

TOWN OF JUNO BEACH

PUBLIC COMMENT CARD

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

AGENDA ITEM #:

N/A

DATE:

23 APR 25

NAME:

MICHAEL T. CAMP

PHONE NO.:

J61-307-1463

REPRESENTING (IF APPLICABLE):

SELF

ADDRESS:

471 SUNSET WAY

CHECK WHAT MAY APPLY:

☐

SUPPORT

☐

OPPOSE

☒

I WISH TO SPEAK

From: Diana Davis <dianadavisjuno-beach@gmail.com>

Date: April 12, 2025 at 09:49:23 EDT

To: Len Rubin <len@torcivialaw.com>

Cc: town_council@juno-beach.fl.us, Robert Cole <rcole@juno-beach.fl.us>, Frank Davila <fdavila@juno-beach.fl.us>, Caitlin Copeland <ccopeland@juno-beach.fl.us>, Diana Davis <ddavis@juno-beach.fl.us>

Subject: Castle on Every Corner - Architectural Review - please consider a broader framing for the analysis

Sunshine Laws - Do Not Reply All

Hi Len,

Before we receive a definitive legal analysis regarding whether the Town of Juno Beach qualifies for one of the exceptions to the prohibition outlined in Florida Statute §163.3202(5)(a), concerning the regulation of "building design elements" for single- and two-family dwellings, it is suggested for the best interest of Juno Beach that you consider a broader framing of the issue in your analysis.

Rather than focusing solely on whether Juno Beach meets the statutory exception, it is suggested that a better route is to provide an interpretation addressing how the Town might reduce potential litigation risk while preserving our authority to conduct architectural reviews in our historical areas and single-family home neighborhoods.

This approach would better inform the Town Council as we make an important policy decision: whether to retain local control over architectural standards or give up our existing controls over architectural design within our community. Our comprehensive plan requires that we "provide for visual continuity of the community through the application of sound principles of architectural design." It is difficult to imagine how we accomplish this requirement without the authority to regulate "building design elements."

It has been proposed that Juno Beach Municipal Code §34-28, which assigned appearance review responsibilities to the Planning and Zoning Board prior to January 1, 2020, may place us within an exception to the statute. As part of your analysis, it is appreciated if you provided a risk assessment type analysis of the strength of this position and any recommended steps that could bolster our legal standing to maintain architectural review authority under the current statutory framework.

Thank you for your guidance and support on this important matter.

All the Best, Diana Davis

Vice Mayor Pro Tem Town Council Juno Beach

561-267-7772

Harmony Codes & regulating the size of buildings in context

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

- ☐ Size limitations are important for new buildings in Commercial Zoned Areas
- ☐ Size limitations are important for new buildings in Multifamily Zoned Areas
- ☐ Size limitations are important for new buildings in Residential Zoned Areas
- ☐ No size limitations are necessary any of the above areas; developers should determine what to build based on their vision for the community

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

- ☐ Do not repeal the "harmony" size code. I support maintaining regulations that guide incremental growth rather than allowing developers full discretion over structure size.
- ☐ Do not repeal the "harmony" size code, and require the Planning and Zoning Staff to provide clear guidance on its application. This ensures consistent implementation and review.
- ☐ Do not repeal the "harmony" size code. The Town has already invested in professional land use planning. Let's allow the three contracted consultants - working on the Community Vision/Master Plan, Strategic Work Plan (including growth management), and potential code improvements - to provide their expert recommendations before making permanent changes.
- ☐ Repeal the "harmony" size code immediately. Developers should not be required to adjust their building plans to conform to the character of the surrounding area.

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

- ☐ Maintain the existing "harmony" code provisions, which evaluate bulk, mass, scale and proportion of the proposed structure compared to buildings within 300 feet in the same zoning district.
- ☐ Use Floor Area Ratio (FAR) to regulated building volume based on lot size, including vertical dimensions.
- ☐ Implement 3-D GIS Scene View technology to visually compare proposed structures to neighboring buildings in a contextual, spatial model.
- ☐ None of the above. I do not support any size restrictions for new buildings and believe developers should determine the scale of their projects.

