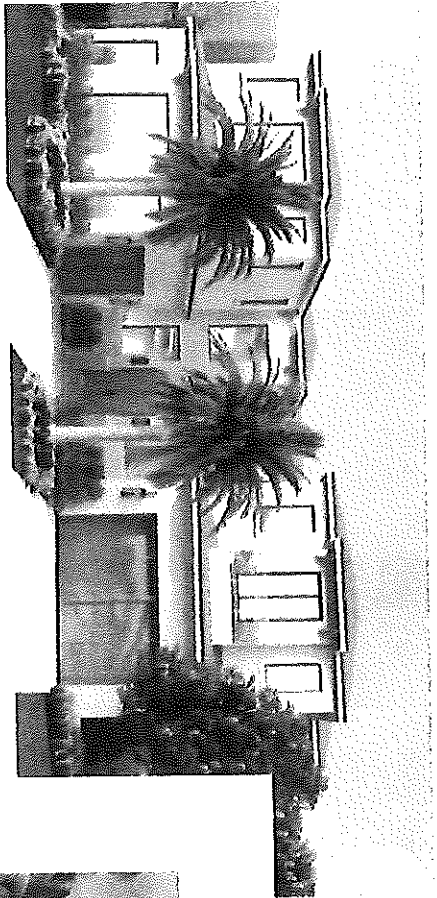
479 Ocean Ridge Way (January 17, 2024) 4,706 Sq. Ft. , 3 stories with tower.



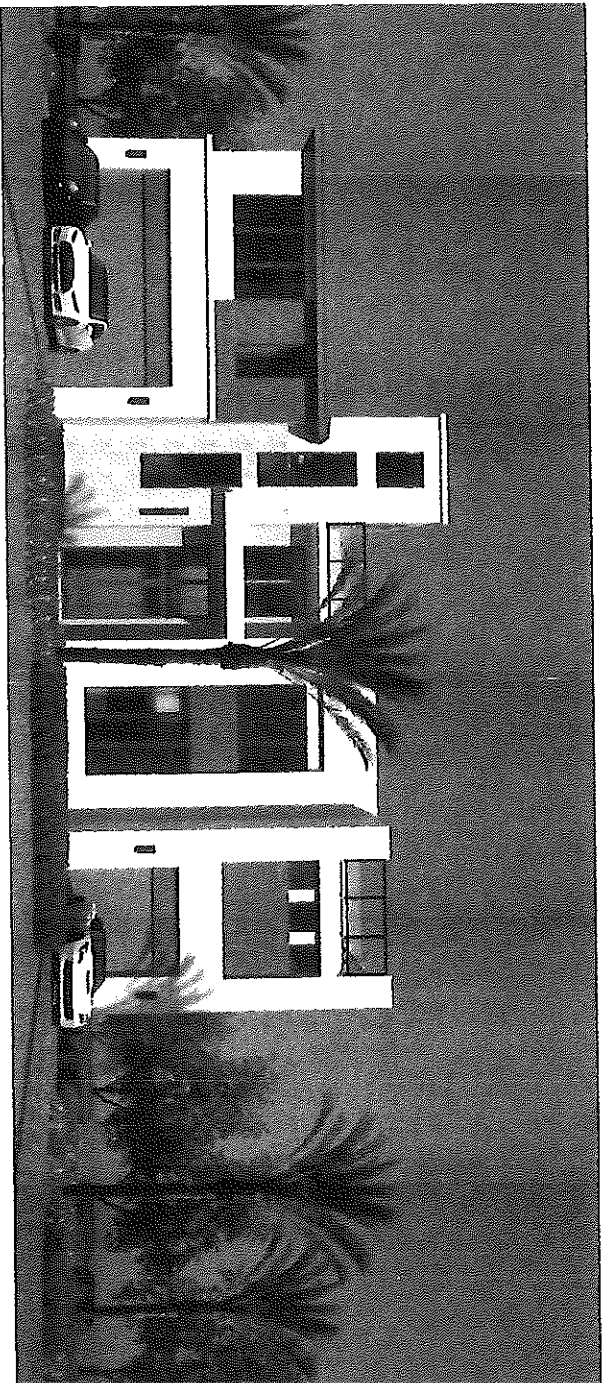
491 North Lyra Circle (10-7-2024) 1,235 sq ft addition for 2-
stories and a tower, total home square footage 3,268 sq ft. FAR
.45



220 Ocean Drive (11-18-2024) Existing home addition over garage and expanded into back and side yard, addition 974 sq ft total home 4,764 sq. ft.



January 22, 2025; 2-stories, 14,977 square feet, approved in split vote, P&Z
unanimous approval (7-15-2024, public opposition August 2024) PUD and
double lot



April 7, 2025 – 410 Diana Lane 2 stories 30' with tower 35'; 5,421
Square Feet FAR .54, Planning and Zoning Board approved

Review of Single Family Homes

- A few Planning and Zoning Board members continue to say that the current harmony reviews are too subjective and they do not want to make subjective decisions or judgement calls.
- One solution would be to allow our P&Z staff to make the final decisions for “harmony” mass, bulk, scale in context of the neighborhood
- The P&Z Board can keep the architectural decisions for SFHs as these can only be done by the P&Z board sitting as ARB.
- If we remove the architectural review, then we do not need the P&Z Board to be final authority on appearance review

Vice Mayor Pro Tem Diana Davis, Survey sent to residents on her Newsletter email list.
Responses received April- May 2025. **Keep our Land Development Codes for Architectural Review and Size of New Structures? or allow new construction project developers to determine design and size of new structures?**

1. To what extent do you believe limitations on the size of newly constructed buildings are important for preserving Juno Beach's unique character, coastal charm, and the quality of life for current residents? [please check all that apply] 256 responses total for this question.

