



REVISED - PLANNING AND ZONING BOARD AGENDA

April 06, 2026 at 4:00 PM

Council Chambers – 340 Ocean Drive and YouTube

NOTICE: If any person decides to appeal any decision of the Planning & Zoning Board at this meeting, he or she will need a record of the proceedings and for that purpose, he or she may need to ensure that a verbatim record of the proceedings is made, such record includes the testimony and evidence upon which the appeal is to be based. The Town does not prepare or provide such record. ***Persons with disabilities requiring accommodations in order to participate in the meeting should contact Caitlin E. Copeland-Rodriguez, Town Clerk, at least 48 hours in advance to request such accommodations.***

The meeting will be broadcast live on The Town of Juno Beach YouTube page and can be viewed any time at: <https://www.youtube.com/@townofjuno-beach477/streams>

HOW CITIZENS MAY BE HEARD: Members of the public wishing to comment publicly on any matter, including items on the agenda may do so by: Submitting their comments through the Public Comments Webform at: <https://www.juno-beach.fl.us/1371/Public-Comments> (*all comments must be submitted by Noon on day of Meeting*). Please be advised that all email addresses and submitted comments are public record pursuant to Chapter 119, Florida Statutes (Florida Public Records Law). Make their comment in-person; or participate from a remote location using Zoom – please contact the Town Clerk at ccopeland@juno-beach.fl.us by Noon on the day of the meeting to receive the Meeting ID and Access Code. (*Please note that all members participating via Zoom must login at least 15 minutes prior to the meeting and will be muted upon entry until Public Comments is called*).

****Please note that the Zoom meeting will lock for public comments at 4pm and no other entries will be permitted.***

All matters listed under Consent Agenda, are considered to be routine by the Planning & Zoning Board and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

CALL TO ORDER

PLEDGE ALLEGIANCE TO THE FLAG

PRESENTATIONS

- [1.](#) Swearing in newly appointed Planning and Zoning Board Members
- [2.](#) Designation of Chair and Vice Chair for the Planning and Zoning Board
- [3.](#) Annual Review of Sunshine Laws
- [4.](#) Annual Review of Planning and Zoning Board Duties and Responsibilities

ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA

COMMENTS FROM THE TOWN ATTORNEY AND STAFF

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 Board). The Board will not discuss these items at this time.

CONSENT AGENDA

- [5.](#) Planning & Zoning Board Meeting Minutes - March 2, 2026

BOARD ACTION/DISCUSSION ITEMS

[6.](#) ORDINANCE NUMBER 795

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.

[7.](#) ORDINANCE NUMBER 796

ORDINANCE NO. 796 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING SECTION 34-115, "INTENT AND PURPOSE," 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.

[8.](#) ORDINANCE NUMBER 797

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, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

COMMENTS FROM THE BOARD

ADJOURNMENT



Meeting Name: Planning and Zoning Board Meeting

Meeting Date: April 6, 2026

Prepared By: Davila, F. CFM.

Item Title: Swearing in newly appointed Planning and Zoning Board Members

The Town Attorney will be administering the oath of office to the newly appointed members of the Planning and Zoning Board.



Meeting Name: Planning and Zoning Board

Meeting Date: April 6, 2026

Prepared By: Davila, F, CFM.

Item Title: Designation of Chair and Vice Chair for the Planning and Zoning Board

Planning and Zoning Board Members will be nominating and designating the positions of Chair and Vice Chair during the upcoming meeting.

The Town Attorney will open the nominations for these positions. Members will then proceed with the selection process.



Meeting Name: Planning and Zoning Board
Meeting Date: April 6, 2026
Prepared By: Davila, F, CFM.
Item Title: Annual Review of Sunshine Laws

BACKGROUND:

Town Attorney Good will be conducting a review of the Sunshine Laws with the Planning and Zoning Board members.

RECOMMENDATION:

Staff is prepared to discuss and answer any questions on this item.

FLORIDA SUNSHINE, PUBLIC RECORDS, & HEARINGS ON LAND USE MATTERS

PREPARED FOR THE
TOWN OF JUNO BEACH, FLORIDA
BY TG LAW PLLC





OVERVIEW

- ❖ Introduction to Florida Sunshine and Public Records
- ❖ Introduction and Guidance for Hearings on Land Use Matter

FLORIDA SUNSHINE AND PUBLIC RECORDS





INTRODUCTION TO THE SUNSHINE LAW

- ❖ Florida's Sunshine Law, under Chapter 286 of the Florida Statutes, mandates transparency in governmental proceedings, applying to state and local bodies to ensure public access.
- ❖ Article I, Section 24 of the Florida Constitution: "All meetings of any public body of the executive branch ... shall be open and noticed to the public."

PURPOSE AND INTENT OF THE SUNSHINE LAW

- **Purpose:** To guarantee open access to government-related meetings.
- **Intent:** Ensure public awareness of officials' actions within the scope of their duties.

City of Fort Myers v. News-Press Publishing Co., Inc., 514 So.2d 408 (Fla. 2d DCA 1987)
Decisions by public bodies should be made openly



CORE REQUIREMENTS FOR MEETINGS

- **Key Requirements (§ 286.011, Florida Statutes)**
- All meetings must be open to the public.
- Reasonable notice must be provided.
- No binding actions unless taken in a public meeting.

“Decisions” include discussions, deliberations, and recommendations as part of official action



NOTICE REQUIREMENTS

- **Attorney General's Suggested Guidelines**
- Notice must include time, place, and agenda summary.
- 24-hour notice is sufficient for emergencies.

MEETING LOCATION REQUIREMENTS

- Meetings should be held in public, accessible locations.
- Avoid restrictive places like restaurants, small rooms, or locations with discriminatory access.

REQUIREMENTS FOR MEETING MINUTES

- **§ 286.011, Florida Statutes**
- Minutes must be recorded promptly and made available for public inspection.
- Written minutes are required; recording is optional but can support the written record.

PUBLIC PARTICIPATION RIGHTS

- **§ 286.0114, Florida Statutes**
- Public must have a reasonable chance to be heard, either at the same meeting or another within a reasonable time.
- Participation need not be at the decision-making meeting but must occur before final action.

PUBLIC PARTICIPATION GUIDELINES

- Public has the right to hear all board-related comments.
- Avoid side conversations, sidebars, private notes, or messages during meetings.
- Time limits on comments are permitted but should not limit meaningful participation.

SCOPE OF COVERAGE

- **Who is Covered?**
- Elected bodies, advisory boards, and any individuals delegated authority to act on behalf of the board.
- Includes council members, councilmembers-elect, and advisory board members.

ELECTRONIC COMMUNICATIONS

- **Restrictions on Electronic Communication**
- Board members cannot discuss board business through private electronic means (emails, texts).
- This rule prevents any actions or decisions from being made outside the public eye.
- Board members should not use “Reply All” in board-related emails



INFORMAL GATHERINGS AND SOCIAL EVENTS

- Members may attend social gatherings if public business is not discussed. Violations occur if board-related matters are discussed in private gatherings, even informally.
- Discussions at private events that could influence decisions are prohibited.
- Nonmember as Liaison: Third parties who are not members of a collegial body may not be used to exchange information between members of the body if such an exchange would otherwise be subject to the Sunshine Law.

EXEMPTIONS TO SUNSHINE LAW

- **Major Exemptions**
 - pending litigation discussions;
 - collective bargaining;
 - risk management; and
 - vendor negotiations.
- Attorney-client sessions (Shade Sessions/Executive Sessions) have strict rules and are limited to specific litigation strategies



VOTING AND ABSTENTION REQUIREMENTS

- **Voting Rules (§ 286.012, Florida Statutes)**
- Members present must vote unless a conflict of interest exists and is disclosed.
- A member's failure to vote does not invalidate the meeting, but full disclosure is required for conflicts.
- Conflicts of interest must be publicly disclosed, and abstention should only be used in such cases



VIOLATIONS AND CONSEQUENCES

- Civil and criminal penalties, removal from office, and attorney fees may apply.
- Violations can render actions void unless they are appropriately “cured.”
- Penalties include noncriminal infractions, second-degree misdemeanors, and possible fines up to \$500.



CURING VIOLATIONS

- **Cure Process:** A violation can be corrected with a new meeting that allows public input and follows all Sunshine Law requirements.
- Simply ratifying actions without proper procedure is insufficient.
- **“Curing”** requires full transparency and a valid public hearing to validate actions.

CASE EXAMPLES OF VIOLATIONS

- *City of Bradenton Beach v. Metz*, 2017 CA 003581 Fla. 12th Cir. Ct.: Informal meetings involving planning and zoning violated the law.
- *State v. Foster*, 12 Fla. L. Weekly Supp. 1194 (Fla. 17th Cir. Ct. 2005): A private meeting with multiple commissioners was deemed a violation due to “common facilitator” issues.
- Escambia County Commission Chairman – **sentenced to jail** for a Sunshine Law violation; served 38 days of a 60-day sentence.





FLORIDA PUBLIC RECORDS LAW CHAPTER 119, F.S.

§ 119.11 (12), Florida Statutes: “Public records means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

NOTES OR NON-FINAL DRAFTS

- There is no “unfinished business” exception to the public inspection and copying requirements of Chapter 119, Florida Statutes.
- If the purpose of a document prepared in connection with the official business of a public agency is to perpetuate, communicate or formalize knowledge, then it is a public record regardless of whether it is in final form. *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So.2d 633, 640 (Fla. 1980).

WHAT AGENCIES ARE SUBJECT TO PUBLIC RECORDS LAW?

- “Any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Services Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation or business entity acting on behalf of any public agency.” § 119.011(2), Florida Statutes.



COMPUTER RECORDS AND EMAIL

- Information stored in a public agency's computer "is as much a public record as a written page in a book or tabulation in a file stored in a filing cabinet." *Seigle v. Barry*, 422 So.2d 63, 65 (Fla. 4th DCA. 1982).
- Email messages made or received by agency employees in connection with official business are public records and subject to disclosure in the absence of a statutory exemption from public inspection. Op. Att'y Gen. Fla. 96-34 (1996).
- **EXCEPTION** - Private emails stored in government computers do not automatically become a public record simply by virtue of that storage. *State v. City of Clearwater*, 863 So.2d 149 (Fla. 2003).



TRANSITORY MESSAGES

- Transitory messages are messages of short-term value based upon the content or purpose of the message, not the format used to transmit it (e.g., reminders, event notices, etc.)
- Transitory messages are not intended to formalize or perpetuate knowledge, do not set policy, establish guidelines, confirm a transaction or act as a receipt.
- Retain until obsolete, superseded, or administrative value is lost.

WHO RESPONDS TO PUBLIC RECORDS REQUESTS?

- “Custodian of public records” mean “the elected or appointed state, county or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.” § 119.011(5), Florida Statutes.
- In Juno Beach, public records requests are routed through the Public Records Request Coordinator.

WHO IS AUTHORIZED TO INSPECT PUBLIC RECORDS?

- **ANYONE!** Section 119.01, Fla. Stat.
- No “legitimate need” or “special purpose” requirement. See *State ex rel. Davis v. McMillan*, 38 So.2d 666 (Fla. 1905).

WHEN MUST AN AGENCY RESPOND TO A PUBLIC RECORDS REQUEST?

- Custodian of records must promptly acknowledge request and respond in good faith.
- No statutory time to respond, but custodian must make reasonable efforts to do so.

EXEMPTIONS TO PUBLIC RECORDS LAW

- See Section 119.071, Florida Statutes.
- The Public Records Law is liberally construed in favor of open government.
- Exemptions are narrowly construed.
- Burden is on the agency to illustrate why a record falls within the statutory exemption.



SUMMARY OF KEY POINTS

Sunshine Law ensures transparency in government.

Key compliance points: public access, meeting notices, record-keeping, and public participation.

Violations are serious but can be corrected through public action.

Public Records Law (Chapter 119, Fla Stat.) mandates open access to all forms of public records, including electronic formats.

CONDUCT OF HEARINGS ON LAND USE MATTERS





AGENDA

- ❖ Legislative Matters
- ❖ Quasi-Judicial Matters
- ❖ Ex Parte Communications and Quasi-Judicial Bias
- ❖ Findings of Fact
- ❖ Best Practices

LEGISLATIVE MATTERS

- **Legislative Matters involve setting POLICY**
- Adopting or amending the Comprehensive Plan
- Adopting or amending Land Development Regulations

LEGISLATIVE HEARINGS

- Broad/general notice
- Wide-ranging public hearing, including consideration of pure preferences and opinions, conjecture and assumptions
- Presentation of evidence: anything relevant
- Substantial discretion: Board Members as policy-makers

REVIEW OF LEGISLATIVE DECISIONS

- “Fairly Debatable” Standard of Review
- There must be a reasonable basis to support the action
- Upon review, a Court:
 - may not second guess the wisdom of the local government’s action; and
 - must affirm if there is any reasonable basis for the decision and that there are no constitutional violations

REVIEW OF LEGISLATIVE DECISIONS

- Legislative findings may be based on rational speculation unsupported by evidence or empirical data.
- Can legislate as an experiment, with no proof of efficacy.
- If the decision is challenged, the Town has the opportunity to create additional evidence to support it – additional studies, expert testimony, etc.
- *Membreno v. City of Hialeah*, 188 So.3d 13 (Fla.3rd DCA 2016)

QUASI-JUDICIAL MATTERS

- Application of the general policies and rules (the Town Code or the Comprehensive Development Plan) to specific properties
- Cannot create new policies to govern the decision without first going through a legislative process
- Examples: Rezoning, Conditional Uses, Variances, Special Exceptions,

QUASI-JUDICIAL HEARINGS

- Notice to owner and affected persons – entitled to participation because of their uniquely impacted rights
- Two key elements:
 - the finding of facts regarding the specific proposal
 - the exercise of judgment and discretion in applying adopted policies to the specific situation
- Board acts as “judges”



QUASI-JUDICIAL HEARINGS

- Where conflicting evidence is presented, the Board has the responsibility of deciding how much weight to accord each piece of evidence.
- Continued hearings: must be present for all or must review the complete record of portions missed.
- All exhibits and materials presented must be kept as part of the record.
- Review is based on the record: No ability to create additional evidence after decision is made.
- Board should give due consideration to the professional judgement of Town Staff, but the question of what the Code/Plan means is a question of law for the Board to decide.