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

- ☐ Adopt and maintain carefully crafted land development codes that give the Planning and Zoning Staff and Board the tools to evaluate the size of structures in context. This helps preserve a sense of place, maintain a park-like setting, and protect the Town's character and quality of life for current residents.
- ☐ Eliminate land development codes related to structure size. Developers should have full discretion to determine what is appropriate to build in the community without comparison to existing structures.

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

- ☐ Yes, new development should be subject to architectural standards that ensure consistent quality and aesthetic appeal, contributing positively to the overall value of the community.
- ☐ Yes, adequate setbacks should be required for excavations near property lines, and soil stabilization should be mandated prior to excavations to protect neighboring properties.
- ☐ Yes, visual screening such as berms, walls, fences, or vegetation should be required to minimize the impact of larger neighboring structures on existing homes.
- ☐ Yes, limitations should be placed on the amount of fill permitted on new construction sites to prevent significant elevation differences that may negatively affect adjacent properties.
- ☐ No, protecting the property rights on existing residents imposes an unreasonable burden; developers should have full discretion over their building projects.

[Click here to Submit Survey Responses - Thank you!](#)

If you just opted in, you're consenting to receive marketing emails from: Diana Davis For Juno Beach Town Council, 440 Sunset Way, , Juno Beach, FL 33408. You can revoke your consent to receive emails at any time by using the SafeUnsubscribe® link, found at the bottom of every email. Emails are serviced by Constant Contact

Policy Brief: Architectural Review Authority & Home Rule in Juno Beach

Subject: Legal and policy analysis of the Town of Juno Beach's authority to regulate architectural styles for single- and two-family dwellings, particularly in historic districts, under Florida Statute 163.3202(5).

Overview

Changes to Florida Statute §163.3202(5), over the past four years with amendments effective July 2021 and July 2023, have raised questions about the Town of Juno Beach's ability to regulate "building design elements" for single- and two-family homes. These design elements are fundamental to preserving the unique architectural identity of Juno Beach—particularly the "Old Florida" style and the character of historic areas such as Beach Bound, Zephyr Way, and Saturn Lane.

Why This Matters

This is a **significant policy issue** that directly affects the Town's traditional control over architecture and aesthetics, with long-term implications for the character of our residential neighborhoods and historic areas. The Town has long advocated for **Home Rule**—the principle that local decisions should be made locally. The potential state preemption of architectural review further erodes that principle.

Key Legal Reference

Florida Statute §163.3202(5)(a) prohibits municipalities from regulating "building design elements" in single- and two-family homes **unless** one of the statute's exceptions applies. "Building design elements" include:

- Exterior cladding material
 - Roof structures and porches
 - Architectural ornamentation
 - Window and door styling and location
-

Legal Options and Interpretations

There are two exemptions within the statute prohibition on regulating architecture that may allow Juno Beach to **retain its regulatory authority over architectural review**:

1. **Historic District Exemption – §163.3202(5)(a)1:**
 - The statute **does allow regulation** of design elements in **historic districts**.

- Juno Beach's historic areas may qualify under this exemption.
- Further legal review is needed to ensure our historic districts meet criteria for this exemption.

2. Pre-2020 Appearance Review Authority – §163.3202(5)(a)7:

- Juno Beach Municipal Code §34-28 assigned **appearance and site plan review duties** to the Planning and Zoning Board **prior to January 1, 2020**.
- The statute allows continued regulation of "building design elements" if a design or architectural review board existed before 1/1/2020.
- Because an "architectural review board" is undefined in the statute and there is no requirement within the statute of action taken by the "architectural review board", our Planning and Zoning Board's permissive ability to perform appearance review given at the inception of the P&Z Board may be interpreted to satisfy this statutory exemption section.

Note: Two independent land use attorneys with master's degrees in planning have reviewed and supported the above interpretations regarding the exemptions.

