

To: Town Council

From: Diana Davis, Vice Mayor Pro Tem

Date: 11-7-2025

Master Plan – Vision Statement needed to move forward with the working group.

When contracted to engage TCRPC in a master plan for Juno Beach, the intention was for their assistance to improve our development codes so that the Town can preserve what is unique and maintain the character of our seaside community. The council discussions at the time of the contract to engage TCRPC in a master plan was not to re- develop a single parcel or a smaller section of the Town, and specifically not to just redevelop Plaza Le Mar our one commercial shopping center into condominiums. I enclose the following documents:

1. Master Plan Contract with TCRPC
2. Proposed amendments to the Contract during negotiations - decided that the vision/goals would be determined by interviews and public meetings & email description why amendments not accepted at contract negotiation.
3. My newsletter describes what a Master Plan can do for the Town of Juno Beach based on our scoping meeting with TCRPC. <https://conta.cc/3JgZWlg>
4. Agenda proposal for the workshop - develop a single parcel by reviewing what our current codes allow and what can be developed on the Plaza Le Mar site, and what incentives that we can give the developer to result in a development that we will be happy to permit for our Town. I do not believe this is the correct approach as our Comprehensive Plan has not a guiding document for the Town. We have updated as required by the State but little other than their formatted language. We should look at this as the Master Plan was intended to give us guidance for code changes that would prevent overdevelopment in our Town. It was supposed to be future looking and create code changes for the preservation of our community and provide code fixes so that we would avoid the community backlash for the approvals given to the Caretta project.
5. My survey questions intended to determine what will our Town look like in the next 10-20 years and how do we get there with our code language for new developments. Understood that these will be overlay districts until SB 180 is gone. There are good examples that TCRPC has already done with Delray Beach - downtown and West Palm Beach railroad warehouse - to preserve small scale historical while attracting businesses that enrich the

quality of life for existing residents. There are also good examples within Coral Gables and St Augustine where codes kept the historical small scale. For example, TeraMarsh Grove building is a great example of what we could potentially historically preserve if there were enough tax or other incentives. The Fish House is another historical property, along with the former motels that made up the former Loggerhead Marine Life Center that is now owned by the County. We can incentivize the overlay district with allowing reductions in our parking or landscaping requirements.

6. Suggest a focus on creating a **Mission and Vision so that we can advance informed decisions from our Master Plan work group.** Maybe the working group should wait to meet to first discuss the survey questions that will be sent to the Town residents that will help create this vision and mission statement. The Town Council should agree on what the Master Plan was intended to do, when TCRPC were hired for the work.

We did not vote as a Town Council for a focus to select existing commercial properties to determine their best development strategies into condominium mixed use projects under our current codes.

TCRPC has been paid approx. \$58k to date and there is another \$100k in the budget for this year. I would like their contract updated, as it initially was to expire in October 2025, and re-affirm our initial purpose for pursuit of a Master Plan.

6 attachments

 **TCRPC Contract 2024.pdf**
1885K

 **Contract - proposed edits - 2024-10-21 Master Plan PROJECT DESCRIPTION.docx**
23K

 **2024- Oct changes to contract document to TCRPC.docx**
19K

 **2025-11-12 Agenda item 4 - Master Plan Workshop.PDF**
176K

 **Master Plan - policy document Rob Cole Sept 8.PDF**
170K

 **Polco latest survey 3-5 council suggested questions DLD (1).docx**
30K

Harmony Review Summary for Town Council

Agenda Topic: Continuation and Clarification of Single-Family Home Harmony Review Procedures

Purpose

The Town of Juno Beach has historically applied **Appearance Review** both Architectural Review and Harmony Review (size in context) for new single-family construction to ensure that new development aligns with the “**visual continuity**” and “**consistent neighborhood character**” required in the Town’s **Comprehensive Plan**. The purpose of this agenda item is to confirm how these reviews should be conducted going forward and to resolve questions regarding their legal basis, implementation standards, and administrative guidance.

