

PBC FIRE LEGISLATION

[City/Town Letterhead]

[Date]

The Honorable John Snyder
Chair, Palm Beach County Legislative Delegation
301 North Olive Avenue, Suite 701.6
West Palm Beach, FL 33401
Vnowlan@pbc.gov & Kingram1@pbc.gov

Re: Support for Palm Beach County Fire Rescue Local MSTU Bill

Dear Chair John Snyder and Members of the Palm Beach County Legislative Delegation:

On behalf of the [City/Town of _____], we write to express our strong support for Palm Beach County's proposed local bill relating to the Fire Rescue Municipal Service Taxing Unit (MSTU).

Our municipality receives fire rescue services from Palm Beach County Fire Rescue (PBCFR), and our residents rely on the high level of service, staffing, training, and specialized resources that PBCFR provides. The proposed local MSTU bill is essential to:

- Maintain stable, sustainable funding for countywide fire rescue services;
- Prevent cost shifts onto other taxpayers when annexations remove high-value properties from the MSTU;
- Preserve consistent response times and service levels for both unincorporated areas and contracting municipalities like ours; and
- Avoid duplicative and unnecessary infrastructure costs, such as building new fire stations where fully funded, properly located County stations already exist.

Importantly, this local bill does not prevent annexation and does not create double taxation. When annexation occurs, the MSTU boundary will contract and the County will no longer levy MSTU millage on the annexed properties. Instead, the annexing municipality will reimburse the County for the equivalent cost of fire rescue services for those properties. This structure keeps the MSTU whole, protects taxpayers, and ensures that the provider of service is fairly compensated.

For municipalities already served by PBCFR, including the [City/Town of _____], this bill will not disrupt day-to-day operations or diminish local control. Rather, it provides a predictable, fair framework that supports long-term planning for stations, apparatus, and personnel, while ensuring the regional fire rescue system remains strong and affordable.

We respectfully urge you to support and advance the local MSTU bill for Palm Beach County Fire Rescue during the upcoming Legislative Session. Our community's safety, and the sustainability of the fire rescue system we depend on, will be well served by this legislation.

Thank you for your consideration and for your continued support of public safety in Palm Beach County.

Sincerely,

[Name]
[Title – e.g., Mayor]
City/Town of [Name]

[Name]
[Title – e.g., City/Town Manager]
City/Town of [Name]

cc: Palm Beach County Board of County Commissioners
Chief Patrick Kennedy, Palm Beach County Fire Rescue

Local Bill Summary

The local bill revises the impacts of annexation within Palm Beach County to avoid adverse health and safety impacts to the citizens and visitors of the county.

The local bill provides a method to allow the Palm Beach County Fire/Rescue Municipal Service Taxing Units ("PBFire MSTU") to avoid adverse financial impacts associated with annexations within its boundaries, while at the same time not restricting municipalities' ability to annex.

With the recent increase in property values, municipalities are beginning to annex tax-desirable properties within the PBFire MSTU. Historically, municipalities do not annex less desirable properties but rather properties that pay more taxes than the cost of services provided are targeted.

By annexing tax-desirable properties within the PBFire MSTU, there is a shift of fire expenses onto remaining district residents. As a direct result of the annexation, a PBFire MSTU may either need to levy a higher millage rate or decrease the level of services. As the PBFire MSTU's tax base continues to decrease due to annexations, the PBFire MSTU may become economically inefficient. This issue is even more complicated when a municipality annexes property that includes a PBFire MSTU fire station. Either the Palm Beach County firefighters do not provide to the annexed property even though they may be the closest unit to the emergency due to their fire station being located within the annexing municipality, or they provide the service for free. In this scenario, the remaining property owners within the PBFire MSTU would be supplementing services to the annexing city for free.