3. Interpretation to date has not resulted in any legal challenges:

- The prohibition over regulation of building design elements under §163.3202(5) has been in effect since July 2021, nearly four years, with additional changes in July 2023, which is nearly 2 years ago. However, there have not been any challenges to the municipal code language describing the architectural styles allowed for single-family homes that have been in place under Juno Beach Municipal Code §34-116 (3) b.1., nor have there been any legal challenges over the Planning and Zoning Staff or Board reviews during this time.

Recommended Actions

1. Affirm Home Rule as a Policy Position:

- Reaffirm the Town's commitment to **local authority** over aesthetic and architectural standards, especially in historic areas and single-family neighborhoods.

2. Request Legal Briefing:

- Ask the Town Attorney, Len Rubin, to provide a formal interpretation to evaluate ways to reduce our litigation risks while maintaining our architectural review authority over our historical areas and within our single-family home neighborhoods.

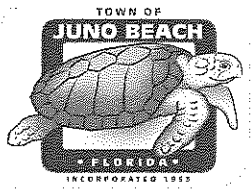
3. Pause Any Code Changes:

- Hold off on any amendments to local zoning or design review ordinances until legal clarity is achieved on language to use within our zoning code to maintain our legal arguments to retain architectural review. For example, do we want to add language regarding the authorities in Juno Beach Municipal Code §34-28, that gave our Planning and Zoning Board authority over appearance review at its inception (Ord. No. 207, 8-8-1979), which includes architectural review and place that historical date 8-8-1979, into our code as the date that the ARB was created.
- Consider training for Staff, Boards, and Council to reduce risk of litigation for architectural reviews.
- Consider adoption of “A Field Guide to American Houses” by Virginia Savage McAlester, as further explanation of our Old Florida Styles
- Consider removing the language within 34-116(3) b.1., that allows a mixture of styles, strike the language “or combination thereof style of architecture.”

Conclusion

Preserving Juno Beach's character through thoughtful architectural oversight has long been a core value of this Town. The Town Council is urged to not give away our authorities over architectural review and defend our authority to maintain the unique look and feel of our community. Any potential risks of litigation can be minimized with training of our Planning and Zoning Board, and through directions given to our Planning and Zoning staff for their memorandums presented in land development proceedings.

Our commitment to “Keep Juno Beach, Juno Beach” requires thoughtful leadership and a legal strategy that reduces our risks while maintaining architectural control.



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AGENDA ITEM #: Comments **DATE:** 4-23-2025
NAME: Scott Shaw **PHONE NO.:** 561-801-2748
REPRESENTING (IF APPLICABLE): Self
ADDRESS: 400 Apollo Dr.

CHECK WHAT MAY APPLY:

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SUPPORT

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OPPOSE

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I WISH TO SPEAK

My name is Scott Shaw and I reside at 400 Apollo Drive which is back-to-back with 401 Diana Lane. A developer wants to demolish the house on Diana and build a super-sized house that violates the harmony and codes of Juno Beach.

At the Appearance review on April 7, the Board approved the plan by a 3-2 vote despite the Staff's advice that the project was out of harmony. At the 52-minute mark of that meeting, the Chairman stated that the job of the Board is to "protect property rights in the town". Immediately, Attorney Rubin corrected the Chairman stating "The job of this board is to enforce the codes that are in place. That's the job of this board." The city attorney had to explain the PZ Board's mission, and the PZ Board did not fulfill its mission.

"Harmony" is defined in the Code of Ordinances, Sec. 34-4. The definition of harmony in the Code includes items like scale, mass, bulk, proportion, height, orientation etc. These are mathematical measures. Subjective concepts are not included in the definition in the Code. Subjectivity should not be pulled in to the analysis by constantly invoking the idea that harmony is subjective. Board members do this constantly and that conversation is becoming tiresome.

Mr. Rubin is correct. The mission is to decide whether the Appearance shows a harmonious plan according to the code. That means you set opinion aside. I think it is also the responsibility of the Zoning Board chairman to remind members that harmony is not subjective as defined in Section 34-4, and that the 300 ft radius for comparison of nearby homes is not ambiguous.