243 -Size limitations are important for new buildings in Commercial Zoned Areas (95%)

245 -Size limitations are important for new buildings in Multifamily Zoned Areas (96%)

238 -Size limitations are important for new buildings in Residential Zoned Areas (93%)

3 -No size limitations are necessary in any of the above areas; developers should determine what to build based on their vision for the community (1%)

2.What is your position regarding the current "harmony" code provision that regulates the size of new structures in relation to surrounding buildings? This provision compares bulk, mass, scale and proportion within a 300-foot context. [please check all that apply] 256 responses total for this question

209 - Do not repeal the "harmony" size code. I support maintaining regulations that guide incremental growth rather than allowing developers full discretion over structure size. (82%)

194 - Do not repeal the "harmony" size code, and require the Planning and Zoning Staff to provide clear guidance on its application. This ensures consistent implementation and review. (76%)

194 - Do not repeal the "harmony" size code. The Town has already invested in professional land use planning. Let's allow the three contracted consultants - working on the Community Vision/Master Plan, Strategic Work Plan (including growth management), and potential code improvements - to

provide their expert recommendations before making permanent changes.
(76%)

9 - Repeal the "harmony" size code immediately. Developers should not be required to adjust their building plans to conform to the character of the surrounding area. (4%)

**3. What tools should the Planning and Zoning Staff and Board use during the "appearance and site plan" review process to evaluate the size of proposed structures in relation to surrounding buildings?
[please check all that apply] total responses 255**

230 -Maintain the existing "harmony" code provisions, which evaluate bulk, mass, scale and proportion of the proposed structure compared to buildings within 300 feet in the same zoning district. 90%

175 - Use Floor Area Ratio (FAR) to regulated building volume based on lot size, including vertical dimensions. 69%

182 - Implement 3-D GIS Scene View technology to visually compare proposed structures to neighboring buildings in a contextual, spatial model. 71%

7 - None of the above. I do not support any size restrictions for new buildings and believe developers should determine the scale of their projects. 3%

4. In single-family residential areas, what approach do you believe best protects property values and preserves the character of Juno Beach? 252 responses

244 -Adopt and maintain carefully crafted land development codes that give the Planning and Zoning Staff and Board the tools to evaluate the size of structures in context. This helps preserve a sense of place, maintain a park-like setting, and protect the Town's character and quality of life for current residents. (97%)

8 Eliminate land development codes related to structure size. Developers should have full discretion to determine what is appropriate to build in the community without comparison to existing structures. (3%)

5. During the site plan review process for new residential buildings, do you believe it is important to include code provisions that protect the property rights of existing residents? [please check all that apply]
256 total responses

237 - Yes, new development should be subject to architectural standards that ensure consistent quality and aesthetic appeal, contributing positively to the overall value of the community. (93%)

239 - Yes, adequate setbacks should be required for excavations near property lines, and soil stabilization should be mandated prior to excavations to protect neighboring properties. (93%)

226 - Yes, visual screening such as berms, walls, fences, or vegetation should be required to minimize the impact of larger neighboring structures on existing homes. (88%)

232 - Yes, limitations should be placed on the amount of fill permitted on new construction sites to prevent significant elevation differences that may negatively affect adjacent properties. (91%)

3 - No, protecting the property rights on existing residents imposes an unreasonable burden; developers should have full discretion over their building projects. (1%)

EXECUTIVE SUMMARY

This memo documents the rationale behind Ordinance 780 (Harmony) and why it is necessary and in the best interests of the Town of Juno Beach (the "Town"). It reflects my own research, as well as discussions I held with members of Town government and the broader community before I served on Council.

I appreciate that Councilman Callaghan has reached out to the architects of the Ordinance to get more color on the thought process behind the language. This is something that is impossible to accomplish via three minutes of public comment.

This memo shows that the Ordinance meets all legal standards and is consistent with the Town's Comprehensive Plan. It was implemented for the purpose of maintaining the Town's character and small town charm, which virtually every elected member of Town Council has claimed at one point to be one of the reasons they sought public office in the first place.

Other towns have demonstrated that there are ways of increasing property values besides building huge houses that are out of proportion with existing neighborhoods. They do this by preserving the unique character of neighborhoods and doing the work to brand these distinguishing characteristics to visitors and potential buyers. Towns that embrace harmony meaningfully often have real estate values that trade at a premium to towns that don't, because their neighborhoods maintain uniqueness, scarcity and charm.

The memo shows that Ordinance 780 also protects the property rights of neighbors adversely affected by builds that are built out of proportion with the rest of the neighborhood (mass, bulk and scale). If a new home is built that is out of scale with the other properties in the neighborhood, negative externalities are imposed on the remaining homeowners in the neighborhood. Because multiple neighbors may be adversely affected by an out of scale redevelopment on their street, it is possible that the **aggregate cost** (monetary and non-monetary) to those homeowners absorbing the negative externalities exceeds the economic benefit enjoyed by the one seller. Those abutting out of proportion redevelopment also have property rights that should be respected and not be trampled on, although the damage to these citizens may be harder to quantify in dollar terms than, say, the proceeds received by a seller.

The Harmony ordinance, via the application of 300-foot radius language, tries to balance the private benefits from out of character redevelopment (accruing to the seller and developer) to the social costs (i.e., negative externalities) borne by other residents in the neighborhood.

The memo is organized by providing reasons behind Ordinance 780, followed by related analysis.

REASON #1: THE HARMONY ORDINANCE 780 IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN

Comprehensive plans are required by Florida law. The purpose of the comprehensive plan and how it interfaces with the body of ordinances passed by a town, was crisply defined by one municipality as follows:

The Comprehensive Plan and how it fits into the hierarchy of local regulations is often compared with the position of Florida's Constitution at the state-level. It is a document that paints in broad strokes a vision for the Town, not only as it is, but as it can be in the future. The Comprehensive Plan is made up of elements regarding state-mandated topics. Each element in turn is comprised of goals, objectives and policies. These are then implemented via the Town's Code of Ordinances, where detailed legal provisions give refinement and shape to that vision – similar to how the Florida Statutes relate to the State Constitution¹.