REVIEW OF QUASI-JUDICIAL DECISIONS

- Decisions by the Town in a quasi-judicial capacity are subject to narrow and limited review by certiorari on the record in Circuit Court:
 - Whether procedural due process was accorded;
 - Whether the essential requirements of the law have been observed; and
 - Whether the decision is supported by competent substantive evidence
- Petitions for writ of certiorari must be filed within 30 days of rendition of the development order to be reviewed. Cannot be extended.
- Denials must cite to the legal authority for the decision – see Section 166.033, Fla. Stat.
- *Bd. of Cnty. Comm'rs of Brevard Co. v. Snyder*, 627 So. 2d 469, 476 (Fla. 1993)



COMPETENT SUBSTANTIAL EVIDENCE

- Whether the decision is supported by competent, substantial evidence means evidence that a reasonable mind would accept as adequate to support a conclusion
- Substantial Competent Evidence from lay witnesses/residents must be “fact-based”
- Subjective preferences (“love it”/“hate it”) are not fact based and do not constitute competent, substantial evidence
- Conjecture or assumptions are irrelevant to the issues



COMPETENT SUBSTANTIAL EVIDENCE - EXAMPLE

- If you want to find that property values in the neighborhood will be harmed by a proposed project, you must base your conclusion on record evidence rather than your gut.
 - Testimony from an appraiser about the impacts of a similar project
 - Is it truly similar? Does the record reflect that, or are you just relying on your knowledge of the area? Need to state/show what may be obvious to local citizens, so that a reviewing court can see that evidence supports your conclusion
- Presentation of facts that would allow a reasonable person to conclude property values would go down
 - property owners testifying in detail about personal knowledge of the appraisals or sales prices or cancelled sales contracts resulting from similar development or from the pending application
- Relevant personal knowledge must be explained if it is to form the basis of your motion or vote



EX PARTE COMMUNICATIONS

- Communications outside hearings are presumed prejudicial and must be disclosed publicly before decision-making.
- “A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. . .” Section 286.0115(1)(a), Florida Statutes
- When this procedure is followed, the presumption of prejudice is removed
- Disclosure is required at the time of consideration by the board.



QUASI-JUDICIAL BIAS

- Bias, undisclosed ex parte communications, and close family or business ties can disqualify Board Members from participating or voting as a matter of due process – even if there is no statutory conflict of interest
- Those participating in quasi-judicial proceedings have a right to expect impartial decision-making on the basis of the evidence presented.
- Decision-makers should not take a position on a quasi-judicial application until each party has made its presentation at the hearing.
- Board Members should not actively involve themselves in efforts to support proponents or opponents of a quasi-judicial land development action to reduce risk of litigation



CASES RELATED TO QUASI-JUDICIAL BIAS

- *Huntley's Jiffy Stores, Inc. v. Brevard County*, Case No. 90-12261-AP (18th Cir. Ct. 1991) (denial of rezoning based on resident opposition)
- *Edelstein v. City of Miami Beach*, 3 Fla. L. Weekly Supp. 89 (Fla. 11th Cir. Ct. April 7, 1995) (campaign promises to support a downzoning in advance of the hearing)

FINDINGS OF FACT

- The Florida Supreme Court in *Bd. of Cnty. Comm'rs of Brevard Co. v. Snyder*, 627 So. 2d 469, 476 (Fla. 1993) ruled that the local government “will NOT be required to make findings of fact” to support its decision on an application for rezoning.*
- However, written findings of fact can aid in case of appeal to support the local government’s quasi-judicial decisions

* NOTE – HB 399 takes effect January 1, 2027, and impacts denials; requiring certain findings be issued



BEST PRACTICES

- ❖ Be an objective decisionmaker
- ❖ Make decisions based on the information presented
- ❖ Be an effective and prepared Board Member
- ❖ Make sound decisions and defensible motions
- ❖ Added conditions should be rational and not overlap or conflict with staff



Meeting Name: Planning and Zoning Board
Meeting Date: April 6, 2026
Prepared By: Stephen Mayer, Principal Planner
Item Title: Annual Review of Planning and Zoning Board Duties and Responsibilities

BACKGROUND:

On March 25, 2026, Town Council appointed members for the Planning and Zoning Board along with an Alternate Board Member for a one-year term so that the Board may resume its regular functions for the Town Council.

PLANNING AND ZONING DUTIES SUMMARY:

Per Sections 20-23 through 20-27, the Planning and Zoning Board is established and its duties assigned by Town Council. Although the duties may be assigned from time to time by the Town Council, certain duties are established in Section 34-28. The Planning and Zoning Board shall issue recommendations to the Town Council and Zoning Board of Adjustments and Appeals on all matters involving Community Planning. Such as matters of the:

- **The Town of Juno Beach Comprehensive Plan** is an official public document adopted by the town council as a policy guide to present and future land use decisions and per Section 34-2 of the Comprehensive Zoning Ordinance, all regulations within and development that occurs shall be in accordance with said Plan. Please see the section under “acting as Local Planning Agency” for more information regarding the Planning and Zoning Board’s duties as it relates to the Comprehensive Plan.
- **Site Plan and Appearance Review Applications.** No construction or clearing of land may begin in any district prior to review and approval of a site plan and appearance review. The intent and purpose of site plan review is listed in Section 34-115. Per Section 34-116, the Planning and Zoning Board shall consider and recommend an application after the Development Review Committee (DRC) finds the application technically sufficient. The Development review committee (DRC) is a committee providing technical review of development applications consisting of representatives of the planning and zoning, building and police departments, in addition to providers of fire rescue and utility services. The final review and approval or denial or approval with modifications shall be made by the Town Council, unless exempt. Per Section 34-

116, the criteria to be used in the review shall be used in the review of the proposed site plan for new development. Please see these criteria in the attached Section 34-116. When applicable, the Planning and Zoning Board shall also use the Appearance Review criteria, per Section 34-116(b). Please also note these criteria in the section attached. Minor amendments may be approved by the Planning and Zoning Director, at the Director's discretion, and must meet requirements outlined in Section 34-118. Please note that exemptions to Site Plan and Appearance Review by the Planning and Zoning Board now include single-family and two-family residential site plans, unless a part of a Planned Unit Development, or within a Historic District, per Ordinance 795. Staff has provided the Sections referenced in your packet.

- **Planned Unit Developments (PUD) and major amendments to PUDs.** A PUD provides for a special exception to develop residential, commercial and recreational uses in conformance with provisions and standards which ensure compatibility among all the land uses, foster innovation in site planning and development, and encourage sound design practices. Section 34-1329 establishes the procedure for obtaining a PUD, and the Planning and Zoning Board shall consider the development plan and submit its recommendation to the Town Council for any PUD application. Per Section 34-1330, the Planning and Zoning Board may recommend the establishment of a planned unit development provided it determined eight (8) qualifications. Please see these qualifications in the attached Section 34-1330. Minor amendments, as outlined in Section 34-1334, are administered by staff. Staff has provided the Sections referenced in your packet.
- **Zoning Map and Zoning Text Amendments.** Per Division 5, Article II, Section 34-138 and 139, the Planning and Zoning Board shall recommend to the Town Council any amendment to the zoning Regulations, including the zoning reclassification of any land. Staff has provided the Sections referenced in your packet.
- **Variances.** Per Section 34-4, a variance is “a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship on the land. As used in this chapter, a variance is authorized only for height, area, and size of structure or size of yards, parking requirements and other area requirements and open spaces. Establishment or expansion of a use or density otherwise prohibited or not permitted shall not be allowed by variance.” Variances to the Town Code are outlined in Section 34-64 of Division 2, Article II, entitled “Zoning Board of Adjustment and Appeals”. Please note that the Zoning Board of Appeals shall be the duly elected mayor and councilmembers of the Town of Juno Beach. Per Section 34-66, after consideration of the recommendation of the Planning and Zoning Board, the Board of Adjustments shall not grant a variance from the terms of the code unless they find that all five (5) written criteria are met. The Planning and Zoning Board may utilize the criteria in their decision making. Please see the attached Section 34-66 for the criteria. Staff has provided this section in your packet.
- **Administrative Appeals.** Any aggrieved or adversely affected party may appeal an administrative order, decision, approval or interpretation in the enforcement of the regulations of the Town Code to the Zoning Board of Adjustment and Appeals, in accordance with Section 36-66 of the Town Code. Similar to variances, the procedures for appeals are outlined in the explanation of variances above. The Planning and Zoning Board shall consider the appeal prior the board of adjustment at a duly advertised public hearing and provide a recommendation to the board of adjustment. Staff has provided the Sections referenced in your packet.

- **All Special Exception Use Applications.** Special exception means a use which may be allowed within a zoning district subject to the provisions of section 34-93. Section 34-93 outlines the procedures to decide such questions as are involved in determining whether special exceptions should be granted, and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. Please note that Planned Unit Developments are in lieu of and separate from the special exception procedures. Staff has provided the Sections referenced in your packet.
- **Acting as Local Planning Agency.** As established by Section 34-28, the Planning and Zoning Board shall be the Local Planning Agency (LPA). An LPA is a requirement designated by F.S. 163.3174. The Florida Statute states, “The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law. The local planning agency shall
 - Prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan.
 - Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including the periodic evaluation and appraisal of the comprehensive plan required by F.S. 163.3191.
 - Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission.

Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application.

Staff is prepared to discuss and answer any questions on the duties and responsibilities of the Planning and Zoning Board.

Attachments:

Juno Beach Code Sections:

- Section 34-2
- Sections 20-23 through 20-27 and Section 34-28
- Sections 34-64 and 66
- Section 34-93
- Sections 34-116 and 118
- Sections 34-137 through 142
- Sections 34-1329 through 1334
- F.S. 163.3174

The purpose of this chapter is to establish comprehensive controls for the development of land in the town based on the comprehensive plan for the town and enacted in order to protect, promote and improve the public health, safety and the general welfare of the people. The objectives of this chapter are to provide for: efficiency and economy in the development process; the appropriate and best use of land; preservation, protection, development and conservation of the natural resources of land, water, and air; convenience, traffic and circulation of people and goods; the use and occupancy of buildings; healthful and convenient distribution of population; adequate public utilities and facilities; promotion of the civic amenities of beauty and visual interest; promotion of planned unit developments as a means of achieving better land use and design; and development in accordance with the comprehensive plan. To accomplish these purposes, the town council shall divide the entire town into districts of such number and shape as may be deemed best suited to carry out the purpose of this chapter, and within these districts may regulate, determine and establish:

- (1) Height, number of stories, size, bulk, location, erection, construction, repair, reconstruction, alteration and use of buildings and other structures, for trade, profession, residence and other purposes;
- (2) Use of land and water for trade, profession, residence and other purposes;
- (3) Size of yards, and other open spaces;
- (4) Percentage of lot that may be occupied;
- (5) Density of population;
- (6) Conditions under which various classes of nonconformities may continue, including authority to set fair and reasonable amortization schedules for the elimination of nonconforming uses;
- (7) Use and types and sizes of structures in those areas subject to seasonal or periodic flooding and/or storm damage so that danger to life and property in such areas will be minimized;
- (8) Performance standards for use of property and location of structures thereon;
- (9) Architectural design of structures.

All such regulations shall be uniform throughout each district, but the regulations in one district may differ from those in other districts. For each district designated for the location of trades, callings, commercial enterprises, residences or buildings designated for specific use, regulations may specify those uses that shall be excluded or subjected to reasonable requirements of a special nature.

(Ord. No. 207, § 1.20, 8-8-1979; Ord. No. 689, § 2, 1-25-2017)

Sec. 20-23. Established; membership; terms and removal.

- (a) *Establishment and membership.* A planning and zoning board is hereby established and shall consist of five members and one alternate members who shall be residents of the town. Alternate members shall act in the absence, disability or disqualification of any regular member. No regular or alternate member of the board shall be an employee or elected official of the town.
- (b) *Terms.* The term of each regular and alternate planning and zoning board member serving as of the effective date of this ordinance shall expire on March 31, 2008. Thereafter, the town council shall appoint all regular and alternate members for one-year terms commencing on April 1st and ending on March 31st.
- (c) *Method of appointment.* Each member of the town council shall nominate one member for appointment to the planning and zoning board, subject to approval by vote of the town council. One alternate member may be nominated by any member of the town council and shall be appointed by vote of the town council.
- (d) *Removal.* Members of the board shall serve at the pleasure of the town council and may be removed by vote of the council with or without cause. Any board member who is absent from three scheduled meetings during his or her term shall be sent, by hand delivery, a letter from the town manager notifying the member that he or she shall be removed from the board unless the member provides a written explanation for the absences within three (3) working days of receipt of the letter. If the member fails to provide such written explanation within the time allocated, the member shall be automatically removed from the board. If the member does provide such written explanation, the matter shall be forwarded to the town council to determine whether the member should be removed or retained.
- (e) *Vacancies.* Vacancies shall be filled by the town council within 30 days to serve unexpired terms.

(Code 1980, § 11-17; Res. No. 7-76, § 1, 5-19-1976; Ord. No. 307, § 2, 8-13-1986; Ord. No. 430, § 16, 10-28-1992; Ord. No. 609, § 2, 7-25-2007)

Sec. 20-24. Duties.

The duties of the planning and zoning board shall be as assigned to it from time to time by the town council.

(Code 1980, § 11-18; Res. No. 7-76, § 2, 5-19-1976; Ord. No. 430, § 16, 10-28-1992)

Sec. 20-25. Officers; procedures.

The planning and zoning board shall appoint its own chairman and vice chairman, as well as adopt such procedures as it deems necessary for the efficient conduct of its meetings which are to be conducted in public. Minutes of all such meetings will be kept and made a matter of public record. The town clerk's office shall perform all secretarial and administrative duties of the board.

(Code 1980, § 11-19; Res. No. 7-76, § 3, 5-19-1976; Ord. No. 609, § 2, 7-25-2007)

Sec. 20-26. Meetings; quorum; majority vote required.

The planning and zoning board shall meet twice per month, unless cancelled by the town manager. Additional meetings shall be held at its own discretion, or if required of the board by the town council or the town manager. A quorum of three attending members shall be necessary for any meeting, and a majority vote shall be required for all determinations of the planning and zoning board at any of its meetings.

(Code 1980, § 11-20; Res. No. 7-76, § 4, 5-19-1976; Ord. No. 609, § 2, 7-25-2007)

Sec. 20-27. Use of services of town attorney and engineer.

The planning and zoning board may from time to time utilize, in an advisory capacity only, the services of either the town attorney or the town engineer, subject to the prior approval, in each instance, of the town manager.

(Code 1980, § 11-21; Res. No. 7-76, § 5, 5-19-1976; Ord. No. 430, § 16, 10-28-1992)

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. The planning and zoning board shall have final decision-making authority on appearance review, specifically including architectural review, of detached single-family dwellings not located within an approved planned unit development. 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.

(Ord. No. 207, § 8.20, 8-8-1979; Ord. No. 686 , § 2, 8-10-2016; Ord. No. 745 , § 2, 10-27-2021; Ord. No. 753 , § 2, 9-28-2022)

- (a) The board of adjustment shall have the power to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in enforcement of any zoning ordinance or regulation. In exercising its power, the board of adjustment may, in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, decision or determination made by the administrative official in the enforcement of any zoning resolution or regulation adopted pursuant to this chapter and make such order, recommendation, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.
- (b) The board of adjustment shall further have the power to authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement of the provisions of this chapter will result in an unnecessary and undue hardship. All variance requests shall first be considered by the planning and zoning board at a duly advertised public hearing. After consideration of the recommendation of the planning and zoning board, the board of adjustment shall not grant a variance from the terms of this chapter unless the board of adjustment finds that:
 - (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - (2) The special conditions or circumstances do not result from the actions of the applicant;
 - (3) A granting of the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same district;
 - (4) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter and would work unnecessary and undue hardship on the applicant;
 - (5) A prior application for the granting of the variance had not been submitted within the preceding 12 months.