The plan shows 8 toilets and an accessible bathroom off of the kitchen, for a grand total of 9. The 2nd floor has 5 bedrooms and on the 1st floor a "Club Room" and a "Study". The claim that the builder cannot reduce the size should be rejected.

Nobody at Council Hour on April 18 that we spoke with knew about 9 bathrooms. Please ... look at the plan, especially the two drawings showing the first floor, and the second floor.

I'll conclude with 4 more points:

- 1) I want to see reversal of the Board's approval. I'm getting advice on methods to accomplish an override, but the better path would be for the Town to fix their mistake.
- 2) I suggest the builder be required to reduce living space from 5400 to something less than 4400. The result would be a beautiful, upscale, home at 401 Diana.
- 3) Please require completion of the pool design. Please do not leave it "by others" as shown on the drawing. For safety, good lighting would be necessary. What is the status of Ordinance 766 which was tabled in March 2024 and deals with spillover lighting?
- 4) In my letter dated January 10, 2025, I asked how I would avoid loss of value of my property. Can someone respond to that question? Section 34-115 of the Code talks about an "intent" to maintain or improve property value. I'm curious

whether there is anything I ought to be doing to avoid loss of property value, but I'm not very interested in discussing "good intentions".

The results of this submission may be viewed at:

<https://www.juno-beach.fl.us/node/2951/submission/19909>



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

Public Comment for 04/23/2025 Council Meeting

1 message

CI Wolf <clwolf@rocketmail.com>

Wed, Apr 23, 2025 at 9:35 AM

To: "town_council@juno-beach.fl.us" <town_council@juno-beach.fl.us>, "rcole@juno-beach.fl.us" <rcole@juno-beach.fl.us>

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

General Comments from Cyndie Wolf, 440 Starlight Lane
04/23/2025 Town Council Meeting

The Town Council has approved an expenditure of over \$200,000 to engage consultants for the development of a comprehensive master plan, the revision of existing codes, and the establishment of a long-term vision for the community. However, the Council is now indicating a willingness to alter or dismantle current codes, in particular 'Harmony' requirements, prior to receiving the consultants' analysis.

Such actions raise concerns about fiscal responsibility and the effective use of taxpayer dollars. It is imperative that existing codes remain in place until the consultants have completed their work and provided informed recommendations. Accordingly, the workshop currently scheduled for May 2 should be postponed until the final deliverables from the consulting teams are available for review and discussion.

Three Town Council seats will be up for election next spring, and the handling of this issue may significantly influence voters' decisions. Proceeding with changes before receiving the consultants' analysis raises concerns about sincerity and fiscal responsibility. Investing in expert guidance while disregarding the outcomes undermines the intent of the process and may reflect poorly on the Council's stewardship of public funds.

Additionally, the Town Council has recently enacted a policy change that limits public participation by requiring residents to attend meetings in person in order to speak. Written statements will no longer be read aloud during the meetings. This decision disproportionately affects a significant portion of our community, particularly seasonal residents, individuals who are homebound, disabled, out of town, or unable to attend due to scheduling conflicts.

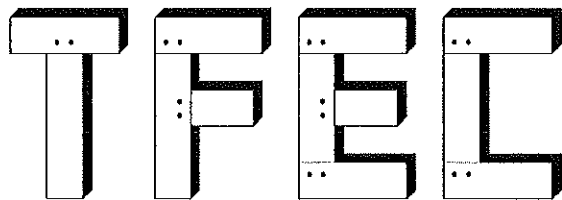
Under the new policy, written comments will be appended to the meeting minutes but not read into the record, shared with the audience, or acknowledged by Council members during the meeting. As a result, the public, both in person and watching remotely, will not hear these perspectives - effectively diminishing the transparency and inclusiveness of the public discourse.

At a time when the town is facing several important and potentially contentious issues, this move creates the perception that public input is being minimized or deliberately obscured. To maintain trust and ensure all voices are heard, the Council should reconsider this policy and explore more inclusive alternatives that allow residents to participate meaningfully in civic discussions.