Ordinances give “refinement and shape” to the Comprehensive Plan – they express how the vision and broad philosophy of the Comprehensive Plan is to be implemented.

With the above as context, I excerpt some language from Juno Beach's Comprehensive Plan (the “Plan”) showing that the Town's Harmony Ordinance (Ordinance 780) and Appearance Review Criteria for single family homes are anticipated by and consistent with the broad vision established in its Comprehensive Plan.

Policy 1.1 from the Plan states the importance of maintaining the “quality” of residential neighborhoods. See the excerpt that follows:

Policy 1.1: Maintain and update land development regulations, as necessary, to ensure that the quality of residential neighborhoods is maintained.

Next, with respect to future land use, note from the excerpt below that the Plan specifically states a goal of **preserving the established character of the Town**, and **maintaining established neighborhoods**, both themes that are consistent with the the Harmony ordinance.

¹ <https://www.townoforchid.com/towncouncil/page/comprehensive-plan>

FUTURE LAND USE

A Town characterized by a community spirit that: recognizes its historical development patterns and styles, and maintains its established neighborhoods in a safe, secure, beautified and efficient manner.

GOAL: Promote future growth by supporting development and redevelopment that is sustainable, and enhances historical values and architectural styles that will preserve, enhance, and promote the established character of the Town, encourage sustainability and protect natural environmental ecosystem.

Finally, Objective 11 and Policy 11.1 of the Plan (excerpt below) sets as as a goal the preservation of neighborhood integrity, consistent quality of design, visual continuity of the community, and consistency of the character of neighborhoods, ***including*** in redevelopment situations.... **IN OTHER WORDS – HARMONY.**

Objective 11: Encourage redevelopment while promoting strong sense of community, and consistent quality of design that protects neighborhood integrity and historic and environmental resources.

Policy 11.1: The Town shall encourage infill and redevelopment of existing properties with consideration of the following:

1. Address the impact of redevelopment activities on natural and historic resources.
2. Provide for visual continuity of the community through the application of sound principles of architectural design and landscaping.
3. Be consistent with the character of the neighborhood.

REASON #2: THE HARMONY ORDINANCE IS LEGAL

In a memo dated 1/28/26 to Council addressing proposed Ordinance 796, the Town's Legal Counsel, Mr. Zackery Good, spelled out in plain language that the Town's existing harmony and appearance review criteria meet legal standards. Relevant language from Mr. Good's memo follows:

-

The Town of Juno Beach has prior existing appearance review regulations in its Code of Ordinances.

The Town's existing appearance review regulations for single-family dwellings were adopted prior to August 1, 2024, dating as far back as 1984 according to historical Town records, and therefore are not invalidated by Senate Bill 180. Under current Code provisions, single-family dwellings are subject to Planning and Zoning Board review pursuant to Section 34-116, which includes harmony-based criteria.

Mr. Good's memo continues:

Prior legal counsel for the Town of Juno Beach provided the Town Council with a legal memorandum addressing potential challenges associated with the Town's harmony and appearance criteria. Key considerations included:

1. Whether Harmony and Appearance Review are Void for Vagueness

No. An ordinance is unconstitutionally vague only if it fails to provide a person of ordinary intelligence fair notice of what is prohibited or lacks definite standards applicable to similarly situated persons. *See Jones v. Williams Pawn & Gun, Inc.*, 800 So. 2d 267, 270 (Fla. 4th DCA 2001), *rev. denied*, 821 So. 2d 305 (Fla. 2002).

2. Whether Harmony and Appearance Review Violates Constitutional Equal Protection

No. Equal protection challenges in the zoning context are difficult to sustain and require proof that a facially neutral ordinance was applied unequally for a discriminatory purpose. *See Burns v. Town of Palm Beach*, 343 F.Supp.3d 1258, 1272 (S.D. Fla. 2018)

3. Whether Harmony and Appearance Review Provide Unbridled Discretion

No. Courts have held that zoning regulations are not impermissibly vague merely because they involve judgment or discretion, provided the ordinance includes sufficient criteria to guide decision-making and prevent arbitrary enforcement. Relevant case law has upheld similar appearance and architectural review standards where parameters constrain discretion and provide meaningful guidance.

In other words, Harmony Ordinance 780 and appearance review criteria, as drafted, meet all standards of legality. Ordinance 780 was drafted by our previous legal counsel and was passed unanimously 4 times (twice by P&Z and twice by Council). It is inconceivable that the Town's previous legal counsel would draft any ordinance that is illegal, or which even stood a reasonable chance of being illegal. Indeed, Mr. Good writes in his memo of January 28:

In summary, while the Town's current harmony criteria are inherently subjective, courts have consistently recognized that subjectivity alone does not render a zoning ordinance unconstitutional where sufficient guiding standards exist.

And further writes:

The Town's existing appearance review regulations stand on relatively firm legal ground under the Town's home-rule police powers to regulate the health, safety, and welfare of the community in conjunction with existing Florida case law. However, adoption of more stringent or restrictive standards at this time may conflict with Senate Bill 180.

Item #16.

REASON #3: ORDINANCE 780 PROMOTES PROPERTY VALUES

Towns that embrace harmony meaningfully often have real estate values that trade at a premium to towns that don't, because their neighborhoods maintain uniqueness, scarcity and charm. Some examples of towns that have done this well include Boca Grande (FL), Palm Beach (FL), Greenwich (CT), Winter Park (FL), Edgartown (MA), Nantucket (MA), Amelia Island (FL), Cape May (NJ), Point Pleasant (NJ), Kennebunkport (ME), etc. There are obviously many others.