In granting any variance, the board of adjustment shall prescribe appropriate conditions and safeguards in conformity with this chapter. The board of adjustment may also prescribe a reasonable time limit within which the action for which the variance is required shall commence, be completed, or both.

(Ord. No. 207, § 12.01, 8-8-1979; Ord. No. 347, 10-19-1988; Ord. No. 686, § 3, 8-10-2016)

Sec. 34-66. - Procedures.

The board of adjustment shall be governed by the following procedures:

- (1) Appeals to the board of adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the town council affected by any decision of the administrative official. Such appeal shall be taken within 30 days of the decision by the admin

official concerning the issue by filing with the administrative official and with the board of adjustment a notice of appeal specifying the grounds thereof. All notices of appeal shall be made by filing an application on forms Item #4. by the town clerk. The clerk shall forthwith transmit to the planning and zoning board and board of adjustment all papers constituting the record upon which the decision appealed from was rendered.

- (2) No application shall be considered or construed to be completely filed until the application fee, as determined from time to time by the town council, shall have been paid.
- (3) The board of adjustment shall fix a reasonable time for the hearing of the appeal not to exceed 75 days from the date of filing of a complete application. Prior to the hearing before the board of adjustment, the planning and zoning board shall consider the appeal at a duly advertised public hearing and providing a recommendation to the board of adjustment.
- (4) The town shall give public notice at least once in a newspaper of general circulation in the town, at least seven days prior to the planning and zoning board hearing and at least 15 days prior to the board of adjustment hearing, at the expense of the petitioner.
- (5) At the hearing the petitioner may appear in person, by attorney authorized to practice in the state, or by any agent who has received from the petitioner and submitted to the board a written authorization for their appearance.
- (6) A notice containing the same information in the published notice aforesaid shall be mailed by the town clerk on behalf of the board of adjustment, at the expense of the petitioner, to the property owners of record, their tenants or their agents, within a radius of 300 feet of the property described in the application.
- (7) When an appeal is taken to the board of adjustment, all work and proceedings shall stop on the project or premises in question unless the administrative official from whom the appeal was taken shall certify in writing that a stay would cause immediate peril to life or property. In such case, work and proceedings shall not stop unless the board of adjustment or a court of competent jurisdiction issues a temporary restraining order after application to the board or court and notice to the administrative official from whom the appeal is taken.

(Ord. No. 207, § 12.03, 8-8-1979; Ord. No. 347, 10-19-1988; Ord. No. 686, § 3, 8-10-2016)

The town council may hear and decide only such special exceptions as the town council is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. Special exception procedures for planned unit developments are indicated in article V of this chapter. A special exception shall not be granted by the town council unless and until:

- (1) A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested. The planning and zoning board shall consider the application and conduct a public hearing following the requirements of subsections (3) and (4) of this section on the request. The planning and zoning board shall recommend to the town council either approval, approval with modification, or disapproval of the special exception.
- (2) After receiving the planning and zoning board's recommendation, the town council shall hold a public hearing following the requirements of subsections (3) and (4) of this section.
- (3) Unless otherwise required by state statutes, notice of each public hearing required hereunder shall be published at least 15 days in advance of the public hearing. The owner of the property for which special exception is sought or his agent shall be notified of the public hearing by mail at least 15 days in advance of the public hearing. Notice of each such hearing shall also be posted on the property for which a special exception is sought, and at the town center, at least 15 days prior to the public hearing.
- (4) At the public hearing, the applicant may appear in person, or by appropriately designated agent or attorney. Before taking action on any special exception request the town council shall make written findings of fact addressing the issues of whether the requirements of the section of the chapter described in the application have been met, and whether satisfactory provision and arrangement has been made that the special exception use will, where applicable:
 - a. Provide for ingress and egress to the property and structures with particular reference to automotive and pedestrian safety and convenience, traffic flow and access in case of fire or catastrophe;
 - b. Provide for parking and loading areas, refuse and service areas, with particular attention to subsection (4)a of this section and to their effects on surrounding property;
 - c. Provide for screening and buffering with respect to type, dimensions and location;
 - d. Provide for signs, if any, and proposed lighting;
 - e. Provide for required yards and other open space;
 - f. Not adversely affect the public interest;
 - g. Comply with specific requirements governing the special exception requested;
 - h. With conditions and safeguards attached, be generally compatible with adjacent properties and or property within the district;
 - i. Not generate excessive noise or traffic;

- j. Not tend to create fire, disease or other equally or greater dangerous hazard;
 - k. Be in harmony and compatible with the present and/or future developments of the area concerned;
 - l. Conserve the value of buildings and encourage the most appropriate use of the land and water;
 - m. Provide adequate light and air;
 - n. Promote such distribution of population and such classification of land uses, development and utilization as will tend to facilitate and provide adequate provisions for public requirements, including but not limited to transportation, water flowage, water supply, drainage, sanitation, educational opportunities, and recreation;
 - o. Conform to the character of the district and its peculiar suitability for particular uses;
 - p. Be consistent with the needs of the town for land areas for specific purposes to serve the population and economic activities;
 - q. Protect the tax base; and not create a financial burden on the town; and
 - r. Not be disruptive to the character of neighborhoods nor adverse to playgrounds, parks, schools and recreation areas; nor adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare.
- (5) Among other conditions and safeguards, the town council may prescribe reasonable time limits within which actions shall commence, be completed, or both.

(Ord. No. 207, § 10.00, 8-8-1979; Ord. No. 401, 9-17-1990)

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

- (1) Consideration of the application by the development review committee (DRC), which may recommend approval, denial, or approval with modifications and/or conditions;
- (2) Consideration of the application by the town planning and zoning board, which may recommend approval, denial, or approval with modifications and/or conditions; and
- (3) Final review and approval or denial, or approval with modifications by the town council. Single-family detached dwellings not located within an approved planned unit development shall be subject to appearance review and approval or denial, or approval with modifications by the town planning and zoning board, with site plan review by the town planning and zoning department. Single-family dwellings within an approved planned unit development shall be subject to site plan and appearance review and approval only by the town planning and zoning department in accordance with the established design criteria. The criteria to be used in this review shall be to ascertain that the proposed site plan for new development meets the following criteria:
 - a. Site plan criteria.
 1. Is in conformity with the comprehensive plan and is not detrimental to the neighboring land use;
 2. Has an efficient pedestrian and vehicular traffic system, including pedestrian, bicycle, and automotive linkages and proper means of ingress and egress to the streets;
 3. Has adequate provision for public services, including, but not limited to, access for police, fire and solid waste collection;
 4. Complies with the provisions of chapter 20, article III, regarding potable water, sanitary sewer, solid waste, drainage, recreation and open space, and road facilities;
 5. Is planned in accordance with natural characteristics of the land, including, but not limited to, slope, elevation, drainage patterns (low areas shall be used for lakes or drainage easements), natural vegetation and habitats, and unique physical features;
 6. Preserves environmental features and native vegetation to the maximum extent possible, and complies with the Environmentally Sensitive Lands Ordinance;
 7. Protects estuarine areas when concerning marina siting, drainage plans, alteration of the shoreline, provisions for public access and other concerns related to water quality and habitat protection;
 8. Complies with all sections of this chapter.
 - b. Appearance review criteria.
 1. Is of an architectural style representative of or reflecting the vernacular of Old Florida style which is indigenous to the town and which is commonly known and identified by its late Victorian (Key West Cracker), Spanish revival (Mediterranean), Modern (early to mid-20th century), or

combination thereof style of architecture. Summarized briefly, common features of the vernacular of Old Florida style that identify the Victorian (Key West Cracker), and Spanish revival (Mediterranean) architectural style include concrete block with stucco siding; simple pitched roofs; tile, metal, or asphalt roofs; ornate details such as but not limited to exposed soffits, individualized vent and louver shapes, reliefs, and detailed window and door treatments; lush landscaping with private yards; and use of porches, balconies and patios. Common features of the vernacular of Old Florida Style that identify the Modern (early to mid-20th century) architectural style include clean geometric lines, often at right angles; an emphasis on function; materials such as glass, steel, iron, and concrete; and the use of natural light through large and expansive windows;

2. Is of a design and proportion which enhances and is in harmony with the area. The concept of harmony shall not imply that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression. For the purpose of this section, the comparison of harmony between buildings shall consider the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district;
3. Elevator and stairwell shafts and other modern operations and features of a building shall be either completely concealed or shall incorporate the elements of the architectural style of the structure; rooftop equipment and elevator and mechanical penthouse protrusions shall be concealed; and parking garages and other accessory structures shall be designed with architectural features and treatments so that they are well proportioned and balanced and in keeping with the architectural style of the principal structure;
4. Shall have all on-site structures and accessory features (such as but not limited to light fixtures, benches, litter containers, including recycling bins, traffic and other signs, letter boxes, and bike racks) compatible in design, materials, and color;
5. Shall have a design in which buildings over 40 feet in height shall appear more horizontal or nondirectional in proportion rather than vertical, accomplished by the use of architectural treatments as described in these criteria;
6. Shall locate and design mechanical equipment with architectural treatments so that any noise or other negative impact is minimized;
7. Complies with the town's community appearance standards (see article IV, division 14 of this chapter).

(Ord. No. 207, § 11.20, 8-8-1979; Ord. No. 517, 12-1-1999; Ord. No. 678, § 2, 12-10-2014; Ord. No. 689, § 4, 1-25-2017; Ord. No. 745, § 3, 10-27-2021; Ord. No. 753, § 3, 9-28-2022; Ord. No. 763, § 3, 7-26-2023; Ord. No. 780, § 2, 1-24-2024)

A minor amendment to a previously approved site plan and appearance approval may be approved by the director. The director shall make a written determination as to the approval, denial, or approval with modifications and/or conditions within 30 calendar days after the director has determined that the application and required supporting materials have been filed and are complete. A minor amendment shall be approved only if it meets the following requirements:

- (1) Any increase in the total floor area of any principal structure does not exceed ten percent, and there is no increase in the number of principal structures or in the number of residential dwelling units as specified by the previously approved site plan. However, a decrease in the total floor area of any building, or reduction of the number of principal structures, stories, or units as specified by the approved site plan may be approved as a minor amendment.
- (2) There is no change in the boundary of the approved plan.
- (3) Rearrangement of uses or locations on a property may be permitted unless they conflict with a specific provision herein or condition of the approved site plan.
- (4) There is a relocation of no more than ten percent of the total building footprint on a site. For example, if there are two buildings on a site and each has 5,000 square feet of building footprint, then the total building footprint for the site is 10,000 square feet.

If one building relocates 500 square feet and the other building relocates 1,000 square feet, then the total relocation is 1,500 square feet out of 10,000 square feet. This is a relocation of 15 percent of the total building footprint and would qualify as a major amendment under this provision.

- (5) Any increase in traffic generation shall be by no more than ten percent above that established by the site plan previously approved by town council. However, the county's traffic performance standards as specified in section 7.9 of the county Unified Land Development Code must be adhered to.
- (6) There is no increase in negative impacts on adjacent properties.
- (7) There is no major alteration in the architectural design. Major alteration in design shall mean any change in the character of the structure. However, an amendment to a previously approved site plan that was not reviewed under the current appearance criteria in section 34-116(2)b may be amended in architectural design to conform with the current appearance standards and not be considered a major alteration.

(Ord. No. 207, § 11.40, 8-8-1979; Ord. No. 434, 12-16-1992)

The town council may amend the regulations and districts established in this chapter, subject to the requirements and procedures set forth in this division.

(Ord. No. 207, § 13.00, 8-8-1979; Ord. No. 450, 5-11-1994)

Sec. 34-138. - Initiation of procedure.

- (a) Except as provided herein, the zoning regulations set forth in this chapter may be amended, supplemented, changed or repealed in the same manner as other ordinances of the town, subject to applicable law. In addition, the planning and zoning board shall hold a public hearing on such matters. The public hearing shall be noticed in a newspaper of general circulation in the town a minimum of five days prior to the hearing.
- (b) A petition to designate a zoning classification or rezone any land within the town may be filed by the town or by the owner or authorized agent of the owner of property within the town. After the director has determined that a petition has been properly filed and is complete with all required supporting materials, the planning and zoning board shall set a date for a public hearing on the petition. The public hearing shall take place within 60 days of the determination by the director that a petition has been properly filed and is complete. All requirements of F.S. ch. 166 shall be followed in providing notice for a public hearing on such petition.
- (c) In addition to any statutory notice requirements applicable to a petition to designate a zoning classification or to rezone any property within the town, the town shall, as a courtesy, notify all property owners within 300 feet of the property subject to such a petition. The courtesy notices required by this section shall be sent by mail or provided by hand delivery. In addition to the courtesy notices described herein, the town shall require the property owner to post the notice on the property subject to a petition for rezoning. The notice shall be approved by the director and shall state:
 - (1) The proposed zoning district;
 - (2) The hearing dates when the petition is scheduled to be heard by the town planning and zoning board and by the town council, which date shall be at least 15 days after the date the notice is mailed and posted on the property; and
 - (3) That a copy of the rezoning petition is on file for inspection in the town planning and zoning department.Except as otherwise required by F.S. ch. 166, failure of the town to provide either courtesy notices or to post a rezoning notice on the subject property shall not invalidate any action taken by the town on a petition.

(Ord. No. 207, § 13.10, 8-8-1979; Ord. No. 341, 8-17-1988; Ord. No. 365, 5-17-1989; Ord. No. 408, 4-17-1991)

Sec. 34-139. - Public hearing—Before planning and zoning board; action following hearing.

- (a) At the public hearing described in section 34-138, the petitioner may appear in person, or by appropriately designated agent or attorney. If the petitioner requests a postponement and a new notice is required, the petitioner shall pay the costs of such new notice.

- (b) Following the public hearing, the planning and zoning board shall, by motion, adopt its recommendations, which may include changes from the original proposal as a result of the hearing, and transmit such recommendations to the town council. The planning and zoning board's failure to adopt recommendations by motion shall be treated as no recommendation.

Item #4.

(Ord. No. 207, § 13.30, 8-8-1979)

Sec. 34-140. - Same—Before the town council; public notice.

The town council shall set a date for its public hearing, which shall not be more than 90 days from the date the planning and zoning board considered the request.

(Ord. No. 207, § 13.40, 8-8-1979)

Sec. 34-141. - Same—Petitioner representation; postponement; action following hearing.

- (a) At the public hearing described in section 34-140, the petitioner may appear in person, or by appropriately designated agent or attorney. If the petitioner requests a postponement and a new notice is required, the petitioner shall pay the costs of such new notice.
- (b) Following the public hearing, the town council may grant the petition, deny the petition, or grant the petition with conditions or modifications; provided, however, that:
- (1) No land shall be rezoned that was not described in the public notice; and
 - (2) No land may be rezoned to a less restrictive use or different classification than that described in the public notice.