The local bill provides that the following applies to all annexations within Palm Beach County after January 1, 2026:

- Municipalities may still expand their boundaries in accordance with Chapter 171, Florida Statutes.
 - The ability to expand is not impacted; only the service provider for fire and emergency services is impacted.
- The PBFire MSTU's boundaries contract upon the annexation, just as it occurs today. Double taxation is avoided.
- Palm Beach County firefighters continue to provide service to the annexed property and remain the Authority Having Jurisdiction.
- Every year, the annexing municipality will pay the County the amount that the PBFire MSTU would have collected in ad valorem taxes and assessments if the property had not been annexed.
- To continue to provide flexibility and ensure that the health and safety of citizens and visitors is paramount, the County and the annexing municipality may enter into an agreement that provides the annexing municipality assumption of services and the elimination of the payment to the County.

To avoid unintended consequences, the local bill excludes municipalities that have a charter provision, an ordinance, or interlocal agreement with Palm Beach County that includes the entirety of the municipality within the PBFire MSTU.

This local bill does provide exceptions to general law, which is allowed as a local bill. In addition, this concept of continuing fire service following annexation has been adopted for several independent special fire districts in the State, as these districts similarly faced harmful annexations.

Although this local bill does limit municipalities' home rule powers, the Florida Constitution grants the Legislature the authority to limit municipalities authority.

BILL

Redraft - A

YEAR

1 A bill to be entitled

2 An act relating to Palm Beach County; providing that a
3 municipal service taxing unit whose primary purpose is
4 to provide fire protection, rescue, and emergency
5 medical services to residents in unincorporated areas
6 of the county remains the service provider to real
7 property that is annexed after a specified date;
8 providing that the geographical boundaries of the
9 municipal service taxing unit shall contract following
10 the annexation; prohibiting Palm Beach County from
11 levying ad valorem taxes through the municipal service
12 taxing unit following the annexation; requiring the
13 annexing municipality to pay the county the equivalent
14 of what would have been collected in ad valorem taxes
15 and assessments on annexed real property; authorizing
16 the county, through the municipal service taxing unit,
17 to remain the authority having jurisdiction and to
18 collect certain fees; providing for an agreement to
19 transfer services; providing an effective date.

20

21 Be It Enacted by the Legislature of the State of Florida:

22

23 **Section 1.** To avoid adverse impacts to the health and
24 safety of the residents in unincorporated areas of Palm Beach
25 County that may occur due to a municipal annexation, a municipal

BILL

Redraft - A

YEAR

26 service taxing unit whose primary purpose is to provide fire
27 protection, rescue, and emergency medical services shall remain
28 the fire protection, rescue, and emergency medical services
29 provider to real property annexed after January 1, 2026,
30 notwithstanding s. 125.01, Florida Statutes, or any other
31 general law, special act, municipal charter, or ordinance of a
32 local government to the contrary. Following the annexation by a
33 municipality that does not have a charter provision, an
34 ordinance, or interlocal agreement with Palm Beach County that
35 includes the entirety of the municipality within the Palm Beach
36 County municipal service taxing unit whose primary purpose is to
37 provide fire protection, rescue, and emergency medical services,
38 the geographical boundaries of the municipal service taxing unit
39 shall contract to exclude the annexed real property and Palm
40 Beach County may not levy ad valorem taxes through the municipal
41 service taxing unit on the annexed real property. Annually, such
42 annexing municipality shall pay Palm Beach County, for the
43 benefit of the municipal service taxing unit, an amount equal to
44 the ad valorem taxes and assessments that would have been
45 collected had the real property remained in the municipal
46 service taxing unit. Palm Beach County, through the municipal
47 service taxing unit, remains the authority having jurisdiction
48 and may continue to collect impact fees and other fees from the
49 annexed real property. Through a written agreement approved by
50 the Palm Beach County Board of County Commissioners and the

BILL

Redraft - A

YEAR

51 applicable annexing municipality, Palm Beach County and the
52 annexing municipality may agree for the annexing municipality to
53 assume fire protection, rescue, or emergency medical services to
54 the annexed territory. Following the provision of fire
55 protection, rescue, or emergency medical services by the
56 annexing municipality under the written agreement between the
57 board of county commissioners and the annexing municipality: (1)
58 The annexing municipality may cease its payment to the county
59 for the benefit of the municipal service taxing unit following
60 the final payment for services provided by the county through
61 the transition date; and (2) The county is no longer the
62 authority having jurisdiction through the municipal service
63 taxing unit and shall cease its collection of impact fees and
64 other fees from the annexed real property as of the transition
65 date.