Each of these towns has an enviable real estate market. They have become destinations because their elected leaders have worked to maintain their town's unique character, so that their towns don't become a hodgepodge assortment of what the latest developer thinks will sell.

These towns have demonstrated that there are alternative ways to increase property values other than building mega mansions that are out of proportion with existing neighborhoods. They have done this by preserving the unique character of neighborhoods and branding these unique characteristics to visitors and potential buyers, which has clearly provided measurable economic benefit to homeowners.

Ordinance 780 promotes the vision outlined in Juno Beach's Comprehensive Plan. Remember that the Comprehensive Plan specifically states a goal of "preserving the **established** character of the Town," which is a key objective of the Harmony ordinance. The Comprehensive Plan also sets as a goal the preservation of neighborhood integrity, consistent quality of design, visual continuity of the community, and consistency of the character of neighborhoods, **including** in redevelopment situations. These goals are achieved through Harmony Ordinance 780, thereby enhancing property values and protecting property rights.

**REASON #4: APPLYING ORDINANCE 780 PROTECTS
PROPERTY RIGHTS OF NEIGHBORS ADVERSELY
AFFECTED BY A BUILD THAT HAS A MASS, BULK OR SCALE
THAT IS OUT OF PROPORTION WITH THE REST OF THE
NEIGHBORHOOD**

When a developer purchases a property with the intention of building a substantially larger structure than the surrounding neighborhood, it is important to note that:

- a) The vast majority of the profit opportunity from redevelopment is retained by the developer and not shared with the seller.
- b) While the developer may pay some premium to existing market price to the selling homeowner, much of this premium is subsequently eroded/lost through transactions costs like realtor commissions, moving costs, legal fees, transfer taxes and potentially capital gains taxes at the Federal level.
- c) If a new home is built that is out of scale with the other properties in the neighborhood, negative externalities are imposed on and absorbed by the remaining homeowners in the neighborhood. The term "externalities" relate to costs resulting from an economic activity that are imposed on uninvolved third parties, not reflected in the market price of a transaction².
- d) The Harmony ordinance, via the application of 300-foot radius language, tries to balance private benefits from redevelopment enjoyed by the seller and the developer to the related social costs (negative externalities) imposed on others by the redevelopment³. It protects the property rights of those neighbors who don't want to live in the shadows of the disproportionate build, or who face increased flooding or other negative property impacts from the build, all to enrich a developer who will enjoy the lion's share of the profits associated with the new build and then will leave town without having any further stake in the property or community.
- e) Now of course neighbors who don't like the mass, bulk or scale of the redevelopment can always move if they are unhappy. So why don't they? Because

² Per AI definition

³ Ibid.

the costs, burdens and externalities imposed on a resident facing such a move are substantial and include⁴:

- i. Losing the enjoyment of their current house, neighborhood and memories;
 - ii. Potentially abandoning deeply rooted nearby friendships and social networks;
 - iii. Starting all over in a new neighborhood;
 - iv. Search costs associated with finding a new house (time and money)
 - v. Moving costs, closing costs, transactions costs associated with the sale of a property, and purchase of a new property, etc.
- f) Negative externalities imposed on residents from out-of-scale development are very real, even if it is more difficult to quantify. Residents incurring these negative externalities are not compensated by either the seller or the developer involved in the rebuild. Because the costs (monetary and non-monetary) associated with moving are so substantial, many residents will choose to stay in their current house and suffer the externalities created by the redevelopment that is out of scale and proportion with the rest of the neighborhood.
- g) Those abutting out of proportion redevelopment also have property rights that should be respected and not be trampled on, although the damage may be harder to quantify in dollar terms than, say, the proceeds received by a seller.

Because several neighbors (e.g., abutters) may be adversely affected by out of scale redevelopment on their street, it is possible that the aggregate cost (monetary and non-monetary) to these homeowners that bear the negative externalities exceeds the economic benefit enjoyed by the one seller. That is among the reasons why the Harmony ordinance considers impact of out of proportion redevelopment on houses in a 300-foot radius.

- h) The Harmony ordinance, via the application of 300-foot radius language, tries to balance private benefits from out of character redevelopment (accruing to the seller and developer) to the social costs (i.e., negative externalities) borne by other residents in the neighborhood.

⁴ Recall that the average age of our residents is 69 years old, making moving a complicated and probably unrealistic option in most cases for much of our population.

REASON #5 – ORDINANCE 780 IS UNLIKELY TO SPAWN SUCCESSFUL LITIGATION

I believe that the Harmony ordinance is unlikely to spawn litigation and, even if it does occur, the litigation will be unlikely to prevail. Reasons include:

- a) The Harmony ordinance is legal, meaning that the Town has legitimate defenses under the law. Bert Harris cases have historically required a high legal threshold for success meaning victory for the plaintiff is far from assured.
- b) The Harmony ordinance is consistent with and anticipated by the Town's Comprehensive Plan. How else is Juno Beach supposed to meet the objectives of the Plan which state that the Town is to "*promote the established character of the Town,*" promote "*a strong sense of community, and consistent quality of design that protects neighborhood integrity,*" "*provide for visual continuity of the community through the application of sound principles of architectural design and landscaping,* [and] *be consistent with the character of the neighborhood?*"⁵
- c) The Harmony ordinance is designed to preserve the uniqueness of the Town and its character, which supports and enhances property values. Harmony done right does not diminish property values. It increases them.
- d) Because the issue at hand relates to redeveloping small plots of property, the profit potential from redevelopment of a single home lot is often not large enough for a developer to incur the costs, time and uncertainty associated with litigation. Developers are motivated by profit maximization, meaning that they will likely choose to focus their resources on towns that have weaker protections on harmony and architectural character. Developers don't want to be in the litigation business.
- e) Towns that value their unique character and legacy are prepared to fight for what they believe in as opposed to rolling over because of fear mongering related to an amorphous litigation risk.
- f) If Juno chooses to have weak standards on harmony, it puts itself "on sale" vis a vis those towns that value harmony enough to fight for and defend their ordinances in court. Developers naturally seek out those towns that have fewer frictions as pertain to development (e.g., weaker stances on harmony), because fewer frictions correlate with more profit.