(Ord. No. 207, § 13.50, 8-8-1979)

Sec. 34-142. - Limitations.

- (a) The planning and zoning board shall not recommend, nor the town council pass, any amendment except on substantial proof that it is in accordance with the comprehensive plan and sound zoning practice, and will serve to promote the purposes of zoning as provided by state law. Criteria which follow principles of sound zoning practice include but are not limited to:
- (1) If the proposed change is consistent with the established land use pattern;
 - (2) If the proposed change would create a related district to adjacent and nearby districts;
 - (3) If the proposed change would naturally alter the population density pattern and thereby reasonably maintain, or concurrently increase the availability of public facilities such as utilities, streets, etc.;
 - (4) If the proposed change would be consistent with the comprehensive plan;
 - (5) If changed or changing conditions make the passage of the proposed amendment necessary;
 - (6) If the proposed change will maintain or positively influence living conditions in the neighborhood;
 - (7)

If the proposed change will maintain or improve traffic conditions, or otherwise address traffic-related public safety issues;

Item #4.

- (8) If the proposed change will maintain or improve drainage conditions;
 - (9) If the proposed change will relatively maintain, or allow for appropriate light and air conditions to adjacent areas;
 - (10) If the proposed change will maintain or improve property values in the adjacent area;
 - (11) If the proposed change will promote the improvement of development of adjacent property in accordance with existing regulations;
 - (12) If the proposed change benefits the public welfare as opposed to resulting in a grant of special privilege to an individual owner;
 - (13) If there are substantial reasons why the property requires a change from existing zoning;
 - (14) Whether the change suggested is to scale, or appropriately balanced with the needs of the neighborhood or the town;
 - (15) After using reasonable diligence, the petitioner can demonstrate there is a reasonable lack of alternative sites available in the town for the proposed use.
- (b) No amendment to rezone property shall contain conditions, limitations, or requirements not applicable to all other property in the district to which the particular property is rezoned.
- (c) Except where the proposal for the rezoning of property involves an extension of an existing use boundary, no change in the zoning classification of land shall be considered which involves less than 40,000 square feet of area and 200 feet of street frontage unless otherwise provided for herein.
- (d) If the recommendation of the planning and zoning board is adverse to any proposed change, such change shall not become effective except by the affirmative vote of a majority of the entire membership of the town council.
- (e) Whenever the town council has changed the zoning classification of property, the town council shall not then accept or consider a petition for rezoning of all or any part of the same property for a period of one year from the effective date of the amendment changing the zoning classification.
- (f) Whenever the town council has denied a petition for rezoning of property, the town council shall not thereafter:
- (1) Accept or consider any further petition for substantially the same rezoning of all or part of the same property for a period of 18 months from the date of such denial; or
 - (2) Accept or consider any petition for any other kind of rezoning on all or any part of the same property for a period of one year from the date of such action.
- (g) Nothing contained in subsection (c), (e) or (f) of this section shall prevent the initiation of amendments by the town, provided that such amendments meet the remaining requirements of this section.

(Ord. No. 207, § 13.60, 8-8-1979; Ord. No. 694, § 2, 5-24-2017)

The procedure for obtaining a special exception for undertaking development as a planned unit development (PUD) shall be as follows. This procedure shall be in lieu of the special exception procedures contained in section 34-93. See section 34-1334 for a minor amendment to an approved planned unit development.

- (1) The owner or agent thereof (hereinafter referred to as "owner") of the land shall apply in writing and shall submit five copies of a preliminary development plan as described in section 34-1331 to the town.
- (2) The town staff shall consider the proposed application, shall review the preliminary development plan with the owner, and shall prepare recommendations with regard to the preliminary development plan.
- (3) The town staff shall provide its recommendations to the owner indicating its approval in principle, or its disapproval. If the preliminary development plan is approved in principle, the town staff shall state any specific changes it may require.
- (4) The owner shall submit five copies of any application for special exception and five copies of a revised development plan as described in section 34-1332.
- (5) The planning and zoning board shall then consider the development plan and submit its recommendation to the town council. The planning and zoning board's failure to adopt a recommendation by motion shall be treated as no recommendation.
- (6) After receipt of the planning and zoning board recommendations, public notice shall be given and a public hearing held by the town council on the proposed special exception subject to the specifications of the development plan.
- (7) If the special exception and development plan are approved by the town council, the council shall indicate such approval through the adoption of a resolution setting forth all conditions applicable to the planned unit development.
- (8) Prior to the issuance of a building permit for any phase of the development plan, approval shall be obtained as described in subsections (1)—(7) of this section.
- (9) The developer shall post a form of surety or guarantee described in the town's subdivision regulations, in an amount equal to 110 percent of the town engineer's estimate for items listed in section 34-1332(a)(1) and (2) and those infrastructure improvements as described in section 34-1332(a)(4) of the development plan by phase.
- (10) Failure to meet the conditions set forth in the resolution approving the special exception and development plan shall constitute grounds for the repeal of the PUD approval by the town council.

(Ord. No. 207, § 6.20, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994)

Sec. 34-1330. - Findings required by planning and zoning board.

The planning and zoning board, after determining that the requirements of this division have been met, recommend the approval, approval with modifications, or disapproval of the development plan to the town council. The planning and zoning board may recommend the establishment of a planned unit development provided it determines that:

- (1) The uses proposed will not be detrimental to the natural characteristics of the site or to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other zoning.
- (2) Land surrounding the proposed development can be developed in coordination with the proposed development and be compatible in use.
- (3) The proposed planned unit development special exception is in conformance with the general intent of the comprehensive development plan of the town.
- (4) Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed development and in the vicinity of the proposed development.
- (5) Existing and proposed utility services are adequate for the proposed development.
- (6) Each phase of the proposed development, as it is proposed to be completed, contains the required spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.
- (7) Each phase of the proposed development, as it is proposed to be completed, contains a comprehensive network of bicycle and pedestrian facilities in order to create and sustain alternative modes of transportation and a desirable environment.
- (8) The architectural design of buildings meets the appearance review criteria as described in section 34-116(2)b.

(Ord. No. 207, § 6.30, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994)

Sec. 34-1331. - Preliminary development plan.

The owner shall submit an application for a planned unit development special exception with a preliminary development plan which shall include the following:

- (1) Application form and fee.
- (2) Survey of the property, showing existing features of the property, including contours, buildings, structures, trees over eight inches in trunk diameter, streets, utility easements, rights-of-way and adjacent land uses.
- (3) Proposed site plan, showing building locations, occupancy and land use areas, including any subdivision intended within the development, and phasing for development of the plan.
- (4) Proposed traffic circulation, parking areas, pedestrian walks, bikeways (paths and lanes), and landscaping.

(5) Proposed public utilities plan including water supply, sewerage and stormwater drainage.

(6) Proposed grading plan, showing one-foot contour intervals, building locations, and proposed drainage system.

Item #4.

(7) Preliminary drawings of buildings to be constructed in the development which shall include exterior elevations.

(8) Statement justifying area regulations modifications. In reference to section 34-1333(b)(3)a and b, the applicant shall provide a full written justification for each modification requested.

(Ord. No. 207, § 6.40, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994)

Sec. 34-1332. - Development plan.

(a) The owner shall submit a development plan for review by the planning and zoning board and approval by the town council prior to the issuance of any building permit. Plans and specifications shall bear the signature and seal of the professional person responsible for the design and drawings and contain the following items:

(1) Traffic circulation, required parking and loading areas, pedestrian walks, and bikeways (paths and lanes).

(2) Landscaping plan, including site grading and landscape planting and structures.

(3) Preliminary drawings of buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.

(4) Conceptual final engineering plans, including street improvements, drainage system, and public utility extensions. All such improvements shall comply with construction standards outlined in the town's subdivision regulations. All lots shall have frontage on an accepted town, county, or state road, or private road built to town specifications.

(5) Engineering feasibility studies for the solution of any anticipated problems which might arise due to the proposed development, as required by the planning and zoning board.

(6) Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas, if applicable.

(7) Complete documentation of community association or other means for the continued maintenance of common areas and buildings.

(b) In addition to the site plan, a plat shall be submitted for approval which shall be in accordance with the town's subdivision regulations.

(c) The development plan shall be in general conformance with the approved preliminary development plan. Approval shall be secured by the owner for each phase of the development. Development of each phase shall commence within two years of approval of the development plan for each phase. If development of the first phase does not commence within two years, the approved development plan shall terminate. If development of subsequent phases does not commence within two years of approval of the development plan for that phase, the development plan shall terminate and no additional building permits shall be issued until a new development plan is approved. Commencement of development shall consist of receipt of

validly issued building permit and first building inspection approval for a minimum of one principal structure or completion of 25 percent of the total cost of the infrastructure (water, sewer, roads, and drainage) for the second phase. Infrastructure costs for the project shall be reviewed and approved by the town engineer prior to final engineering plan approval.

- (d) Prior to the expiration of the two-year period, a one-year extension to commence development may be applied for with the town council. An extension may be granted upon a determination by the town council that the applicant has made a good faith effort to commence construction but has been prevented from doing so for reasons beyond the control of the applicant. No more than a one-year extension may be granted to each particular phase.

(Ord. No. 207, § 6.50, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994; Ord. No. 454, 11-16-1994; Ord. No. 689, § 18, 1-25-2017)

Sec. 34-1333. - Standards.

- (a) The standards for a planned unit development (PUD) are to provide the planning and zoning board and town council with a means to evaluate applications for these developments consistent with the provisions and general intent of this chapter and the comprehensive plan of the town. The minimum size of all PUD's shall be as follows:

<i>Use</i>	<i>Minimum Number of Acres</i>
Single-family detached dwellings	2
Moderate density residential uses (maximum eight units per acre)	3
High density residential uses, any mix of residential uses exceeding eight units per acre or any mix of residential and commercial uses	4

The uses identified above include all associated accessory uses.

- (b) The following standards are intended to provide the necessary latitude for the developer to make creative and efficient use of his property:
- (1) *Use regulations.* Any use or uses permitted by right, any accessory use or uses or special exception use or uses permitted in the zoning district in which the PUD is to be located may be permitted in a planned unit development special exception.
 - (2) *Mixed use regulations.* A planned unit development in residential districts in excess of 20 acres may be permitted with mixed uses according to the following schedule:

<i>Use</i>	<i>Maximum %</i>
Commercial	5% of total area
Office	5% of total area
Institutional	10% of total area
Governmental	10% of total area

Recreational	15% of total area
Utility	5% of total area

(3) *Area regulations.*

- a. *Area standard modifications.* Except as provided in subsection b of this subsection (b)(3), area regulations applicable to the district in which a PUD may be permitted may be modified by 25 percent of the standard. For example, a 1,000 square foot minimum dwelling unit size may be reduced to 750 square feet.
- b. *Constant standards.* The following area standards may not be modified as a part of the PUD special exception process:

1. Maximum height in RH district*
2. Minimum front yard setback**
3. Minimum rear yard setback
4. Ocean setback

*Maximum height in other residential districts may be increased by one story provided the additional floor is occupied by dwelling units.

**In order to allow variety in streetscape appearance and design flexibility, the front yard setback may be reduced to 15 feet for any portion of a dwelling except for that portion of a house which is a front end loaded garage. Front end loaded garages shall be setback the required minimum front yard setback in order to allow for sufficient stacking depth for driveway parking. Side entry garage dwellings shall have a minimum stacking depth of 25 feet for driveway parking.

- c. *Side yard setbacks.* The minimum side yard setback requirements for all zero lot line developments shall be zero feet on one side and on the other side a minimum of ten feet. A minimum five-foot wide nonexclusive access easement shall be established along the lot line of the ten-foot required side yard, in order to allow for adjacent property owners to perform construction, remodeling, maintenance and repairs to the zero lot line side of any structure, in favor of the required association. A minimum 25-foot setback shall be required on corner lots adjacent to public streets. However, a minimum ten-foot side setback shall be required from an adjacent property which is not part of the development. All building walls facing a street or adjacent property which is not part of the development shall be required to have architectural features and treatments, such as but not limited to windows, ornamentations, and glass block. Such features and treatments are required to prevent solid blank building wall facades.

- (4) *Density modification.* Under a planned unit development the maximum average dwelling unit density per gross acre may be increased as set out in the following schedule:

Zoning District	Maximum Average Density per Gross Acre
RS	5

RM-1	10
RM-2	15
RM-OO	15
RMT	15
RH	20

(Ord. No. 207, §§ 6.60—6.64, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 329, 1-20-1988; Ord. No. 372, 8-16-1989; Ord. No. 416, 9-25-1991; Ord. No. 450, 5-11-1994; Ord. No. 499, 3-11-1998; Ord. No. 596, 9-27-2006)

Sec. 34-1334. - Minor amendments.

A minor amendment to the originally approved planned unit development may be approved by the planning and zoning director or his designee, in consultation with the town manager, only if the amendment adheres to the following requirements:

- (1) An increase in the total floor area of any principal structure does not exceed ten percent and there is no increase in the number of principal structures, or in the number of residential dwelling units as specified by the adopted master plan. However, a decrease in the total floor area of any building, or reduction in the number of principal structures, stories, or units as specified by the master plan may be approved as minor amendments.
- (2) There is no change in the boundary of the planned development.
- (3) Rearrangement of uses or locations on a property may be permitted unless they conflict with a specific provision of the adopted planned unit development approval.
- (4) There is a relocation of no more than ten percent of the total building footprint on a site. For example, if there are two buildings on a site and each has 5,000 square feet of building footprint, then the total building footprint for the site is 10,000 square feet. If one building relocates 500 square feet and the other building relocates 1,000 square feet, then the total relocation is 1,500 square feet out of 10,000 square feet, which is a relocation of 15 percent of the total building footprint. This would qualify as a major amendment under this provision.
- (5) Any increase in traffic generation shall be by no more than ten percent above that established by the development plan approved by the town council. However, the county's traffic performance standards, as specified in section 7.9 of the Palm Beach County Unified Land Development Code, must be adhered to.
- (6) There is no increase in negative impacts on adjacent properties.
- (7) There is no major alteration in the architectural design. Major alteration in design shall mean any change in the character of the structure. However, an amendment to a previously approved planned unit development that was not reviewed under the current appearance criteria in section 34-116(2)b may be amended in architectural design to conform with the current appearance standards and not be considered a major alteration.

(8) The amendment does not violate any of the conditions which were placed on the approval.

Item #4.

(Ord. No. 207, § 6.70, 8-8-1979; Ord. No. 264, 7-13-1982; Ord. No. 450, 5-11-1994)

Select Year: 2025 ▼ Go

The 2025 Florida Statutes

[Title XI](#)
COUNTY ORGANIZATION AND INTERGOVERNMENTAL
RELATIONS

[Chapter 163](#)
INTERGOVERNMENTAL
PROGRAMS

[View Entire
Chapter](#)

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. [163.3171](#), shall designate and by ordinance establish a “local planning agency,” unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. [163.02](#), provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

(2) Nothing in this act shall prevent the governing body of a local government that participates in creating a local planning agency serving two or more jurisdictions from continuing or creating its own local planning agency. Any such governing body which continues or creates its own local planning agency may designate which local planning agency functions, powers, and duties will be performed by each such local planning agency.