66 **Section 2.** This act shall take effect upon becoming a law.

67



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November 12, 2025

Palm Beach County League of Cities, Inc. Statement of Opposition to Palm Beach County MSTU Local Bill

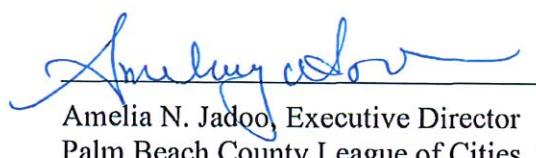
At a Special Meeting held on November 10, 2025, the Board of Directors of the Palm Beach County League of Cities, Inc. ("League") voted unanimously to oppose the Local Bill relating to Palm Beach County Municipal Service Taxing Units ("Local Bill") that will be presented to the Legislative Delegation for consideration on November 13, 2025. The Board's opposition is predicated upon both procedural deficiencies and substantive defects, including noncompliance with existing law.

Procedurally, the proponents of the Local Bill failed to consult with or provide advance notice of the Local Bill to the League prior to the Palm Beach County Board of County Commissioners' meeting on October 28, 2025. Pursuant to the Palm Beach County Charter, it is customary for local ordinances with county-wide impact to be presented to the League before county consideration, ensuring that municipal interests are duly represented. Although the Local Bill is not a county-wide ordinance, it constitutes proposed state legislation with local application that directly affects the municipalities represented by the League, and is likely to impact the fiscal interests, growth and land-use planning, and emergency services of all 39 municipalities throughout the county. Moreover, the county's failure to coordinate with the League on the Local Bill undermines recent collaborative efforts to foster partnership on issues of shared local significance.

Substantively, notwithstanding statements to the contrary in the Local Bill Summary, the Local Bill—as written, including in its "Redraft-A" version—will likely result in double taxation, as identified in the City of Palm Beach Gardens Resolution 85, 2025. Additionally, neither the Local Bill nor its Summary provides any explanation or supporting data for the statements of support made therein, including assertions that the Local Bill is intended to "avoid adverse impacts to the health and safety of the residents in unincorporated areas of Palm Beach county," "there have been increasing instances of taxpayers being forced to fund duplicative fire rescue infrastructure in the annexed MSTU areas," and municipalities are annexing "tax-desirable properties within the PBFire MSTU."

