

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
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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
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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
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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.
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31 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
32 TOWN OF JUNO BEACH, FLORIDA as follows:
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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.
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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, including architectural, review 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