(3) The governing body or bodies shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the local planning agency and shall also establish a schedule of fees to be charged by the agency. To accomplish the purposes and activities authorized by this act, the local planning agency, with the approval of the governing body or bodies and in accord with the fiscal practices thereof, may expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; however, acceptance of loans must be approved by the governing bodies involved.

(4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

(a) Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption or amendment of such plan. During the preparation of the plan or plan amendment and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed plan or plan amendment. The governing body in cooperation with the planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or plan

amendment, but final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.

Item #4.

(b) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including the periodic evaluation and appraisal of the comprehensive plan required by s. 163.3191.

(c) Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission.

(d) Perform any other functions, duties, and responsibilities assigned to it by the governing body or by general or special law.

(5) All meetings of the local planning agency shall be public meetings, and agency records shall be public records.

History.—s. 6, ch. 75-257; s. 1, ch. 77-223; s. 5, ch. 85-55; s. 2, ch. 92-129; s. 9, ch. 95-310; s. 9, ch. 95-341; s. 1, ch. 2002-296; s. 10, ch. 2011-139; s. 2, ch. 2012-99.



PLANNING AND ZONING BOARD MINUTES

March 2, 2026 at 4:00 PM

Council Chambers – 340 Ocean Drive and YouTube

PRESENT: MICHAEL STERN, CHAIR
 JIM FERGUSON, VICE CHAIR
 JAMES EHRET, BOARDMEMBER
 JONATHAN BUTLER, BOARDMEMBER
 CAROL RUDOLPH, ALTERNATE BOARDMEMBER

ALSO PRESENT: FRANK M. DAVILA, DIRECTOR OF PLANNING & ZONING
 LEONARD RUBIN, TOWN ATTORNEY
 CAITLIN COPELAND-RODRIGUEZ, TOWN CLERK
 STEPHEN MAYER, PRINCIPAL PLANNER

ABSENT: BRIAN COLE, BOARDMEMBER

AUDIENCE: 4

CALL TO ORDER – 4:00PM

PLEDGE ALLEGIANCE TO THE FLAG

ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA - None

COMMENTS FROM THE TOWN ATTORNEY AND STAFF - None

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 Board). The Board will not discuss these items at this time.

Public Comments Opened at 4:00pm.

Public Comments Closed at 4:00pm.

CONSENT AGENDA

1. Planning & Zoning Board Meeting Minutes - January 5, 2026

MOTION: Ferguson/Butler made a motion to approve the consent agenda.

ACTION: The motion passed unanimously.

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

2. Appeal of Administrative Decision – 390 Jupiter Lane

Rick Kozell, Esq., representative of the homeowner for 390 Jupiter Lane, provided a handout *(see attached)*.

MOTION: *Ehret/Rudolph made a motion to recommend the Town Council sitting as the Zoning Board of Adjustment and Appeals deny the appeal.*

ACTION: *The motion passed unanimously.*

COMMENTS FROM THE BOARD

ADJOURNMENT

Chair Stern adjourned the meeting at 4:46pm.

Michael Stern, Chair

Caitlin Copeland-Rodriguez, Town Clerk





AGENDA ITEM

Meeting Name: Planning and Zoning Meeting

Meeting Date: April 6, 2026

Prepared By: Gemma, Town Attorney

Item Title: ORDINANCE NUMBER 795

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.

REQUESTED ACTION:

Conduct a public hearing and consider recommendation of approval or denial to Town Council for Ordinance No. 795.

PLANNING AND ZONING BOARD:

As directed by Town Council at the March 25, 2026 Town Council meeting, Ordinance 795 is being re-noticed.

Florida Statutes, 166.041, requires proper public notice before adopting an ordinance. Florida Statutes, 50.0311, allows website notice instead of newspaper notice. In 2024, the Town of Juno Beach began placing some of its required public notices on the Palm Beach County website for public notices instead of in a newspaper of general circulation. Florida Statutes, 50.0311 requires an annual notice published in a newspaper of general circulation directing the public to the web location of the Town's public notices (in the case of the Town, on the Palm Beach County website for public notices). In 2025, the annual notice was inadvertently not run in a newspaper of general circulation in accordance with Florida Statutes, 50.0311. As the original public notice for Ordinance 795 was advertised in December 2025 on the Palm Beach County website for public notices, the ordinance is being re-noticed for public hearing by the Planning and Zoning Board.

Attachments:

- 1) Original Memorandum from Town Attorney; and
- 2) Ordinance No. 795
- 3) Staff's Master Timeline Memorandum; and
- 4) Staff's Timeline
- 5) Business Impact Estimate



Meeting Name: Planning and Zoning Board Meeting

Meeting Date: January 5, 2026

Prepared By: Zackery Good, Town Attorney

Item Title: 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.

REQUESTED ACTION:

Hold a public hearing and consider a recommendation that the Town Council approve or deny Ordinance No. 795, amending Section 34-116, Town Code of Ordinances to:

1. Provide for administrative review and approval of single-family and two-family site plans and appearance.
2. Clarify compliance with Florida Statutes related to consideration of building design elements by administrative staff.
3. Remove size, mass, bulk, scale, and proportion from consideration as part of appearance review for single-family and two-family dwellings.

BACKGROUND AND LEGAL ANALYSIS:

At its May 28, 2025 meeting, the Town Council directed Staff to revise the Zoning Code to continue enforcement of harmony review for single-family dwellings while complying with state-law preemptions related to the regulation of building design elements. That direction included:

- Removing architectural review of single-family and two-family dwellings from the appearance review criteria;
- Creating a Zoning in Progress to allow time for comprehensive Code revisions;

- Removing appearance review for single-family dwellings;
- Returning review authority for single-family dwellings from the Planning and Zoning Board (acting as the Appearance Review Board) to administrative staff;
- Revising harmony comparison language; and
- Exploring additional base-zoning tools to promote harmony.

Subsequently and shortly thereafter, on June 26, 2025, the Governor of Florida signed Senate Bill 180 into law. Because Palm Beach County is included in a federal disaster declaration, the Town of Juno Beach is restricted until October 1, 2027, from adopting land development regulations or review procedures that are more restrictive or burdensome.

As a result, certain Council-directed zoning changes—such as increased setbacks, second-story floor area limitations, and expanded open-space requirements—are now legally constrained by Florida Statutes that preempt local government and could expose the Town to litigation risk as a result of the actions of Senate Bill 180.

However, Senate Bill 180 does not prohibit actions that are considered less restrictive, including:

- Removal of architectural and appearance review for single-family dwellings; and
- Assignment of such review to administrative staff.

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.

To ensure consistency and transparency in applying these criteria, Staff developed internal analytical tools to evaluate bulk, mass, scale, and proportion. These tools are not codified but were implemented to reduce subjectivity and mitigate legal risk.

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 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.

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.

If the Town Council elects to continue enforcing appearance review criteria, options previously discussed include:

- Establishing a formal Design or Appearance Review Board with members experienced in architecture, planning, or real estate;
- Codifying review authority in a designated board or the Town Council, consistent with historical practice dating back to the Appearance Review Board created in 1984; and
- Continuing Staff analysis guided by the plain language of the Zoning Code.

Furthermore, if the Town were to continue enforcing its appearance review criteria, it could codify a provision specifically designating the Town Council or other constituted Town Board, such as the prior Appearance Review Board from 1984 which, as a practical matter, was absorbed into the Planning and Zoning Board upon its creation through recodification, but which has not been specifically repealed and is technically an active board legally, to review these decisions.

Absent the adoption of updated regulations by the Town Council, 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, but should avoid the adoption of strict formulas in applying the harmony criteria. In accordance with the case law cited above, Staff recommendations should be guided by the application of the actual words used in the Town's Zoning Code.

TOWN COUNCIL DIRECTION:

At the November 12, 2025, Town Council Meeting, the Town Council approved a six-part motion to:

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; and
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.

The Town Attorney's Office has subsequently worked with Town Staff to draft the attached Ordinance No. 795 amending Section 34-116, Town Code of Ordinances to:

1. Provide for administrative review and approval of single-family and two-family site plans and appearance.
2. Clarify compliance with Florida Statutes related to consideration of building design elements by administrative staff.
3. Remove size, mass, bulk, scale, and proportion from consideration as part of appearance review for single-family and two-family dwellings.

The foregoing amendments are pursuant to parts one, two, and five of the Town Council's November 12, 2025, motion.

RECOMMENDATION:

At this time, Staff recommends the Planning and Zoning Board hold a public hearing and consider a recommendation to the Town Council of approval or denial of Ordinance No. 795.

TOWN OF JUNO BEACH, FLORIDA

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.

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Town Council of the Town of Juno Beach, Florida as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, Section 163.3202(5)(a), Florida Statutes, prohibits a municipality from applying land development regulations relating to building design elements, as defined therein, to a single-family or two-family dwelling, subject to certain exceptions set forth therein; and

WHEREAS, the Town Council wishes to amend Division 4, "Site Plan and Appearance Review," of Article II, "Administration and Enforcement," of Chapter 34, "Zoning," of the Town Code of Ordinances by recognizing the existence of Section 163.3202(5)(a), Florida Statutes, and the preemption contained therein without exempting single-family and two-family dwellings from appearance, including architectural, review; and

WHEREAS, the Town Council wishes to further amend Division 4, "Site Plan and Appearance Review," of Article II, "Administration and Enforcement," or Chapter 34, "Zoning," of the Town Code of Ordinances by modifying appearance review of single-family dwellings to be subject to administrative review and approval by the Planning and Zoning Director or designee rather than requiring a public hearing before the Planning and Zoning Board; and

1 WHEREAS, the Town's Planning and Zoning Board, as the Local Planning
2 Agency, has conducted a public hearing on this Ordinance and provided its
3 recommendation to the Town Council; and
4

5 WHEREAS, the Town Council has determined that adoption of this Ordinance is
6 in the best interests of the general welfare of the Town of Juno Beach.
7

8 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
9 TOWN OF JUNO BEACH, FLORIDA as follows:
10

11 **Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and
12 correct and are incorporated herein.
13

14 **Section 2.** The Town Council hereby amends Division 4, "Site Plan and
15 Appearance Review," of Article II, "Administration and Enforcement," or Chapter 34,
16 "Zoning," of the Town Code of Ordinances is hereby amended as set forth below. For
17 purposes of this Ordinance, underlined type shall constitute additions to the original text,
18 *** shall constitute ellipses to the original text and ~~striketrough~~ shall constitute
19 deletions to the original text.
20

21 **Sec. 34-116. Required; criteria.**
22

23 No construction or clearing of land may begin in any district prior to review and approval
24 of the site plan and appearance. The review shall consist of:
25

- 26 (1) Consideration of the application by the development review committee (DRC),
27 which may recommend approval, denial, or approval with modifications and/or
28 conditions;
29
- 30 (2) Consideration of the application by the town planning and zoning board, which
31 may recommend approval, denial, or approval with modifications and/or
32 conditions; and
33
- 34 (3) Final review and approval or denial, or approval with modifications by the town
35 council. Single-family detached dwellings not located within an approved
36 planned unit development shall be subject to appearance review and
37 approval or denial, or approval with modifications by the town planning and
38 zoning board department director or designee, with site plan review by the
39 town planning and zoning department director or designee. Single-family
40 dwellings within an approved planned unit development shall be subject to
41 site plan and appearance review and approval only by the town planning and
42 zoning department director or designee in accordance with the established
43 design criteria. The criteria to be used in this review shall be to ascertain that
44 the proposed site plan for new development meets the following criteria:
45

46 ***

b. Appearance review criteria.

1. Is of an architectural style representative of or reflecting the vernacular of Old Florida style which is indigenous to the town and which is commonly known and identified by its late Victorian (Key West Cracker), Spanish revival (Mediterranean), Modern (early to mid-20th century), or combination thereof style of architecture. Summarized briefly, common features of the vernacular of Old Florida style that identify the Victorian (Key West Cracker), and Spanish revival (Mediterranean) architectural style include wood or concrete block with stucco siding; simple pitched roofs; tile, metal, or asphalt roofs; ornate details such as but not limited to exposed soffits, individualized vent and louver shapes, reliefs, and detailed window and door treatments; lush landscaping with private yards; and use of porches, balconies and patios. Common features of the vernacular of Old Florida Style that identify the Modern (early to mid-20th century) architectural style include clean geometric lines, often at right angles; an emphasis on function; materials such as glass, steel, iron, and concrete; and the use of natural light through large and expansive windows. The aforementioned architectural styles and building design elements shall be considered preferred, but not required when conducting review for approvals of single-family or two-family dwellings.

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. 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.

3. Elevator and stairwell shafts and other modern operations and features of a building shall be either completely concealed or

1 shall incorporate the elements of the architectural style of the
2 structure; rooftop equipment and elevator and mechanical
3 penthouse protrusions shall be concealed; and parking garages
4 and other accessory structures shall be designed with architectural
5 features and treatments so that they are well proportioned and
6 balanced and in keeping with the architectural style of the principal
7 structure. The aforementioned architectural styles shall be
8 considered preferred, but not required when conducting review for
9 approvals of single-family or two-family dwellings.

10
11 4. Shall have all on-site structures and accessory features
12 (such as but not limited to light fixtures, benches, litter containers,
13 including recycling bins, traffic and other signs, letter boxes, and
14 bike racks) compatible in design, materials, and color. The
15 aforementioned standards shall be considered preferred, but not
16 required when conducting review for approvals of single-family or
17 two-family dwellings.

18
19 5. Shall have a design in which buildings over 40 feet in height
20 shall appear more horizontal or nondirectional in proportion rather
21 than vertical, accomplished by the use of architectural treatments
22 as described in these criteria. The aforementioned standards shall
23 be considered preferred, but not required when conducting review
24 for approvals of single-family or two-family dwellings.

25
26 6. Shall locate and design mechanical equipment with
27 architectural treatments so that any noise or other negative impact
28 is minimized.

29
30 7. Complies with the town's community appearance standards
31 (see article IV, division 14 of this chapter).

32
33 **Section 3.** All ordinances or parts of ordinances of the Town of Juno Beach,
34 Florida, which are conflict with this Ordinance, are hereby repealed to extent of such
35 conflict.

36
37 **Section 4.** The provisions of this Ordinance shall become and be made a part
38 of the Zoning Code of the Town of Juno Beach, Florida. The sections of this Ordinance
39 may be renumbered or relettered to accomplish such, and the word "ordinance" may be
40 changed to "section," "article" or any other appropriate word.