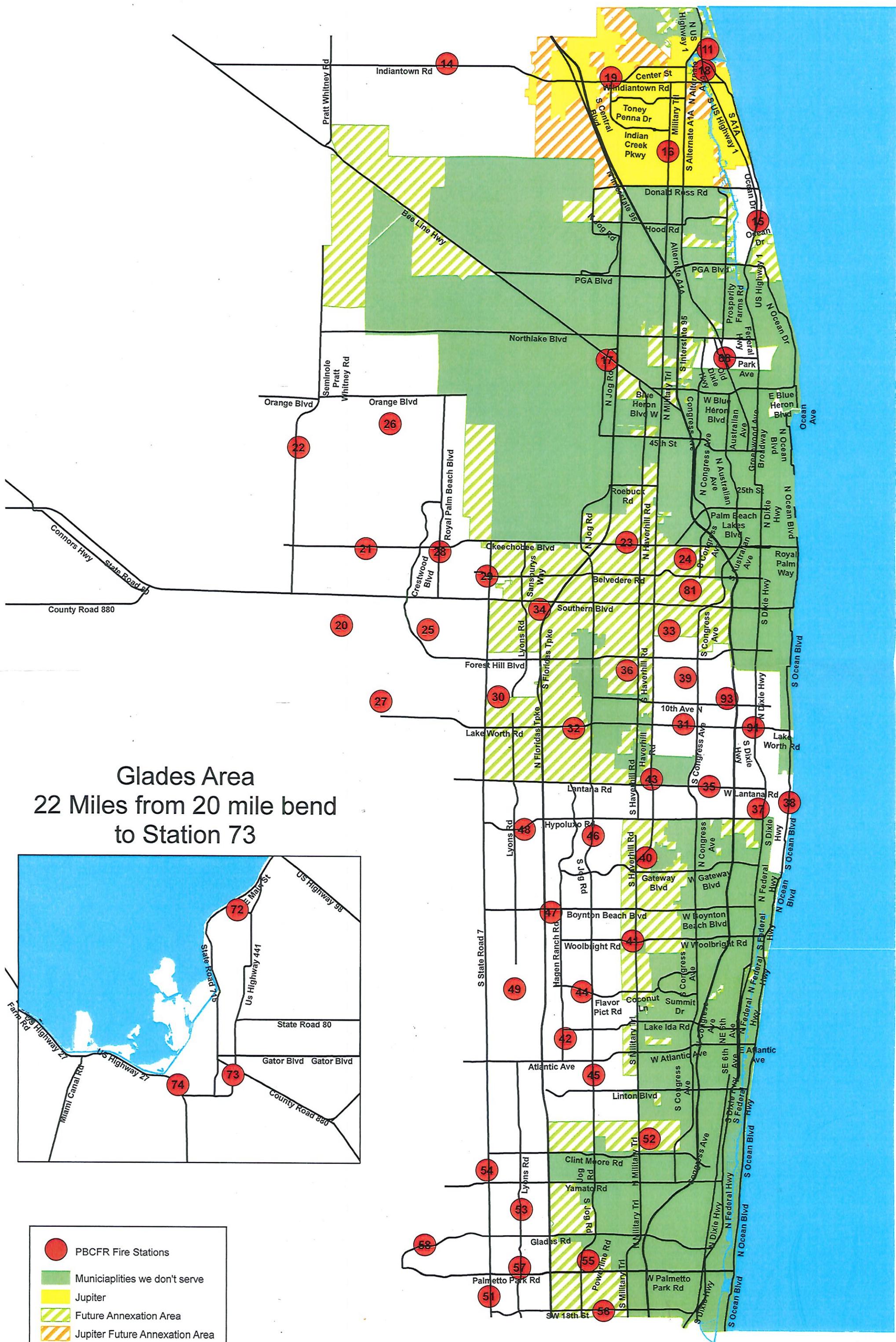
Additionally, the League's Attorney, Keith Davis, expressed concerns regarding the legality of the Local Bill. Attorney Davis has opined as follows: The Local Bill is contrary to existing Florida Law that regulates municipal annexation. Ch. 171, Florida Statutes sets forth a comprehensive framework for municipal annexation. The stated purpose of the statutory regulatory scheme for municipal annexation, among other things, is to "establish UNIFORM legislative standards throughout the state for the adjustment of municipal boundaries," to "ensure the efficient provision of urban services...," and to "ensure that areas are not annexed unless municipal services can be provided to those areas." Sec. 171.021, F.S. (2025). Ch. 171, Florida Statutes goes on to require, as a prerequisite to annexation, the completion of a feasibility study to determine that urban services (including fire rescue services) can in fact be provided after annexation. Sec. 171.042, F.S. (2025). Given these long standing and heretofore successful precautionary measures already found in state law, it is difficult to understand what actual "adverse impacts" the Local Bill is attempting to protect Palm Beach County residents from (as stated in the Section 1 of the Local Bill). Finally, although the Local Bill provides an opportunity for the county and an annexing municipality to enter into an interlocal agreement and allow the municipality to assume jurisdiction for the provision of fire rescue services and not pay the county the equivalent of the MSTU ad valorem revenue that would be attributed to the newly annexed properties, this does nothing to address the stated purpose of the Local Bill, which as explained above, is to protect residents of unincorporated Palm Beach County from certain (unidentified) adverse impacts that result from the activity of municipal annexation.

For the foregoing reasons, the Palm Beach County League of Cities, Inc. opposes the Local Bill in its current form and respectfully urges the Legislative Delegation to defer its consideration until the 2027 legislative session. Deferral will facilitate meaningful collaboration among municipalities, bill proponents, and stakeholders to craft revised legislation that accommodates all interests, avoids litigation, eliminates the need for subsequent corrective measures, and prevents wasteful expenditure of taxpayer dollars on rushed legislation prone to future legislative amendment or judicial challenge.