TFEC 3-2018

Guide to Structural Evaluation of Existing Timber Structures

December 2018



• TIMBER FRAME •
ENGINEERING COUNCIL

Condition Assessment

The condition assessment of a timber structure begins with a visual examination to evaluate the extent of deterioration and to identify signs of structural distress.

Areas where persistent roof leaks are evident or where timbers are pocketed into a masonry wall are the most susceptible to rot. An awl is a simple and indispensable tool for probing the surface of a timber to identify the depth and extent of deterioration. An awl is also useful in identify the extent of insect damage. Any portion of the wood that can be penetrated with modest pressure on an awl should be assumed to have negligible strength.



Figure 13 An awl is used to probe for rot.



Figure 14 A rock pick can be used for sounding

There may be deterioration present within the core of a timber that cannot be seen and is too deep to probe with an awl. Sounding with a hammer can be effective at identifying areas where hidden deterioration exists. The sound that the timber makes when struck with the hammer is an indication of the soundness of the timber. A dull thud indicates that there may be internal deterioration which tends to dampen high frequency sound waves traveling through a timber. The hammer sounding technique is highly subjective but may signal to the investigator the presence of voids or hidden deterioration.

Some form of non-destructive evaluation (NDE) may be warranted if hidden deterioration is suspected. There are some sophisticated NDE systems such as ultrasonic stress-wave measurement that have been used with limited success in evaluating deteriorated timbers but resistance drilling is the preferred method.

Resistance drilling creates a small diameter hole (typically 1/8") in the timber and the torque required to advance the drill bit is measured and plotted versus depth. Rotted or insect damaged areas clearly show up although regions of incipient decay are often difficult to detect in softwood species.

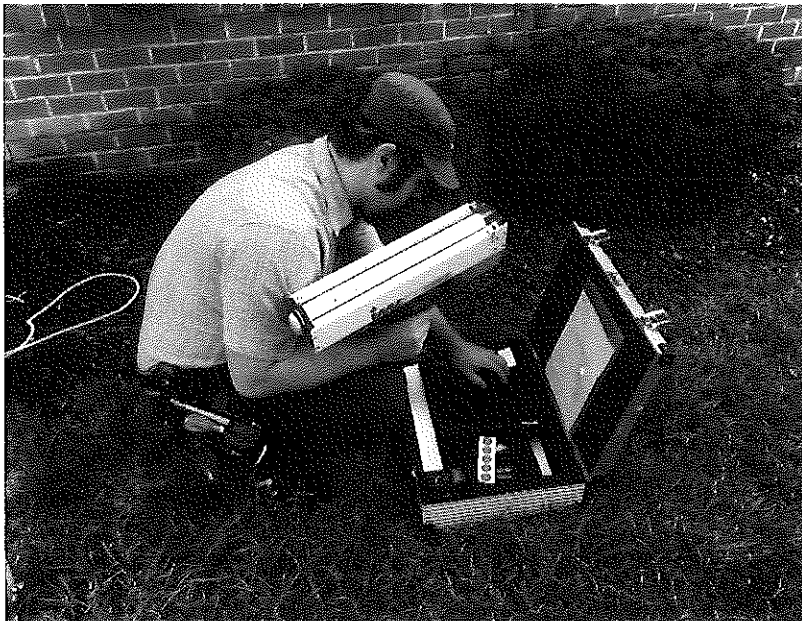


Figure 15 A resistance drill is a useful tool for identifying deterioration hidden below the surface

It is worthwhile to measure the moisture content of the timbers. A high moisture content (above 30%) is an indicator that conditions are conducive to rot deterioration.

Note that portions of a timber embedded in or running adjacent to masonry walls are prone to moisture related decay while at the same time being difficult to access with a moisture meter.

The structural properties of timber vary with moisture content. Published allowable stress values are based on green timbers in dry service conditions. Fully seasoned timbers have a higher strength and higher stress values can be justified if the actual moisture content is known.