41
42 **Section 5.** If any section, paragraph, sentence, clause, phrase, or word of this
43 Ordinance is for any reason held by a court of competent jurisdiction to be
44 unconstitutional, inoperative or void, such holding shall not affect the remainder of the
45 Ordinance.

1 **Section 6.** This Ordinance shall be effective immediately upon final adoption.
2
3

4 [Remainder of page intentionally blank]
5

FIRST READING this ____ day of _____, 2026.

SECOND, FINAL READING AND ADOPTION this ____ day of _____, 2026.

AYE

NAY

PEGGY WHEELER, MAYOR

AYE

NAY

JOHN CALLAGHMAN, VICE MAYOR

AYE

NAY

DIANA DAVIS, VICE MAYOR PRO TEM

AYE

NAY

DD HALPERN, COUNCILMEMBER

AYE

NAY

MARIANNE HOSTA, COUNCILMEMBER

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CAITLIN E. COPELAND-RODRIGUEZ, MMC
TOWN CLERK

TG LAW PLLC
TOWN ATTORNEY



To: Town Council
Date: February 18, 2026
Prepared By: Frank M. Davila, CFM, Director of Planning and Zoning
Item Title: Ordinance No. 795, 796, and 797 Master Timeline of Events.

BACKGROUND:

At the January 28, 2026, Town Council meeting, the Council discussed proposed language modifications for the appearance review of single-family homes. During this discussion, Council requested a document detailing previous deliberations, state preemptions, and other relevant factors that have shaped the current state of the appearance review process.

DISCUSSION:

In response, staff has prepared a master timeline encompassing all relevant Planning and Zoning Board discussions, Town Council meetings, ordinance adoptions, staff reviews, and State Legislature updates.

The timeline is color-coded into three sections for clarity:

- Blue: Discussions by the Town Council, Planning and Zoning Board, or staff.
- Tan: Proposed or adopted ordinances.
- Red: Senate or House Bill introductions and implementations.

Attachments:

Master Timeline

Master Timeline
Site Plan and Appearance Review Procedures

August 8, 1979	<u>Ordinance No. 207</u> Adoption of the Town’s Zoning Code of Ordinances. Did not include an appearance review requirement at this time.
January 4, 1984	<u>Ordinance No. 268</u> Created Article VI. Appearance Board—Providing for intent and purpose, creating appearance board term of office and qualifications, board appointments, establishing powers and duties, providing that the board shall prepare a proposed appearance plan within 6 months of their appointment, providing for the adoption of the appearance plan by the Town Commission, providing for preliminary consideration by the board, providing for final hearings by the board, etc. Note: there is no record of an Appearance Plan being reviewed or approved by the Town Commission within the 6 months of adoption of Ordinance No. 268.
February 19, 1992	<u>Ordinance No. 421</u> Creation of the RS-1, RS-2, RS-3 and RS-4 Zoning Districts, site plan and appearance review criteria and procedures for single-family dwellings, all subject to review by staff only.
December 10, 2014	<u>Ordinance No. 678</u> Added Modern (early to mid-20th century) as a permitted architectural style. This was based on the direction received by Council during a Zoning Board of Adjustment and Appeal (in September, 2014).
December 8, 2020	<u>Staff Discussion—Juno Beach Architectural Style of Old Florida</u> Staff provided Town Council and the Planning and Zoning Board with a memorandum describing each of the three styles of Architectural Style that reflect the vernacular of Old Florida. This was based on a request from the Planning and Zoning Board, and direction from Town Council to provide an educational tool to better identify the Town’s Architectural Styles.
July 1, 2021	<u>House Bill 401</u> Amended Section 163.3202 F.S. to limit the ability of local governments to regulate “building design elements” for single-family and two-family dwelling units unless the dwelling is located in a Planned Unit Development (PUD) or the municipality had an architectural review board or design review board.
October 27, 2021	<u>Ordinance No. 745</u> Added Site Plan and Appearance review of single-family homes to the Planning and Zoning Board duties. The intent of the code amendment was to have the Town continue to enforce the Old Florida architectural style to all single-family dwellings that are not located within an approved Planned Unit Development (provided in staff’s memorandum). The Town started to conduct Architectural Review (AR) of single family homes.
September 28, 2022	<u>Ordinance No. 753</u> Removed the Site Plan review of single-family homes from the Planning and Zoning Board and returned it to the Planning and Zoning Department. Appearance Review of single-family homes continued to be reviewed by the Board.
April 26, 2023	<u>Architectural Charrette</u> The Town held an Architectural Charrette to guide new development and redevelopment, specific to architectural styles. The Charrette was led by Mr. George Gentile, ZGHO, and Mr. Rick Gonzales, REG Architects.
May 24, 2023	<u>Proposed Ordinance No. 761</u> The amendment proposed to return the site plan review of single-family homes to the Planning & Zoning Board, this item failed on first reading. The review of site plan for single-family homes remained with staff.
May 24, 2023	<u>First Reading Ordinance No. 763</u> During the discussion of proposed ordinance No. 763 to create definitions for terms: Harmony, Bulk, Mass, Proportion and Scale, Town staff informed Council that Senate Bill 1604 was signed by Governor DeSantis on May 5, 2023 and had an effective date of July 1, 2023. Staff informed Town Council that the changes to state legislature would preempt the Architectural Review Board from reviewing building design elements for single-family homes thus preventing them from enforcing criterion one—review of architectural styles.
June 29, 2023	<u>Architectural Charrette</u> Council was provided with a report summarizing the charrette, the report included the following recommendations: Potential codification of architectural styles, creation of a Development Pattern Book, evaluation of the Zoning code to implement new direction, establish or restructure the Architectural Review Committee. <i>Note: Due to potential conflicts with SB 250 and SB 1604, the recommendations from the charrette did not move forward.</i>
July 1, 2023	<u>Senate Bill 250</u> Pre-emption of municipalities to adopt moratoriums, or more restrictive or burdensome amendments until October 1, 2024, due to Hurricane Ian and Nicole
July 1, 2023	<u>Senate Bill 1604</u> Amended HB 401 to include a date that an architectural review board or design review board shall be created, on or before January 1, 2020.
July 26, 2023	<u>Ordinance No. 763</u> Created definitions for terms: Harmony, Bulk, Mass, Proportion and Scale. Modified the second criterion of appearance review to include clarifying language that reads: “Is of design and proportion which enhances and is in harmony with the area. The concept of harmony shall not imply that building 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.”
October 2, 2023	<u>P&Z Meeting Discussion— Discussion on Floor Area Ratio (FAR)</u> As a follow up to the Planning and Zoning Board’s discussion on “Defining the Term Harmony” from May 1, 2023, the Board discussed using FAR as a tool to regulate massing, other tools considered were cubic content ratio, and second floor setbacks. Town Attorney warned that any proposed changes to our code could not be moved forward due to Senate Bill 250. Furthermore, depending on the proposed FAR language, any incorporation of language that restricts how large a home could be that contradicts the current language of the code may be considered as a Bert Harris Act claim.
November 6, 2023	<u>P&Z Meeting Discussion—ARB 401 Zenith Lane</u> This was the first Appearance Review conducted by the Town after Senate Bill 1604 was effective. The staff memorandum does not include a review of criterion one—review of architectural styles.
November 14, 2023	<u>Senate Bill 2-C (amendment to SB 250)</u> The amendment narrowed the restriction of SB 250 where any local government within 100 miles of where Hurricane Ian or Nicole made landfall was prohibited from adopting more “restrictive or burdensome” amendments to their code to apply only to specific jurisdictions that were heavily impacted.
January 24, 2024	<u>Ordinance No. 780</u> Due to the amendment of Senate Bill 250, the Town further amended the second criterion of appearance review to read: “... 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.”
January 24, 2024	<u>TC Meeting Discussion—Council Comments</u> During comments from Council, the Council gave consensus for staff to create a list (5) items that would address and lessen the scale of new development.
July 24, 2024	<u>TC Meeting Discussion—Discussion on Regulating the Volume and Massing of Single-Family Dwellings</u> Council made a motion to direct staff to benchmark the regulations of other communities for mass, size, and scale; height; building area regulations; wall treatments; second floor area; and off-street parking for single-family homes. Council was informed that due to Staff’s workload this item would not be completed within the next few months. The Town budgeted \$75,000 (FY 2023-2024) for zoning code review that could be used for a consultant to do the benchmarking and propose new language.
July 24, 2024	<u>TC Meeting Discussion—Council Comments</u> Discussion on how site plan review was returned to staff. Town Council directed staff to draft new language for the Appearance Review of single family homes not located within a Planned Unit Development.
October 7, 2024	<u>P&Z Meeting Discussion</u> Staff proposed language to address appearance review criteria for single-family dwellings, the proposed language was a combination of the site plan criteria and appearance criteria and the creation of definitions. The board discussed the item and made recommendations to staff for certain changes in the text. For the Appearance Review for 491 North Lyra, the first ARB application since the adoption of Ordinance No. 780, Town staff started using tests for the quantifiable terms of harmony as part of staff’s recommendation to the P&Z Board.
November 13, 2024	<u>TC Meeting Discussion</u> The appearance review item was scheduled but was moved to the next month due to lack of time.
January 22, 2025	<u>TC Meeting Discussion</u> The appearance review item was scheduled but was moved to the next month due to lack of time.
February 18, 2025	<u>TC Discussion</u> Town Council discussed the proposed language recommended by the P&Z Board on October 7, 2024, and gave unanimous consensus to approve the definitions for the terms “substantial improvement” and “substantial damage”. Council did not move forward with the proposed language for a stand alone section to address Appearance Review for single-family homes. Council gave consensus to have a workshop on Appearance Review and have the Town attorney conduct an analysis on whether the Town could continue to regulate architecture for single-family dwellings.
March 26, 2025	<u>TC Meeting Discussion—Council Comments</u> Council gave unanimous consensus to hold the ARB Criteria Workshop on Friday, May 2nd. They previously agreed to include the Planning and Zoning Board in the workshop.
April 21, 2025	<u>Legal Memorandum—Regulation of Architectural Styles for Single-Family detached dwellings</u> Town Attorney Len Rubin, provided a legal memorandum to address the Town’s ability to regulate architectural styles for detached single-family dwellings. Mr. Rubin’s conclusion was: “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. Consequently, the Town Council must 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.”
May 2, 2025	<u>Joint Workshop – Appearance Review</u> The Town Council gave consensus to: 1. Discontinue performing Architectural Review for single-family homes and amend the Code accordingly. 2. Continue the status quo in the methods used by staff in the application of harmony for single-family homes, pending staff review of best practices and associated recommendations. 3. For staff to conduct an analysis of the proposed language submitted by Vice Mayor Callaghan providing criteria for the assessment of Harmony (see attachment #1) and for staff to return with additional options that incorporate tools such as FAR, increased setbacks, and other mechanisms that could help clarify the code.
May 28, 2025	<u>TC Meeting Discussion—Appearance Review Criteria for Single-Family Homes</u> Staff provided updates on the direction from Council from the May 2nd workshop. 1) Staff will work on code text amendment to remove Architecture Review for single-family homes. 2) Staff’s approach for Appearance Review remains status quo (staff’s methodology using metrics). 3) The proposed language by Vice Mayor Callaghan recommended further use of metrics, which contradicted the Town Attorney’s recommendation. Staff proposed other controls to be implemented to regulate “super-sized” houses. Town staff recommendations included: a) Step-back / Setbacks for 2nd Stories, b) 2nd Stories Floor Area Limits, c) Increase minimum landscape open space percentage, d) Implementation of Design/Pattern book. Proposed Council Direction, recommended by staff: *Amend the code to remove the architectural review of single-family and two-family homes from the Appearance Review criteria as directed at the April 2nd, 2025, workshop. *Create a Zoning in Progress (ZIP) to provide staff with ample time to update the code as necessary, this will prevent applications for substantially improved and new single-family homes from going through the current Appearance Review and Building Permit process. *Amend the code to remove Appearance Review from single-family homes. Please note that the Appearance Review will still apply to other projects (two-family and above). For single-family homes, with the addition of the proposed tools (a-d), harmony would be further emphasized within base zoning. *Amend the code to revert the review and the approval/denial of single-family dwellings from the Planning and Zoning Board to staff. Please note that only staff review and approval would be required. *Amend the code to remove the comparison of harmony language that reads “consider the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district” and replace it with “comparison of the buildings or structures within the same contiguous zoning district”. *Amend the code to implement additional regulations (see options a through d above) to the Building Site Area Regulations (base zoning) for each zoning district with the “Single-family detached dwellings” use to promote Harmony through base zoning. On a 3-2 vote, with Mayor Wheeler and Vice Mayor Pro Tem Davis opposed, the motion to adopt the proposed Council direction as outlined in staff’s memorandum and including a, b, c, and d passed.
June 25, 2025	<u>TC Meeting Discussion—Council Comments</u> Councilmember Halpern made a motion to reconsider the harmony and appearance review decision made at the May 28th, 2025, Town Council meeting. After Council discussion, the motion was withdrawn.
June 26, 2025	<u>Senate Bill 180</u> Existing pre-emption of certain municipalities (includes Juno Beach) to adopt moratoriums, or more restrictive or burdensome amendments to the comprehensive plan and land development regulations until October 1, 2027, retroactive to August 1, 2024.
July 23, 2025	<u>Impacts of Senate Bill 180 on Appearance Review</u> Town Attorney Len Rubin provided a memorandum describing Senate Bill (SB) 180 and how it impacts the Town in regards to the ability of revising the Town’s Code. Due to SB 180, the town may not propose or adopt more restrictive or burdensome amendments to its comprehensive plan and land development regulations. Also, it may not propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order. Senate Bill 180 prevents the town from continuing to move forward on increasing the yard setbacks for the second story, imposing a second-story Floor Area Limitation, and increasing the minimum landscaped open area space. Senate Bill 180 did not prevent the Town to move forward with removing architectural review for single-family and two-family dwellings, removing appearance review for single-family dwellings, and reverting to staff review of appearance review for single-family dwellings. Town Attorney Len Rubin provided Council with two options given the preemptive language of SB 180 on how to move forward as it relates to appearance/harmony review for single-family dwellings: 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. Town Council gave direction to staff to come back with all available options and a recommendation for a course of action at the next meeting. Council gave direction to rescind the zoning in progress that anticipates moving forward with the May 28th memorandum due to SB 180.
August 26, 2025	<u>TC Meeting Discussion</u> The Appearance Review Single-Family Dwellings—Response to Town Council item was scheduled but was moved to the next month due to lack of time.
September 8, 2025	<u>TC Meeting Discussion</u> As directed by Council, staff provided a comprehensive “third solution” and provided a neutral assessment of Appearance Review with all potential solutions aimed to manage “Super-Sized” houses. Staff compiled a table with all potential concepts, and highlighted those that are feasible, based on low to no Bert Harris Act Claims concerns and SB 180 preemptions in green, cautionary in yellow, and those that are not in red. Council passed a motion to not consider the items in red on staff’s memorandum. Council gave the following consensus: • Not to proceed with the concept of modifying front, rear, and/or side yard setbacks; • For staff to provide more clarity on the voluntary overlay district concept and bring back additional information to the Town Council for review; • Proceed with the voluntary architecture pattern book with incentives as well as the concept of greater public involvement and Town-initiated notices for single-family home applications; • Proceed with the front façade softening concept; and • Not to proceed with the accessory apartments concept Council passed a motion to have staff cease using the Test 1 and Test 2 methodologies (metrics) for appearance review of single-family dwellings. Council passed a motion to approve Option #1 (of the Town Attorney’s July 21st, 2025 memorandum), continuing with the direction provided on May 28, 2025, to the extent not preempted by Senate Bill 180 and revert to base zoning, which includes removing architectural review, removing appearance review, and reverting approval of single-family dwellings back to Town Staff. This meeting was continued on September 24, 2025.
September 24, 2025	<u>TC Meeting Discussion—Continuation from September 8, 2025 meeting.</u> The Town Council continued the discussion from the previous meeting and made several attempts to pass motions such as joining the SB 180 lawsuit, to adopt Vice Mayor Callaghan’s language into the code, to have staff look into Vice Mayor Callaghan’s proposal and bring back proposed language to the Town Council, to continue with option #2 in tandem with having staff review Vice Mayor Callaghan’s proposal. All motions failed to pass. Notes: Staff was asked to review and provide recommendation of single-family dwellings (mass , bulk, scale, proportion) without the use of metrics. Staff stated if the Town was to proceed in this direction, the recommendations from staff would be subjective and would not accomplish the goal discussed at the May 2nd workshop. The goals were to have criteria that was consistent, clear, precise, transparent to the applicants and the Board. Staff’s recommendation would be based on base zoning criteria. The discussion was tabled to a future meeting, to have staff continue ARB reviews without using metrics and without staff’s recommendation on future ARB memorandums.
October 22, 2025	<u>TC Meeting Discussion—Comments from Council</u> Council gave consensus to have an agenda item to discuss harmony and the current process for reviewing single-family homes.
November 12, 2025	<u>TC Meeting Discussion</u> Vice Mayor Callaghan made a motion to create an ordinance that: 1. 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; and 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 The motion passed along with consensus to have the Town Attorney provide a legal analysis on Vice Mayor Callaghan’s proposal.
January 05, 2026	<u>P&Z Meeting Discussion</u> The Town Attorney proposed Ordinance 795, 796, and 797 in response to Council’s direction from the November 12, 2025 Town Council meeting. <u>Ord. No. 795</u> 1. Provide for administrative review and approval of single-family and two-family site plans and appearance. 2. Clarify with Florida Statutes related to consideration of building design elements by administrative staff. 3. Remove size, mass, bulk, scale, and proportion from consideration as part of appearance review for single-family and two-family dwellings. <u>Ord. No. 796</u> 1. Clarify the stated legislative intent of site plan and appearance reviews with respect to single-family and two-family dwellings. <u>Ord. No. 797</u> 1. Remove plat and replat review from the duties of the Planning and Zoning Board. 2. Remove review of single-family and two-family site plans and appearance, including architectural review, from the Planning and Zoning Board and assign such review to administrative Staff. The Board recommended approval of all three ordinances to Town Council.
January 28, 2026	<u>First Reading Ordinance No. 795, 796, and 797</u> During the meeting, there was a discussion by council to have staff to provide a document that clearly depicts the discussions held by council, State preemptions, and directions that led the Town Council to where the Town stands today on the matter of Appearance Review. The Town Council approved on first reading Ordinance No. 795, 796, and 797.