Amelia N. Jadoo, Executive Director
Palm Beach County League of Cities, Inc.

PBCFR and Future Annexation Areas



DIVISION 4. - SITE PLAN AND APPEARANCE REVIEW

Sec. 34-115. - Intent and purpose.

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.

(Ord. No. 207, § 11.10, 8-8-1979)

Sec. 34-116. - Required; criteria.

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 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;
- 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)

Sec. 34-117. - Submission requirements.

Each site plan and appearance approval request shall include the items stated in the town's site plan and appearance approval checklist which is part of the town's development application form, as it may be amended by the director from time to time. The development application form is available at the office of the planning and zoning department. When applicable, all plans submitted pursuant to this division shall require a state registered/licensed architect, engineer, and/or landscape architect seal with signature.

(Ord. No. 207, § 11.30, 8-8-1979; Ord. No. 689, § 4, 1-25-2017)

Sec. 34-118. - Minor amendment to a previously approved site plan and appearance approval.

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)

Sec. 34-119. - Expiration of approval.

(a) A site plan and appearance approval shall be valid for two years from the date of such approval. If commencement of development has not begun prior to the date of two years following the approval date, said site plan and appearance approval shall become null and void. Commencement of development shall consist of receipt of a validly issued building permit and the 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) on the site. Infrastructure costs for the project shall be reviewed and approved by the town engineer prior to final engineering plan approval.

(b) 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. The town council may, at the request of the applicant and in the exercise of its discretion, grant additional extension(s) pursuant to this paragraph when warranted by the totality of the circumstances.

(Ord. No. 207, § 11.50, 8-8-1979; Ord. No. 623, § 2, 8-26-2009)

Secs. 34-120—34-136. - Reserved.

*Provided by Vice Mayor Calkghan
at the November 12, 2025
Town Council Meeting*

Motion to ask Staff to accomplish the following 6 things:

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.
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.



MEMORANDUM

To: Robert A. Cole, Town Manager
Date: October 29, 2025
Prepared By: Frank M. Davila, CFM, MPA, Director of Planning and Zoning
Item Title: Master Plan Update

Task 1 deliverables

1. Facilitation of Staff work Session #1 and documentation (Agenda, Participation List, and Meeting Notes)
2. Project Memorandum including: (see attachment #1)
 - a. Updated Project Schedule
 - b. Due diligence components
 - c. Summary of Site Reconnaissance
 - d. Summary of Land Development and Infrastructure Conditions
 - e. Summary of Market Potentials
 - f. Information from other relevant studies

Task 2 deliverables

1. Project Memorandum including: (see attachment #2)
 - a. Listing of Stakeholder Interviewees
 - b. General Summary of Interview Findings

Task 3 deliverables

1. Completion of Public Workshop #1 (completed on March 13, 2025)
2. Project Memorandum including: (see attachment #3)
 - a. Public Workshop # 1 Presentation and Documentation
 - b. Summary of Public Input

Task 4 deliverables (not completed yet)

1. Project Memorandum including:
 - a. Redevelopment Scenarios (provided during the Power Point presentation for the work-in progress meeting)

b. Recommendations for revising/updating the Town's Comprehensive Plan and Land Development Regulations. **(not completed yet)**.

Task 5 Deliverables **(not completed yet)**

1. Completion of Public Workshop #2 **(Work-in progress, completed on August 6, 2025)**
2. Project Memorandum including: **(not completed yet)**.
 - a. Public Workshop #2 Presentation and Documentation
 - b. Summary of Public Input

Task 6 Deliverables – (not completed yet).