⁵ All of the phrases in italics are included under Reason1 in the memo and are direct quotes from the Comprehensive Plan.

62

REASON #6: ORDINANCE 780's REQUIREMENTS AS TO SITE PLAN AND APPEARANCE REVIEWS

Ordinance 780 states that site plan and appearance review are vested with the P&Z Board and Council, **not Staff**, which is completely consistent with the legal requirement. The preamble to Ordinance 780 reads in part:

WHEREAS, the Town's Zoning Code currently provides that when reviewing an application for site plan and appearance approval, the Planning and Zoning Board and the Town Council determine that the proposed project "is of a design and proportion which enhances and is in harmony with the area;" and

Ordinance 780 further addresses site plan and appearance reviews, and requires that the review of a proposed build demonstrate that the proposal:

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.

Remember that this language in Ordinance 780 was deemed legal, according to Mr. Good's memo of January 28, 2026.

Section 34-116 of Ordinance 780 (excerpt below) also makes plain that the Ordinance is not limited to certain zoning districts, but rather applies to **ANY** zoning district in Juno Beach, be it residential or commercial.

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.

REASON #7: STAFF CANNOT CONDUCT APPEARANCE REVIEWS RELATED TO SINGLE FAMILY AND TWO-FAMILY HOMES

At the January 2026 Council meeting, Mr. Good explained that Staff **CANNOT** conduct appearance review related to single family and two-family houses, but rather, this authority must be vested in a board. Mr. Good stated that Juno Beach established an Architectural Review Board in 1984, and that such board was subsequently “absorbed” into the duties of the Planning and Zoning Board. While Mr. Good observed that it would be useful to codify/document this reality more formally, he made clear that Staff did not have the authority under Florida law to conduct administrative appearance reviews as concerns single family homes. Rather, such authority must be vested with a Board like P&Z or Council.

Mr. Good’s assertion was always our understanding, any of Staff’s past views to the contrary notwithstanding.

In the past, some members of Council maintained that citizens who sit on P&Z, and even Council, lack the necessary credentials to competently carry out appearance reviews of single-family homes. I always found this argument to be curious because many members of P&Z and Council reside in single family homes and so have firsthand experience of appearance review matters for single family homes, and site plan issues as well.

Of course judgment will be required by any land use board that is reviewing an application for development. But that is the board’s job – to gather facts, to consider the pros and cons of the application, to engage Staff’s and other professionals’ expertise when necessary, and to make a reasoned and informed judgment. In short, to do the hard work required of a deliberative body.

To quote again from Mr. Good’s memo, “Courts have held that zoning regulations are not impermissibly vague merely because they involve judgment or discretion, provided the ordinance includes sufficient criteria to guide decision making and prevent arbitrary enforcement.” Ordinance 780 meets this standard.

First Name ALDO

Last Name ROVERE

Address 400 Uno Lago Drive

Email Address aldoforjuno@gmail.com

Agenda Item Number (Ex: 1, 2, 3) 15-16-17

Public Comment / Question

January 22, 2026

Statement Encouraging Deference to the March 10, 2026 Election

Members of Council, Mayor, Staff, Candidates and fellow residents of Juno Beach,

I write this out of respect for this Council's service, for the rule of law, and most importantly, for the citizens of Juno Beach who will soon exercise their most fundamental right: the right to vote.

On March 10, 2026, our community will elect a mayor and two council members. Three seats representing a majority of this governing body will be determined by the voters. Only one of those seats is currently held by an incumbent. By any measure, this election has the potential to significantly reshape the policy direction of our Town.

Against that backdrop, I ask this Council to pause and reflect on the consequences of fast-tracking highly consequential and deeply contentious land-use ordinances in the weeks immediately preceding that election.

I want to be clear: this is not an argument against property rights. Nor is it an argument against adapting to state law, including Senate Bill 180. Reasonable people can and do disagree on where that balance should be struck. But the question before us at these next Council meeting is not what policy choice is ultimately made, it is who should make it, and when.

SB 180 is, by its own terms, temporary. It sunsets. It faces legal and legislative uncertainty in the coming term. The Florida Weekly wrote recently, "We're hoping to see legislative fix for SB 180, the 'Emergencies' bill, which started out as a really good bill, adding some clarifications and necessary legal tools to deal with the storms we experienced two seasons ago. But then the 11th hour, (legislators changed) that bill and it became hugely detrimental to communities like Sanibel and Captiva, or anywhere."

The ordinances now being advanced would permanently restructure local processes, eliminating Planning and Zoning review, relaxing long-standing harmony standards, and reshaping development expectations in ways that will outlive both SB 180 and this Council's current composition.

From: Lewis Wheeler <lewwheeler@comcast.net>
Sent: Saturday, March 23, 2019 4:46 PM
To: ffahy@aol.com; jrl1701@gmail.com; jason3072661@gmail.com;
stukatzen@gmail.com; Caitlin Copeland <ccopeland@juno-beach.fl.us>
Subject: 461 Venus Development

CAUTION: This email originated from outside of the Town of Juno Beach. Whether you know the sender or not, do not click links or open attachments you were not expecting.

I am writing concerning the development at 461 Venus Drive. I, as well as other neighbors and residents are disappointed to again see that 3 of the P&Z board members forwarded this development on to Council even though they were not given proper information from our Planning and Zoning Dept and were not given guidance as to what the criteria are in approving or declining an application or asking for modifications of a development. Citizens showed up to the Planning and Zoning meeting and requested that they hold off on a vote so that the citizens would have the opportunity to review the plans. Several members of the community spoke about this issue on behalf of the surrounding neighborhoods.