BUSINESS IMPACT ESTIMATE/EXEMPTION FORM

This Business Impact Estimate is provided in accordance with Florida Statute §166.041(4). This form should be included in agenda packet for the item under which the proposed Ordinance is to be considered, and must be posted on the Town's website by the time notice of the proposed Ordinance is published. This Business Impact Estimate may be revised following its initial posting.

Proposed Ordinance's title/reference:

ORDINANCE NO. 795

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.

If one or more boxes are checked below, this means the TOWN OF JUNO BEACH is of the view that a business impact estimate is not required for the proposed Ordinance pursuant to Florida Statute §166.041(4)(c), but the TOWN OF JUNO BEACH is providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed Ordinance.

- ☐ The proposed Ordinance is required for compliance with federal or state law or regulation;
- ☐ The proposed Ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed Ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed Ordinance is an emergency Ordinance;

- ☐ The proposed Ordinance relates to procurement; or
- ☐ The proposed Ordinance is enacted to implement the following:
 - a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that although an exemption noted above may apply, the TOWN OF JUNO BEACH hereby publishes the following information:

1. Summary of the proposed Ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

1. Provide for administrative review and approval of single-family and two-family site plans and appearance by deleting references to the planning and zoning board approval authority and replacing them with references to the planning and zoning director.

2. Clarify compliance with Florida Statutes related to consideration of building design elements by administrative staff by adding language stating references to architectural styles are to be considered as preferred, but not required as it relates to the review of single-family and two-family dwellings. This change is required once authority for approval is vested in the planning and zoning director because Section 163.3202(5)(a), Florida Statutes prohibits the consideration of certain building design elements unless the approval is granted by a design review board or architectural review board.

3. Remove size, mass, bulk, scale, and proportion from consideration as part of appearance review for single-family and two-family dwellings by adding language stating those foregoing factors are not to be considered in the review of single-family and two-family dwellings.

The Town Council has determined that adoption of this Ordinance is in the best interests of the general welfare of the Town of Juno Beach.

2. An estimate of the direct economic impact of the proposed Ordinance on private, for-profit businesses in the Town, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur: **NONE.**

(b) Any new charge or fee imposed by the proposed Ordinance, or for which businesses will be financially responsible; and **NONE.**

(c) An estimate of the Town's regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **NONE.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed Ordinance: **NONE.**

4. Additional information the governing body deems useful (if any):

THE PROPOSED ORDINANCE IS A GENERALLY APPLICABLE ORDINANCE THAT APPLIES TO ALL PERSONS SIMILARLY SITUATED (INDIVIDUALS AS WELL AS BUSINESSES) AND, THEREFORE, THE PROPOSED ORDINANCE DOES NOT AFFECT ONLY BUSINESSES.



Meeting Name: Planning and Zoning Meeting

Meeting Date: April 6, 2026

Prepared By: Gemma, Town Attorney

Item Title: ORDINANCE NUMBER 796

ORDINANCE NO. 796 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING SECTION 34-115, "INTENT AND PURPOSE," 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.

REQUESTED ACTION:

Conduct a public hearing and consider recommendation of approval or denial to City Council for Ordinance No. 796.

PLANNING AND ZONING BOARD:

As directed by Town Council at the March 25, 2026 Town Council meeting, Ordinance 795 is being re-noticed.

Florida Statutes, 166.041, requires proper public notice before adopting an ordinance. Florida Statutes, 50.0311, allows website notice instead of newspaper notice. In 2024, the Town of Juno Beach began placing some of its required public notices on the Palm Beach County website for public notices instead of in a newspaper of general circulation. Florida Statutes, 50.0311 requires an annual notice published in a newspaper of general circulation directing the public to the web location of the Town's public notices (in the case of the Town, on the Palm Beach County website for public notices). In 2025, the annual notice was inadvertently not run in a newspaper of general circulation in accordance with Florida Statutes, 50.0311. As the original public notice for Ordinance 796 was advertised in December 2025 on the Palm Beach County website for public notices, the ordinance is being re-noticed for public hearing by the Planning and Zoning Board.

Attachments:

- 1) Original Memorandum from Town Attorney; and
- 2) Ordinance No. 796
- 3) Business Impact Estimate



Meeting Name: Planning and Zoning Board Meeting

Meeting Date: January 5, 2026

Prepared By: Zackery Good, Town Attorney

Item Title: 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'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.

REQUESTED ACTION:

Hold a public hearing and consider a recommendation that the Town Council approve or deny Ordinance No. 796, amending Section 34-115, Town Code of Ordinances to:

1. Clarify the stated legislative intent of site plan and appearance reviews with respect to single-family and two-family dwellings.

BACKGROUND AND LEGAL ANALYSIS:

At its May 28, 2025 meeting, the Town Council directed Staff to revise the Zoning Code to continue enforcement of harmony review for single-family dwellings while complying with state-law preemptions related to the regulation of building design elements. That direction included:

- Removing architectural review of single-family and two-family dwellings from the appearance review criteria;
- Creating a Zoning in Progress to allow time for comprehensive Code revisions;
- Removing appearance review for single-family dwellings;
- Returning review authority for single-family dwellings from the Planning and Zoning Board (acting as the Appearance Review Board) to administrative staff;
- Revising harmony comparison language; and

- Exploring additional base-zoning tools to promote harmony.

Subsequently and shortly thereafter, on June 26, 2025, the Governor of Florida signed Senate Bill 180 into law. Because Palm Beach County is included in a federal disaster declaration, the Town of Juno Beach is restricted until October 1, 2027, from adopting land development regulations or review procedures that are more restrictive or burdensome.

As a result, certain Council-directed zoning changes—such as increased setbacks, second-story floor area limitations, and expanded open-space requirements—are now legally constrained by Florida Statutes that preempt local government and could expose the Town to litigation risk as a result of the actions of Senate Bill 180.

However, Senate Bill 180 does not prohibit actions that are considered less restrictive, including:

- Removal of architectural and appearance review for single-family dwellings; and
- Assignment of such review to administrative staff.

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.

To ensure consistency and transparency in applying these criteria, Staff developed internal analytical tools to evaluate bulk, mass, scale, and proportion. These tools are not codified but were implemented to reduce subjectivity and mitigate legal risk.

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 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.

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.

If the Town Council elects to continue enforcing appearance review criteria, options previously discussed include:

- Establishing a formal Design or Appearance Review Board with members experienced in architecture, planning, or real estate;
- Codifying review authority in a designated board or the Town Council, consistent with historical practice dating back to the Appearance Review Board created in 1984; and
- Continuing Staff analysis guided by the plain language of the Zoning Code.

Furthermore, if the Town were to continue enforcing its appearance review criteria, it could codify a provision specifically designating the Town Council or other constituted Town Board, such as the prior Appearance Review Board from 1984 which, as a practical matter, was absorbed into the Planning and Zoning Board upon its creation through recodification, but which has not been specifically repealed and is technically an active board legally, to review these decisions.

Absent the adoption of updated regulations by the Town Council, 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, but should avoid the adoption of strict formulas in applying the harmony criteria. In accordance with the case law cited above, Staff recommendations should be guided by the application of the actual words used in the Town's Zoning Code.

TOWN COUNCIL DIRECTION:

At the November 12, 2025, Town Council Meeting, the Town Council approved a six-part motion to:

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; and
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.

The Town Attorney's Office has subsequently worked with Town Staff to draft the attached Ordinance No. 796 amending Section 34-115, Town Code of Ordinances to:

1. Clarify the stated legislative intent of site plan and appearance reviews with respect to single-family and two-family dwellings.

The foregoing amendment is pursuant to part two of the Town Council's November 12, 2025, motion.

RECOMMENDATION:

At this time, Staff recommends the Planning and Zoning Board hold a public hearing and consider a recommendation to the Town Council of approval or denial of Ordinance No. 796.

TOWN OF JUNO BEACH, FLORIDA

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.

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Town Council of the Town of Juno Beach, Florida, pursuant to its as authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the Town Council of the Town of Juno Beach, Florida adopted Ordinance 421 upon a second and final reading on February 19, 1992, establishing appearance and site plan review criteria for new developments and establishing criteria for said review within the Town of Juno Beach Code of Ordinances, Section 34-116(3)(b)(2) "Appearance Review Criteria" which reads as follows: "is of a design and proportion which enhances and is in harmony with the area;" and

WHEREAS, the Town Council of the Town of Juno Beach, Florida adopted Ordinance 763 upon a second and final reading on July 26, 2023, establishing a definition of the term harmony, under Section 34-4. "Definitions" of the Town of Juno Beach Code of Ordinances which reads as follows: "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;" and

WHEREAS, the Town Council of the Town of Juno Beach, Florida adopted Ordinance 780 upon a second and final reading on January 24, 2024, providing further clarification on the assessment of harmony during appearance reviews by amending Section 34-116(3)(b)(2) "Appearance Review Criteria" of the Town of Juno Beach Code

1 of Ordinances to add the following clarification: "the comparison of harmony between
2 buildings shall consider the preponderance of buildings or structures within 300 feet
3 from the proposed site of the same zoning district;" and
4

5 WHEREAS, the Town Council of the Town of Juno Beach, Florida now desires to
6 clarify its legislative intent for appearance reviews with respect to the determination of
7 whether harmony has been achieved does not require neighboring properties to be of
8 the same or similar overall square footage; and
9

10 WHEREAS, the Town Council of the Town of Juno Beach, Florida desires to
11 further clarify its legislative intent for appearance reviews and the determination of
12 whether harmony has been achieved must address adverse physical or visual impacts
13 as permitted by law under Florida Statutes, the Town Comprehensive Plan, and the
14 Town Code of Ordinances; and
15

16 WHEREAS, the Town Council of the Town of Juno Beach, Florida recognizes
17 that the Town's planning and zoning department may properly consider the plain
18 language of the Town of Juno Beach's Code of Ordinances to administer appearance
19 reviews and utilize any expert consultants as may be necessary in the review of
20 individual applications to determine whether harmony has been achieved as defined in
21 the Town Code of Ordinances and applicable law; and
22

23 WHEREAS, the Town Juno Beach, Florida's Planning and Zoning Board, as the
24 Local Planning Agency, has conducted a public hearing on this Ordinance and provided
25 its recommendation to the Town Council; and
26

27 WHEREAS, the Town Council has determined that adoption of this Ordinance is
28 in the best interests of the health, safety and general welfare of the Town of Juno
29 Beach, Florida, and its citizens.
30

31 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
32 TOWN OF JUNO BEACH, FLORIDA as follows:
33

34 **Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and
35 correct legislative findings of the Town Council of the Town of Juno Beach and are
36 incorporated herein.
37

38 **Section 2.** The Town Council hereby amends Section 34-115, "Intent and
39 Purpose," of Division 4, "Site Plan and Appearance Review," of Article II, "Administration
40 and Enforcement," or Chapter 34, "Zoning," of the Town Code of Ordinances is hereby
41 amended as set forth below. For purposes of this Ordinance, underlined type shall
42 constitute additions to the original text, *** shall constitute ellipses to the original text
43 and ~~struck through~~ shall constitute deletions to the original text.
44

45 **Sec. 34-115. - Intent and purpose.**
46

The intent of site plan and appearance review is:

- (1) To ensure the best use and the most appropriate development and improvement of each lot in the town;
- (2) To protect the owners of lots to ensure that the use of surrounding lots will maintain or improve property values;
- (3) To ensure the erection thereon of well-designed and proportioned structures built of appropriate materials;
- (4) To preserve, as far as practicable the natural features and beauty of said property;
- (5) To obtain harmonious architectural themes; to encourage and secure the erection of attractive structures thereon, with appropriate locations thereof on lots;
- (6) To secure and maintain proper setbacks from streets and adequate open spaces between structures; and
- (7) In general, 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.
- (8) With respect to the review of single-family dwellings and two-family dwellings, the intent of site plan and appearance, is to establish that size, mass, bulk, scale, and proportion of the structure is not to be considered in a determination of whether the proposed dwelling is in harmony with the surrounding properties.

