



Meeting Name: Special Town Council Meeting
Meeting Date: February 18, 2026
Prepared By: Gemma Torcivia, Esq., 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 (second and final reading) and consider adoption of 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.

BRIEF SUMMARY OF ORDINANCE NO. 795:

Ordinance No. 795 amending Section 34-116, Town Code of Ordinances, provides for the following changes:

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.

BACKGROUND:

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, which is attached hereto as Exhibit “A,” to:

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

At first reading, the Town Attorney's Office provided an extensive legal analysis of the Town's existing Code of Ordinances and the history of Appearance Review, the preparation of which was approved via consensus at the November 12, 2025, Regular Town Council Meeting. *See* Exhibit "B." During that public hearing, the Town Council requested additional information related to the Town's ability to perform architectural review and the legislative history supporting a determination that the Town may legally perform architectural review in spite of Section 163.3202(5)(a)(7), Florida Statutes, which prohibits land development regulations relating to building design elements from being applied to a single-family or two-family dwelling unless the dwelling is located within the jurisdiction of a local government that has a design review board or an architectural review board created before January 1, 2020.

On January 4, 1984, the Town Council adopted Ordinance No. 268, which created the Appearance Review Board and adopted the Town Appearance Plan. Section 4-129 of the Town Code of Ordinance, as adopted in Ordinance No. 268, provides the powers and duties of the Appearance Review Board as follows (emphasis added),

- (1) To hold public hearings on and make recommendations for an appearance plan as provided in section 6-130 hereof
- (2) To consult with and cooperate with the planning and zoning board and other town departments, and other municipal governmental bodies on matters affecting the appearance of the town.
- (3) *To study exterior design drawings, landscape and site plans and materials for any proposed public works or public improvements and to make recommendations to the town commission.*
- (4) To study and review preliminary and final plats and make recommendations to the planning and zoning board and the town commission.
- (5) *To hold hearings, when required, on the issuance of Certificates of Appropriateness as provided in section 4-137 hereof, in connection with questions pertaining to applications for building permits and to issue or deny such Certificates pursuant to the provisions of said section 4-137 hereof.*

On March 23, 1988, Special Meeting Minutes reference the Appearance Review Board in the approval of a Planned Unit Development. On February 19, 1992, Ordinance No. 421 comprehensively revised the zoning code and formally codified Site Plan and Appearance Review procedures, vesting authority previously held by the Appearance Review Board with the Planning and Zoning Board and Town Council without formally repealing or dissolving the Appearance Review Board.

Based on the foregoing legislative history of Appearance Review in the Town of Juno Beach, the Town did have a design review board or architectural review board created prior to January 1, 2020, which would allow the Town to apply land development regulations relating to building design elements to single-family or two-family dwellings. However, with a staff-level review only, this would not be the case.

COMMUNICATION WITH STAFF:

The Town Attorney's Office has coordinated closely with Town Staff throughout the drafting process and has provided multiple opportunities for input on Ordinance No. 795 and accompanying memorandum. On November 25, 2025, the Town Attorney's Office presented draft language to Town Staff via email and received feedback. On December 17, 2025, the Town Attorneys presented further revised draft language to Town Staff and met to discuss and receive feedback. On December 22, 2025, Town Staff provided additional feedback prior to the publication of the Planning and Zoning Board Agenda. On January 11, 2026, Town Staff reviewed again as part of the agenda approval process for the January 28,

2026, Regular Town Council Meeting and the Town Manager approved the item on January 14, 2026, without providing any additional feedback or questions to the Town Attorney's Office.

PLANNING AND ZONING BOARD:

The Planning and Zoning Board held a public hearing on January 5, 2026, and have recommended that the Town Council approve Ordinance No. 795.

TOWN COUNCIL (FIRST READING):

The Town Council held a public hearing on January 28, 2026, approving Ordinance No. 795 at first reading.

RECOMMENDATION:

At this time, Staff recommends the Town Council hold a public hearing and consider adoption of Ordinance No. 795, at second and final reading.

EXHIBITS:

Exhibit "A" – Ordinance No. 795

Exhibit "B" – Transcript of November 12, 2025, Regular Town Council Meeting

Exhibit "C" – Legislative History of Appearance Review