It is my understanding that the entire code section for RMT was not given to the P&Z Board. The Board was only given the applicants forms that contained selected sections of the code and staff's opinion letter. Planning and Zoning should have had their zoning books at the meeting or at the least been given the entire code section on RMT Zoning. They should have also been advised of all the criteria in moving a development on to Council. And, if I am not mistaken, should have been given or referred to Division 4 SITE PLAN AND APPEARANCE REVIEW.

The Planning Dept did not fully explain the RMT criteria and required responsibility to the P&Z Board. In addition, information given to P&Z from staff for comparable heights of the structures surrounding this development are not accurate. This is reason enough to send the application back to Planning and Zoning so they can do a thorough job for Council.

Also, citizens did not have adequate time to look at the development and analyze the new plans. This is critical in order for Planning and Zoning to hear all of the possible infractions. Look at what happened last time when the developer had an extra floor on the building and no one caught it but the citizens!

These same citizens recommended to P&Z that this process be delayed because the P&Z meeting was on March 4th a Monday after the Board and citizens received it late day on Friday March 1st. This is insufficient notice for everyone involved.

This is an extremely important issue in town that does effect everyone because of the massiveness of the building so close to our Town Hall Park. In addition there will be a negative effect from the massive visual incompatibility on residents and visitors that travel daily on Ocean Drive!

One of our assets beside the wonderful beach and lake is the beautiful hillsides that make Juno Beach unique from the entrance to the south all the way to Donald Ross on the north. If this development is allowed to happen as it is presented it will be a stark massive wall. It will also be a lasting reminder that Juno Beach will not be the quaint small town that we love.

Council does have complete authority to ask for modifications or additional information and requirements from the developer. That is why they are required to come before P&Z and Council. Not to just sign off on a development but to protect the residents by way of our RMT zoning codes which give absolute right as a P&Z Board or Council to require, modify or change items.

The Council can require or request any of the following:

Have the developer lower the building into the ground by a foot and push the building to the west as the original drawing showed so that the building is built into the hillside. This accomplishes the point of building on a hillside and that's having a floor nestled into the ground not having all the floors sticking above ground. Case in point; my house at 460

The proportion, scale and massing is critical in approving or denying this development as well as the number of towers allowed.

When Len Rubin was asked about proportion, scale and massing in a letter from Chris Huffman he stated and I quote:

"In this context, proportion, massing and scale are relative concepts. I believe that the intent is to ensure that the proposed structure is not out of character with the surrounding area in terms of appearance. These concepts require a comparison between the proposed structure and the existing structures and are not strictly quantifiable. For example, notwithstanding the actual height and width, the scale and massing of a building can be mitigated through various materials or design elements. These are terms of art, which is why laypeople we must rely on the professional opinion and judgement of the Town's planning staff." Len Rubin

This is an opinion but not a practical answer. Leaving such an important decision to a Town Planner is not always wise. Town Planners are suppose to give all relevant information for Council to make their own decision not make these important decisions for Council. I am not being disrespectful and I realize that staff always tries to do a good job but they do not live in town and this will not affect them. Our residents that live here and look at this development the rest of their lives will be affected. While Mr Rubin suggests that the citizens and Council are "laypeople and should rely on our Town Planner's judgement". I respectfully disagree. Neither of our town planners ever mentioned to P&Z or Council the issues from the Zoning Book that deal with the problems of character, scale and massing nor did they tell P&Z about the illegal extra story that does not follow our zoning codes. While our acting Town Planner is a fine young man I am not sure that leaving a decision that will affect the town and citizens the rest of our lives should be left solely up to the Town Planners recommendation.

Council's job is to be aware and make sure mistakes don't happen within our town. Council does not need to follow staff recommendations that may not comply with code. Nor should the citizens be ignored.

Len Rubins statement "out of Character in terms of appearance" holds true if a developer is building a structure whose appearance is not keeping within the neighborhoods similar appearance i.e a building that is next to the street that does not have windows or balcony's for relief. That is part of what "out of character" means BUT it also means within the existing neighborhoods and how it compares to existing structures in mass and scaling. That is quantifiable and that's why we have the zoning code that state that Council can quantify a building that dwarfs the neighborhood.

Section B clearly states Town "should NOT INCLUDE matters related solely to design, style, architectural theme or other purely aesthetic issues."

Again, I am asking the council to require the developer to provide a physical to-scale model of the neighbors to the south, the north and the Town Hall Park to the east prior to any approval. This slight delay allows the citizens an opportunity to present their position and it shows council an important aspect.....what this structure actually looks like on the lot compared to the surrounding area. It is also important step in order to see the proportion, mass, scaling and characteristics that is part of the approval process.

As you may recall from the previous application last year the renderings used misled both P&Z and the Council. These renderings made Council believe that this development was smaller than it was.

If you look at the rendering from the first submittal you cannot even see the 2nd unit or the 2nd tower on 461 Venus Drive. Also 460 Atlantic Blvd looks visually larger than it is. The developer is doing the same thing on this submittal to apparently get their project quickly approved.

Renderings in the new application are also visually inaccurate and are from angles that make the development look small. The developer shows a rendering from high in the air at the same elevation as their finished floor and that's at 33.5. Ocean Drive is approximately at 16 feet and the park is at 18 feet above sea level. You can see how these renderings benefit this developer. The town staff also told members of P&Z that the height of the proposed development is similar to my home at 460 Atlantic Blvd. That is incorrect information. The top of my roof is 38.5. The proposed development is at 49'. That is 11.5 feet higher. My finished floor elevation is at 32.5 a foot lower than the

proposed development and we sit on the same elevation lots. This development should not be allowed to go higher than my house where the finished floor elevation is at 32.5.