Section 3. All ordinances or parts of ordinances of the Town of Juno Beach, Florida, which are conflict with this Ordinance, are hereby repealed to extent of such conflict.

Section 4. The provisions of this Ordinance shall become and be made a part of the Zoning Code of the Town of Juno Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 5. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

Section 6. This Ordinance shall be effective immediately upon final adoption.

[Remainder of page intentionally blank]

FIRST READING this ____ day of _____, 2026

SECOND, FINAL READING AND ADOPTION this ____ day of _____, 2026.

AYE

NAY

PEGGY WHEELER, MAYOR

AYE

NAY

JOHN CALLAGHAN, VICE MAYOR

AYE

NAY

DIANA DAVIS, VICE MAYOR PRO TEM

AYE

NAY

DD HALPERN, COUNCILMEMBER

AYE

NAY

MARIANNE HOSTA, COUNCILMEMBER

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CAITLIN E. COPELAND-RODRIGUEZ, MMC
TOWN CLERK

TG LAW PLLC
TOWN ATTORNEY



BUSINESS IMPACT ESTIMATE/EXEMPTION FORM

This Business Impact Estimate is provided in accordance with Florida Statute §166.041(4). This form should be included in agenda packet for the item under which the proposed Ordinance is to be considered, and must be posted on the Town’s website by the time notice of the proposed Ordinance is published. This Business Impact Estimate may be revised following its initial posting.

Proposed Ordinance’s title/reference:

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.

If one or more boxes are checked below, this means the TOWN OF JUNO BEACH is of the view that a business impact estimate is not required for the proposed Ordinance pursuant to Florida Statute §166.041(4)(c), but the TOWN OF JUNO BEACH is providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed Ordinance.

- ☐ The proposed Ordinance is required for compliance with federal or state law or regulation;
- ☐ The proposed Ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed Ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed Ordinance is an emergency Ordinance;

- ☐ The proposed Ordinance relates to procurement; or
- ☐ The proposed Ordinance is enacted to implement the following:
 - a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that although an exemption noted above may apply, the TOWN OF JUNO BEACH hereby publishes the following information:

1. Summary of the proposed Ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Clarify the stated legislative intent of site plan and appearance reviews with respect to single-family and two-family dwellings by adding language stating the intent of site plan and appearance, review for single-family and two-family dwellings is to establish that size, mass, bulk, scale, and proportion of the structure is not to be considered in a determination of whether the proposed dwelling is in harmony with the surrounding properties.

The Town Council has determined that adoption of this Ordinance is in the best interests of the general welfare of the Town of Juno Beach.

2. An estimate of the direct economic impact of the proposed Ordinance on private, for-profit businesses in the Town, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur: **NONE**.
- (b) Any new charge or fee imposed by the proposed Ordinance, or for which businesses will be financially responsible; and **NONE**.
- (c) An estimate of the Town's regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **NONE**.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed Ordinance: **NONE**.

4. Additional information the governing body deems useful (if any):

THE PROPOSED ORDINANCE IS A GENERALLY APPLICABLE ORDINANCE THAT APPLIES TO ALL PERSONS SIMILARLY SITUATED (INDIVIDUALS AS WELL AS BUSINESSES) AND, THEREFORE, THE PROPOSED ORDINANCE DOES NOT AFFECT ONLY BUSINESSES.



Meeting Name: Planning and Zoning Meeting

Meeting Date: April 6, 2026

Prepared By: Gemma, Town Attorney

Item Title: ORDINANCE NUMBER 797

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, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

REQUESTED ACTION:

Conduct a public hearing and consider recommendation of approval or denial to City Council for Ordinance No. 797.

PLANNING AND ZONING BOARD:

As directed by Town Council at the March 25, 2026 Town Council meeting, Ordinance 795 is being re-noticed.

Florida Statutes, 166.041, requires proper public notice before adopting an ordinance. Florida Statutes, 50.0311, allows website notice instead of newspaper notice. In 2024, the Town of Juno Beach began placing some of its required public notices on the Palm Beach County website for public notices instead of in a newspaper of general circulation. Florida Statutes, 50.0311 requires an annual notice published in a newspaper of general circulation directing the public to the web location of the Town's public notices (in the case of the Town, on the Palm Beach County website for public notices). In 2025, the annual notice was inadvertently not run in a newspaper of general circulation in accordance with Florida Statutes, 50.0311. As the original public notice for Ordinance 797 was advertised in December 2025 on the Palm Beach County website for public notices, the ordinance is being re-noticed for public hearing by the Planning and Zoning Board.

Attachments:

- 1) Original Memorandum from Town Attorney; and
- 2) Ordinance No. 797
- 3) Business Impact Estimate - Ordinance 797



Meeting Name: Planning and Zoning Board Meeting

Meeting Date: January 5, 2026

Prepared By: Zackery Good, Town Attorney

Item Title: 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.

REQUESTED ACTION:

Hold a public hearing and consider a recommendation to the Town Council of approval or denial of Ordinance No. 797, amending Section 34-28, Town Code of Ordinances to:

1. Remove plat and replat review from the duties of the Planning and Zoning Board; and
2. Remove review of single-family and two-family site plans and appearance, including architectural review, from the Planning and Zoning Board and assign such review to administrative Staff.

BACKGROUND AND LEGAL ANALYSIS:

At its May 28, 2025 meeting, the Town Council directed Staff to revise the Zoning Code to continue enforcement of harmony review for single-family dwellings while complying with state-law preemptions related to the regulation of building design elements. That direction included:

- Removing architectural review of single-family and two-family dwellings from the appearance review criteria;
- Creating a Zoning in Progress to allow time for comprehensive Code revisions;
- Removing appearance review for single-family dwellings;

- Returning review authority for single-family dwellings from the Planning and Zoning Board (acting as the Appearance Review Board) to administrative staff;
- Revising harmony comparison language; and
- Exploring additional base-zoning tools to promote harmony.

Subsequently and shortly thereafter, on June 26, 2025, the Governor of Florida signed Senate Bill 180 into law. Because Palm Beach County is included in a federal disaster declaration, the Town of Juno Beach is restricted until October 1, 2027, from adopting land development regulations or review procedures that are more restrictive or burdensome.

As a result, certain Council-directed zoning changes—such as increased setbacks, second-story floor area limitations, and expanded open-space requirements—are now legally constrained by Florida Statutes that preempt local government and could expose the Town to litigation risk as a result of the actions of Senate Bill 180.

However, Senate Bill 180 does not prohibit actions that are considered less restrictive, including:

- Removal of architectural and appearance review for single-family dwellings; and
- Assignment of such review to administrative staff.

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.

To ensure consistency and transparency in applying these criteria, Staff developed internal analytical tools to evaluate bulk, mass, scale, and proportion. These tools are not codified but were implemented to reduce subjectivity and mitigate legal risk.

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:

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2. Whether Harmony and Appearance Review Violates Constitutional Equal Protection

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3. Whether Harmony and Appearance Review Provide Unbridled Discretion

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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.

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.

If the Town Council elects to continue enforcing appearance review criteria, options previously discussed include:

- Establishing a formal Design or Appearance Review Board with members experienced in architecture, planning, or real estate;
- Codifying review authority in a designated board or the Town Council, consistent with historical practice dating back to the Appearance Review Board created in 1984; and
- Continuing Staff analysis guided by the plain language of the Zoning Code.

Furthermore, if the Town were to continue enforcing its appearance review criteria, it could codify a provision specifically designating the Town Council or other constituted Town Board, such as the prior Appearance Review Board from 1984 which, as a practical matter, was absorbed into the Planning and Zoning Board upon its creation through recodification, but which has not been specifically repealed and is technically an active board legally, to review these decisions.

Absent the adoption of updated regulations by the Town Council, 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, but should avoid the adoption of strict formulas in applying the harmony criteria. In accordance with the case law cited above, Staff recommendations should be guided by the application of the actual words used in the Town's Zoning Code.

TOWN COUNCIL DIRECTION:

At the November 12, 2025, Town Council Meeting, the Town Council approved a six-part motion to:

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; and
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.

The Town Attorney's Office has subsequently worked with Town Staff to draft the attached Ordinance No. 797 amending Section 34-28, Town Code of Ordinances to:

1. Remove plat and replat review from the duties of the Planning and Zoning Board; and
2. Remove review of single-family and two-family site plans and appearance, including architectural review, from the Planning and Zoning Board and assign such review to administrative Staff.

The amendments to Section 34-28, Town Code of Ordinances related to plat and replat duties are changes recommended by the Town Attorney's Office for clarity and compliance with Section 177.071, Florida Statutes, that may be undertaken via this Ordinance already updating the duties of the Planning and Zoning Board.

The amendments to Section 34-28, Town Code of Ordinances related to the reassignment of site plan and appearance review for single-family and two-family dwellings are pursuant to part one of the Town Council's November 12, 2025, motion.

RECOMMENDATION:

At this time, Staff recommends the Planning and Zoning Board hold a public hearing and consider a recommendation to the Town Council of approval or denial of Ordinance No. 797.

TOWN OF JUNO BEACH, FLORIDA

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.

WHEREAS, Article VIII of the Florida Constitution and Chapter 166, Florida Statutes, provide municipalities with governmental, corporate, and proprietary powers to conduct municipal government, perform municipal functions, and render municipal services, and to exercise any power for municipal purposes except as expressly prohibited by law; and

WHEREAS, the Town Council of the Town of Juno Beach, Florida, as the governing body of the Town, is authorized pursuant to Chapters 163 and 166, Florida Statutes, to adopt and amend land development regulations; and

WHEREAS, Section 177.071, Florida Statutes, provides that a local government may not require plat approval by the governing body and authorizes the delegation of plat review and approval to administrative officials in accordance with adopted regulations; and

WHEREAS, the Town Council of the Town of Juno Beach has expressly recognized and implemented the requirements of section 177.071, Florida Statutes, by adopting Resolution No. 2025-12 on August 26, 2025, which delegates authority for the administrative review and approval of plats and replats to Town staff, including designation of the Town Manager as the administrative official authorized to approve plats and replats; and

WHEREAS, the Town Council has expressed its intention to amend Division 4, "Site Plan and Appearance Review," of Article II, "Administration and Enforcement," of Chapter 34, "Zoning," of the Town Code of Ordinances to modify appearance, including architectural, review procedures for detached single-family dwellings so that such review is subject to administrative review and approval by the Planning and Zoning

Director or designee, rather than requiring a public hearing before the Planning and Zoning Board; and

WHEREAS, the Town's Planning and Zoning Board, acting as the Local Planning Agency, has conducted a duly noticed public hearing on this Ordinance and transmitted its recommendation to the Town Council; and

WHEREAS, notwithstanding prior concerns regarding administrative review, the Town Council has determined that site plan and appearance (including architectural) review of detached single-family dwellings not located within an approved Planned Unit Development should be returned to the Planning and Zoning Board for final action and shall be authorized for review by administrative staff; and

WHEREAS, the Town Council finds that adoption of this Ordinance is in the best interests of the public health, safety, and general welfare of the Town of Juno Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, as follows:

Section 1. Adoption of Recitals. The foregoing "Whereas" clauses are hereby ratified as true and confirmed and are incorporated herein.

Section 2. Amendments. The Town Council hereby amends 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 read as follows (additional language is underlined):

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. ~~The planning and zoning board shall have final decision-making authority on site plan and appearance review, specifically including architectural review, of detached single-family dwellings not located within an approved planned unit development.~~ 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.

Section 3. Conflicts. All ordinances or parts of ordinances of the Town of Juno Beach, Florida, which are conflict with this Ordinance, are hereby repealed to extent of such conflict.

[Remainder of page intentionally blank]

FIRST READING this ____ day of _____, 2026.

SECOND, FINAL READING AND ADOPTION this ____ day of _____, 2026.

AYE

NAY

PEGGY WHEELER, MAYOR

AYE

NAY

JOHN CALLAGHMAN, VICE MAYOR

AYE

NAY

DIANA DAVIS, VICE MAYOR PRO TEM

AYE

NAY

DD HALPERN, COUNCILMEMBER

AYE

NAY

MARIANNE HOSTA, COUNCILMEMBER

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CAITLIN E. COPELAND-RODRIGUEZ, MMC
TOWN CLERK

TG LAW PLLC
TOWN ATTORNEY



BUSINESS IMPACT ESTIMATE/EXEMPTION FORM

This Business Impact Estimate is provided in accordance with Florida Statute §166.041(4). This form should be included in agenda packet for the item under which the proposed Ordinance is to be considered, and must be posted on the Town's website by the time notice of the proposed Ordinance is published. This Business Impact Estimate may be revised following its initial posting.

Proposed Ordinance's title/reference:

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.

If one or more boxes are checked below, this means the TOWN OF JUNO BEACH is of the view that a business impact estimate is not required for the proposed Ordinance pursuant to Florida Statute §166.041(4)(c), but the TOWN OF JUNO BEACH is providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed Ordinance.

- ☐ The proposed Ordinance is required for compliance with federal or state law or regulation;
- ☐ The proposed Ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed Ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the municipal government.

- ☐ The proposed Ordinance is an emergency Ordinance;
- ☐ The proposed Ordinance relates to procurement; or
- ☐ The proposed Ordinance is enacted to implement the following:
 - a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that although an exemption noted above may apply, the TOWN OF JUNO BEACH hereby publishes the following information:

1. Summary of the proposed Ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

1. Remove plat and replat review from the duties of the planning and zoning board by deleting references to preliminary plat reviews in the duties of the planning and zoning board; and

2. Remove review of single-family and two-family site plans and appearance, including architectural review, from the planning and zoning board and assign such review to administrative staff by deleting references to the planning and zoning board decision-making authority of appearance and architectural review of single-family dwellings.

The Town Council has determined that adoption of this Ordinance is in the best interests of the general welfare of the Town of Juno Beach.

2. An estimate of the direct economic impact of the proposed Ordinance on private, for-profit businesses in the Town, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur: **NONE**.

(b) Any new charge or fee imposed by the proposed Ordinance, or for which businesses will be financially responsible; and **NONE**.

(c) An estimate of the Town's regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **NONE**.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed Ordinance: **NONE**.

4. Additional information the governing body deems useful (if any):

THE PROPOSED ORDINANCE IS A GENERALLY APPLICABLE ORDINANCE THAT APPLIES TO ALL PERSONS SIMILARLY SITUATED (INDIVIDUALS AS WELL AS BUSINESSES) AND, THEREFORE, THE PROPOSED ORDINANCE DOES NOT AFFECT ONLY BUSINESSES.