Current Code Framework for Appearance Review

Review Type	Key Elements	Legal Context
Architectural Review	Architectural style and form for new homes.	Although state law has some limits on regulating building-materials, Juno Beach could continue its evaluation of <i>architectural Old Florida Style</i> , based on St. Petersburg example, and our current appearance review codes giving P&Z Board this authority prior to 2020. See Len Rubin & Nancy Stroud legal opinions.
Harmony Review	Comparative analysis of size of new construction in context.	In place since at least 1992. Supported by comprehensive plan directives requiring neighborhood compatibility. No legal opinion by our Town Attorney has determined the Town’s existing standards to be illegal or invalid, they are allowed under Option 2 of Len Rubin’s 2025-7-21 memo.

The Town’s Planning & Zoning Board has been authorized to perform these reviews since its inception (Code §34-28).

1. Existing Reviews - 19 recent project applications have been processed under the latest review criteria for harmony, including **one denial**, without any legal finding that the standards were impermissible. In fact, only legal challenges allege that the harmony review was not properly considered in the Town’s approval of two projects.

2. Resident Input – My recent newsletter survey (n = 252) found that:

- 97% believe new construction should be reviewed for size compatibility within context.

This indicates broad public expectation for maintaining contextual compatibility in new development.

3. Current Harmony Review Method

The Harmony Review uses both **objective metrics (not go or no go)** and **subjective professional judgment that would determine whether approval given or not**:

Mass & Bulk Tests (Sq. Ft., FAR comparison):

1. Is size within the study area range?
2. Is it less than double the average?
3. Is it within 10–20% of the largest structure?
4. Are mitigating features present? (e.g., greater setbacks, articulation, landscaping)

Scale Tests (Height / Number of Stories):

1. Do most surrounding homes have similar height/story count?
2. Do the immediately adjacent homes align?
3. Does height remain within zoning limits?
4. Are mitigating features present? (e.g., upper-story step-backs, roof slope, greater setbacks, etc..)

These steps allow **flexibility, context sensitivity, and metrics provide predictability** in decision-making.

4. Legal Clarifications

- The Town's current codes are **not prohibited** by state law.
- The Town may **continue** harmony and architectural character review so long as:
 - The final decision has mitigation of its metric numerical reviews by **subjective findings based on neighborhood context**.
- There is **no legal opinion** concluding the Town must stop its existing Appearance Review procedures or that indicates that they are “illegal.”

5. Known Results of Eliminating Harmony Review – loss of character of the neighborhood

If harmony review were abandoned and development relied **only on base zoning (e.g., 35% lot coverage)**:

- New construction could achieve **much higher floor area ratios** (e.g., 0.72–0.74 FAR), producing structures **substantially larger** than existing neighborhood patterns.
- This may conflict with **Comprehensive Plan Policy 11.1(2) & (3)** requiring:
 - **Preservation of visual continuity,**
 - **Consistent character of the neighborhood.**
- Case law has held that projects found to be inconsistent with a municipality's comprehensive plan can be **ordered demolished or torn down**.

6. Recommendations Moving Forward

- **Reaffirm** continued use of existing Harmony Review and Appearance Review codes.
- **Clarify** that staff newsletter policy may not override existing adopted codes.
- **Develop a standardized review checklist** summarizing:
 - a. Objective measurements (FAR, height, study area averages),
 - b. Subjective design and mitigation considerations.
- Consider obtaining **qualified professional evaluations** (architect or planning consultant) to support staff reporting.

7. Conclusion -Continuation of the Town's Harmony Review framework supports:

- **Consistency with the Comprehensive Plan,**
- **Protection of existing neighborhood character,**
- **Preservation of existing property values, and**
- **Predictable, transparent, professional review procedures.**

Save Our Codes Appearance Reviews for Single Family Homes

Town Council Meeting 11-12-2025

Applications to build new structures have Appearance Review and Site Plan Review

- 1. Appearance Review** includes:
 - Architectural Review – old Florida Style as defined in code and in guidance by staff dated December 18, 2020
 - Harmony Review – in place since 1992, latest amendments have been applied to 19 projects (with one denial)
 - Legal Challenges - two challenges to approvals of new construction projects that allege that the Town failed to apply its existing code provisions
- Site Plan Review** differ based on zoning, for single family homes: 34-268, 35% lot coverage, min lot size and setbacks, density, others; existing lawsuit alleging vagueness. One legal challenge alleging vagueness.