Council will be shown a chart of all the homes surrounding the development and their elevations either prior to the meeting or at the meeting.

Lack of accurate information given to P&Z should alone warrant that this application be sent back to P&Z. If Council makes that decision it would also allow Planning and Zoning to:

- A) Request a physical to-scale model to see the relationship to the surrounding areas
- B) Be given correct and adequate information
- C) Have the opportunity to see and hear the issues from the citizens to make an informed recommendation. (The citizens did not have enough time to analyze the structure and present to P&Z)

In addition property in the neighborhoods will be devalued. All of these points are critical because a decision can change the face of our community forever.

LOCATION ON PROPERTY

Please take note that if you allow this developer to push the building to the bottom of the lot it creates another issue. That issue is that at the top of the hill the elevation is 43 feet above sea level. That means the building is set into the ground 10 feet because the finished floor elevation is at 33.5. So you would not see one of the floors. This is similar to what you see at 460 Atlantic Blvd. You only see the entrance to the garage. By doing this you also push the building back towards the residential section versus it towering over the park. The number one reason that you want to do this is so massive walls are not constructed right next to our park on the east and in the back of the development at the west. If you can visualize the park at 18' above sea level at its highest point and the finished floor that is feet always from our park is at 33.5. That is 15.5 feet of walls to get to the finished floor right next to the park. So even though there might be several tiered walls, the walls are only feet apart so it still effectively is 15.5' of total walls. This is not what we should see next to our park or on the hillside! The developer should go back to the original location plan with the development back to the west. The original plan did have an extra floor and they have corrected that by taking it off but they should never have pushed the building down to the bottom where the hill could not absorb some of the height. By requiring them to go back to that plan would effectively make the development not look so massive. By pushing it back to 10' from the property line it puts 8-10' of that first floor underground!

TOWERS

The citizens have repeatedly advised the P&Z Board that two towers were not permitted by code.

Staff has told us that "it is staff's opinion" that a two-family dwelling unit is allowed to have two tower features. They use Mercury Rising as an example. Staff made a decision on a completely different zoning code. Mercury is in an RM00 area and is a totally different location with condos and townhomes around it. This does not mean they should allow it for RMT with residential homes surrounding this development. Staff made an error on the Mercury towers but should not be permitted to make the same mistake again! Just because staff states they did it before does not mean they should make the same mistake twice.

Remember staff recommended approval of the first application. This approval was legally challenged with a Writ of Certiorari by the neighbors. Staff's opinion or recommendation led Council to approve a two family structure that was illegal based on our town's zoning codes.

So the zoning book under RMT clearly states "a tower" whether it's a single family, two family, townhouse single, townhouse cluster, or multi family! "A tower" does not mean 2 towers.

If you applied staff's interpretation of a tower for each family unit think about what the future holds in all the the zoning districts RMT, RM00 and RM2 that code says "a tower". Every future two family, townhouse, townhouse cluster and multifamily could request towers for each unit. If these are narrow units it would almost be a solid additional story of towers.

This would open up a future troublesome issue for the town with staff interpreting the code as they suggest.

Council does not have an obligation to help sell the developers property by giving a tower for each unit. Nor is council responsible or required to follow "staffs opinion" because they did it on Mercury. The citizens are asking you to be aware of zoning infractions and future zoning issues.

PARKING/STORAGE

1. Current submitted site plan has only 56.5% parking when code specifically states one of the conditions of approval of an additional story is "must have 75% parking under floor area". The citizens do not believe that the percentage numbers for parking vs storage on the other homes cited by staff are accurate. 460 Atlantic Blvd is more around 80% parking and 20% storage.

RETAINING WALLS

The developers decision to move the building to the bottom of the lot creates a structure that sits at an elevation of 82.5 feet from sea level. The park sits at 18 feet above sea level which means to reach a finished floor elevation of 33.5 you need 2-3 stacked walls that will be 15.5 feet in total height right next to the Town Hall park.

So, if you can visualize solid stacked walls that total almost 15' combined. Then the building starts at 33.5 feet (461 Venus, finished floor) and then towers up to a height of 49' above that so a total of 64' above the park. So now this massive development is sitting down at the bottom of Venus Drive and towers over Town Hall Park at 64 feet in the air! The look from Ocean Drive and the park and as you travel up the hill will be looking at a massive condo building. Please try to imagine that visually. As you drive down Ocean Drive you will see The Tower condominium on the beach side and this development at 461 on the west. It creates a canyon or tunnel effect because the development at 461 is as high as a 7 story condo building! Without a physical to-scale model of the neighboring houses from Ocean Drive to the west and including Surfside, Venus Drive, Town Hall Park, 460 Atlantic Blvd and Ocean Ridge it is very difficult to visualize these walls and the massive structure. The development will affect the ambience and visual quaintness of our town.

ELEVATION

Another infraction was incurred when the developer did not use the elevation numbers on the original survey but put the low elevations onto the Town Hall Park site (the two surveys with the numbers will be provided). The building's finished floor elevation should be lowered by at least another foot to match the elevation on the house at 460 Atlantic Blvd that sits on the same elevation lot. The original survey elevations should have been used because the original structures were torn down and additional fill dirt was brought in to absorb the void where the basements were. This added fill allowed the developer to present a higher elevation.

Just because a developer brings a design does not mean Council need to approve every aspect if it goes against our code even if town staff recommends it.

During this application process I would ask that you:

Make sure you have the correct Zoning Book that provides for the entire code for RMT at the next meeting. The tower section has been left out of some of the books and is a critical section to follow.

Refer to RMT and also the Appearance Criteria and Required Certiorari in Division 4 of the Zoning Book.

Here is a list of the problems with the new application.