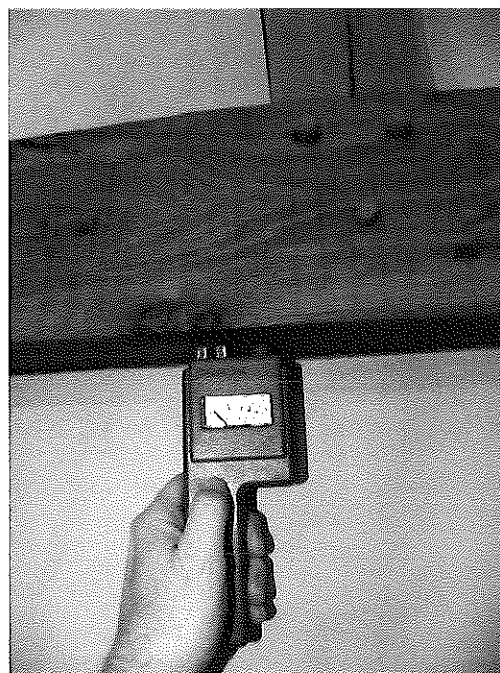


Figure 16 Hand held moisture meter

Signs of structural distress such as fractured or deflected timbers should be identified and documented. Particular attention should be paid to connections and joinery since that is where most structural failures initiate.

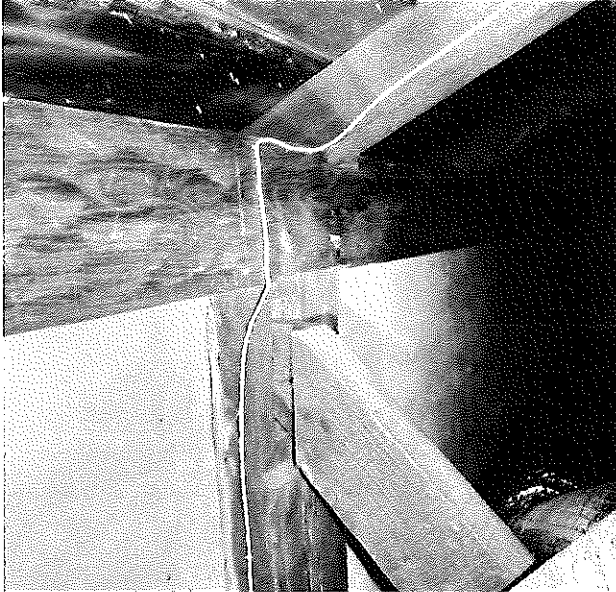


Figure 17 Shear failure in the tenon (relish failure) of a rising brace

Seasoning checks are often misidentified as structural defects. Checks are ordinary timber features and are not defects. No reduction in design bending strength is warranted for a checked timber beyond the reductions already incorporated into the Building Code. Checks typically do not require remediation unless the checks affect the performance of connections. Misguided remediation of seasoning checks, such as applying bolted steel straps across the check, can lead to splitting of a timber during subsequent moisture cycles. Filling checks with epoxy is also ill-advised since it can lead to moisture entrapment and subsequent decay.

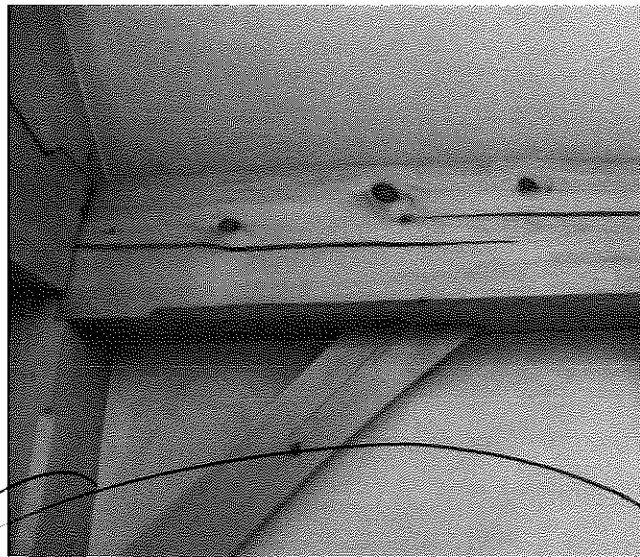


Figure 18 Seasoning checks are not material defects