Architectural Review

- Building Design Material regulation for single family homes removed from local governments by state statute, unless
- It is within a historical designated area
- Review board granted authority to review prior to 2020.
- Town of Juno Beach Code 34-28 authorized the duties of its Planning and Zoning Board to include appearance review since its inception
- Len Rubin legal opinion, cites to St. Petersburg that was acknowledged by the Florida Legislature in the legislative history for 163.3202, as continuing its “architectural review” and having codes similar to the Town of Juno Beach

Architectural Review

- No legal opinion that the Town of Juno Beach is barred by the language of Florida Statute 163.3202, from continuing its architectural review of single-family homes.
- Len Rubin legal opinion could argue either way to continue architecture review
- Nancy E. Stroud, legal opinion, the Town of Juno Beach can continue with its architectural review based on vagueness of State Statute and existing authorities for P&Z Board
- Town Council voted based on then provided information, that we would abandon architectural review for single family homes- I believe this is in error and will lead to cookie cutter flat box oversized rectangle structures that will negatively impact existing residents' property values. We can never get architectural review back even after SB 180. How do we meet Comprehensive Plan requirements "visual continuity of the community?"

Harmony review

- Survey responses of 252 residents 97% believe that the review of size of new construction in context should be a consideration in the review of these proposed projects.
- Historically, since at least 1992, harmony reviews have attempted to preserve the property values of existing residents by ensuring our comprehensive plan requirements of “visual continuity of the community” and “consistent character of the neighborhood.”

Harmony Review – addressing newsletter policy proposal (assumptions & legal conclusions)

- Town Attorney, Len Rubin's legal opinion is that we can continue our current reviews with the metrics, however the metrics cannot be go or no-go decisions. It should be the final subjective review that determines whether a project is approved.
- No legal opinion by our Town Attorney that we cannot apply the metrics for mass, bulk, and scale
- No legal opinion by our Town Attorney that our current codes are illegal
- No legal opinion by our Town Attorney that the 19 reviews completed under our current codes for harmony are illegal

Harmony review moving forward

- Revoke new policy suggesting to ignore our existing codes for harm articulated in a Town Newsletter by staff
- Continue with our existing codes with the amended guidance to review the metrics and the subjective criteria
- Suggestions to create a checklist (pilot safety list) for review of the harmony criteria for ease of understanding incorporating guidance such as Field Guide to American Houses by Virginia Savage McAles (architectural guide to be completed by contractor)
- Review by staff or by professionals in the field giving qualified professional opinions that give these written opinions to staff to incorporate into their reports to the board, with appeal to Town Council.

Harmony – Staff Tests for Bulk and Mass

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

Harmony – Staff Tests for Scale (height)

Test One

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

Test Two

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

Test Three

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

Test Four

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

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

Bulk & Mass Tests using Comparative analysis	Scale Tests for Height/Storie
<ol style="list-style-type: none">1. Is Sq Ft & FAR within Study Area Range (Y or No - go to 2)2. Are calculations less than double the average? (Y approved, No go to 3)3. Are calculations within 10%-20% of the largest structure? (Y - go to 4, No probable denial - go to 4)4. Are other mitigating factors present to compensate (setbacks, orientation, site planning, architectural features, landscaping) (Y-approval N-denial) [purple boxes more subjective criteria <u>see</u>, workshop guidance 5-2-25]	<ol style="list-style-type: none">1. Are more than half the structures in 300' study area the same stories or higher? Y approval, No – go to 2)2. Are the immediately adjacent structures the same stories or higher (Y approval) No go to 3)3. Is the scale within allowable limits 268 (Y – go to 4, No denial)*second allowed in every zoning code4. Are other mitigating factors present to compensate (setbacks, orientation, planning, architectural features such as step-backs or 2nd floor limits on areas, landscaping,) (Y-approval N-denial) [purple boxes more subjective criteria <u>see</u>, workshop guidance 5-2-25]

If we abandon current codes that protect the property values of existing residents and use Building Site Area Requirements only

- **Results based on lot coverage – structures that are .72 - .74 Floor Area Ratio**
- The structures would be so much larger than existing homes and much larger than even our new construction projects in our neighborhoods.
- In my opinion, this type of construction would violate our Comprehensive Plan requirements of policy 11.1 (2) &(3), “visual continuity of the community” and “consistent character of the neighborhood.”
- Note that our Comprehensive Plan is our guiding document that is to inform all of our code development. Case law has dictated that a project be torn down if it violated a municipality’s comprehensive plan. (i.e., it is a big deal)