Two towers when code book, verified by attorneys, clearly states "a tower" or one tower no matter what type of structure
Mass size and scaling, proportion and characteristics of the neighborhoods
Lower Elevations not shown on developers plan that would have set the building at 32.5 vs 33.5

Height of the walls are also massive and create an almost prison like look
Building is pushed away from natural hillside so entire building is out of the ground instead of a story being in the ground as seen on Surfside and Atlantic Blvd homes.
High walls next to our Town Hall Park
Parking verses Storage ratio

Reliance on staff to provide correct information resulted in the citizens hiring an attorney and filing a Writ of Certiorari against the town because the building had two towers and an extra story.....both illegal in our zoning codes. Under staff's direction in the previous application the building had 4 stories and a cupola and did not meet our zoning codes. This new plan now has 3 stories and a cupola but these same attorney's believe that the second tower is in violation of the zoning codes and the mass size and scaling are also in violation of the town's zoning codes

The developer is obviously trying to maximize their profit with the massive size of the building and incorporating a second tower. The developer will be gone in two years and will have pocketed their profits. The citizen's in the neighborhood and visitors to the Town Hall Park will have to look at this massive structure for decades.

Every time you drive down Ocean Drive you will see a condo size building towering above our park creating a canyon/tunnel look on Ocean Drive. This is not consistent with keeping our quaint small town charm.

This development will also affect and lower property values on all neighboring properties because it is massive and it will block views. But worse yet it will look like a giant condo among all the nice homes. Staff will tell you you can't protect views but the code states you can't diminish property values either.

So the proportion, scale and massing compared to the surrounding developed properties can lower our property values. Just because 461 Venus might be able to sell this development at a high dollar value does not mean it would not devalue all the properties surrounding it! Devaluation is a criteria for not approving the structure.

It will affect the ambience and visual quaintness of our town.

Here are some options for the Council:

Send this application back to P&Z because P&Z was not given sufficient and accurate information. This also gives the citizens the opportunity to present to P&Z so that their recommendation to council can come from understanding all pertinent information. Council can have the developer submit a new plan that's compatible with the neighborhood.

Council can have the developer submit a new plan that's compatible with the neighborhood with only one tower and a finished floor of 32.5 set to the west of the property so that it is built into the side of the hill instead of protruding out of the ground. Council can require the developer to lower the finished floor elevation to match the lot to the north that is at 32.5, move to the west of the lot and to remove the two towers. This would allow for scale and massing to be adjusted downward to be compatible with the neighborhood. (This is the best scenario).

Since the development on this site is not compatible regarding size and massing as well as less than 75% parking, DO NOT allow an additional story so it becomes a two story structure. The overriding element here is that the structure is not compatible with neighborhoods. As you drive up Venus Drive the home to the south have one story out of ground. The home to the north has 2 stories out of the ground (the 2nd story is a partial story). This massive development which is not single family but 2 family will have 3 stories and a cupola which is another 10 ft structure so you can call it 4 stories. Even though the developer says they are under the maximum lot coverage (by a few percentages) it really has little bearing. The reality of this project is that the development on the north unit is 8,527 sq ft total and the south unit is 8,527. That is 17,054 total sq ft of building!

Only council can protect our town. This is one of the last very large if not the largest lot in town. We will look and drive by this massive development every day.

We want to keep Juno Beach the quaint small town that it is and that feel is part of what we love about Juno Beach.

Please stand by the citizens vision and look at this application through the eyes of the citizens and not staff and the developer. Please do not allow a massive structure to be developed right to Ocean Drive and our beautiful Town Hall Park!

It will effect the landscape of our community forever.

Thank you for your consideration,

Lew Wheeler

Motion to ask Staff to accomplish the following 6 things:

1. Create an Ordinance that amends the Zoning Code to return Appearance Review for single family detached homes to the town Planning & Zoning Department and removes it from the responsibilities of the Planning & Zoning Board.

2. Create an Ordinance that adds clarifying language to our Zoning Code stating the original intent is to be followed when judging Harmony for single family homes, which is that the Harmony requirements adopted in 1992 restricted the APPEARANCE of a proposed home (no castles or domes), but not the SIZE, MASS, BULK, SCALE, or PROPORTION of the home.

3. Publicize the existing Zoning Code restrictions on house sizes by the height and lot coverage limits, and minimum setbacks listed for the various zoning districts.
4. Publicize that the existing Harmony definition and statements in our Code regarding aesthetically pleasing buildings, etc. are informational regarding the intent of town codes, but not enforceable requirements.

5. Create an Ordinance that revises the architecture requirements in our Zoning Code to clarify that "building design elements" are not to be used in staff decision making as to whether a proposed single family detached home is acceptable.

6. Continue with current plans to encourage voluntary compliance with the town's preferred architectural styles such as with the Pattern Book now being produced.

Town of Juno Beach Comprehensive Plan

Future Land Use

Objective 11: Encourage redevelopment while promoting strong sense of community, and consistent quality of design that protects neighborhood integrity and historic and environmental resources.

Policy 11.1: The Town shall encourage infill and redevelopment of existing properties with consideration of the following:

1. Address the impact of redevelopment activities on natural and historic resources.
2. Provide for visual continuity of the community through the application of sound principles of architectural design and landscaping.
3. Be consistent with the character of the neighborhood.

Housing

Objective 9: To require architectural styles of all future housing and other structures that reflects the “Old Florida” theme sought by the Town.

Policy 9.1: Continue the application of applicable architectural and building codes that provide for the definition, identification, and regulation of “Old Florida” architectural styles, as well as, necessary incentives to promote this theme.

Policy 9.2: The Town shall continue to evaluate the “Old Florida” architectural theme during project reviews. For projects requiring Planning & Zoning Board review, the Board shall consider the architectural theme of a project during its review and recommendation, and the Town Council shall consider the architectural theme during its review and final determination (or disposition) of a project.