1. Project Report for the Community Vision and Master Plan (draft and final)
2. Town Council Presentations and Documentation

| DELIVERABLE | FORMAT |
|--|--|
| Project Memoranda, Agendas, Participant Lists and Meeting Notes from Staff Work Sessions | Electronic copies in MS Word & PDF formats |
| GIS Maps and Data Tables | Electronic copies in ArcGIS and PDF formats |
| Project and Workshop Presentations | Electronic copies in Power Point & PDF formats |
| Redevelopment Concepts and Recommendations | Electronic copy in PDF format |
| Project Report | Electronic copy in PDF format |

Invoices

The Town has issued two payments to the Treasure Coast Regional Planning Council as per the approved agreement, totaling \$56,250. The first payment was approved on December 5, 2025 (\$12,500) and the second payment was approved on April 3, 2025 (\$43,750).

| PROJECT MILESTONE | % | PYMT AMT |
|--|-------------|---------------------|
| Execution of Agreement | 10% | \$12,500.00 |
| Task 3 Project Memorandum (Completion of Public Workshop #1) | 35% | \$43,750.00 |
| Task 4 Project Memorandum (Submittal of Draft Concept Plans and Recommended Regulation Revisions) | 25% | \$31,250.00 |
| Task 5 Project Memorandum (Completion of Public Workshop #2) | 15% | \$18,750.00 |
| Submittal of Final Report | 15% | \$18,750.00 |
| <i>TOTAL</i> | 100% | \$125,000.00 |

Proposed Vision & Mission Statement

New Proposed Vision Statement

Juno Beach is a charming distinctive seaside community committed to preserving its unique character, natural resources, parks and open spaces, historic assets and small-town charm.

New Proposed Mission Statement

We consistently provide exceptional municipal services that enhance the quality of life of our residents, promote the viability of local businesses, and strive to maintain long-term sustainable goals to protect our unique environment.

“Preserving the Town’s Character” is paramount and cannot solely fall on volunteer Boards and Town Council Members. It must be the job description of all our Town employees, the goal of strategic initiatives achieved by action plans and measured in the employee Key Performance Indicators for their annual review of job performance. As a Town, we need to focus on “Operational Excellence” tools for organizational governance, fiscal responsibility, and internal controls

Existing Vision & Mission Statements

- **Vision Statement**

The Town of Juno Beach . . .
a seaside community where
neighbors join together to share
in our exceptional quality of life.

- **Mission Statement**

The Town of Juno Beach is a
partnership of residents,
businesses, and Town staff
creating a hometown atmosphere
that emphasizes community
involvement, cultural activities,
and natural beauty.

Analysis: More Social in Nature Lacks Goal Type or Focused Language

The Master Plan is an opportunity to amend our building rules (land development codes) to fulfill a vision for the future Juno Beach that creates quality of life benefits to existing and future residents. **What is your vision for Juno Beach for the next 10-20 years, (i) what are the essential unique characteristics of our Town to retain, (ii) what are the resident quality of life benefits expected from a Master Plan, and (iii) what elements are non-negotiable?**

There is a need for a **Vision Statement** to direct our staff and contractor moving forward with the Master Plan Working Group meeting in December. (i.e., avoid the In-Progress Master Plan errors for next iteration of the plan) Our Town Council and the citizen working group can work together to create this vision that will drive the work product from the Master Plan.

1.What are your ideas for the Master Plan “Vision”:

- A.** Ensure that Juno Beach remains a distinctive seaside community that preserves its unique character, natural resources, parks and open spaces, historic assets and small-town charm.
- B.** Creates a sense of place, that includes quality of life improvements for existing residents such as shaded sidewalks, maintains its local mom and pop businesses to receive services locally, cultivates beautifully landscaped street views, insists upon distinctive quality architecture, buildings with park-like setbacks and landscaping, improved traffic flows by coordination of bridge openings and long-range planning for Marsinski Bridge/tunnel.
- C.** Other ideas . . .

2. Describe your ideas for the scope of the Juno Beach Master Plan. Select all that apply.

- (a) Commercial Corridor of U.S. 1 and Donald Ross Road (North)
- (b) Commercial Corridor of U.S. 1 from Mobil Station to the Fire Station (South)
- (c) Residential single-family homes on ridge including harmony question of size in context of the community and preservation of existing property owners' quality of life
- (d) Beach front condominiums for the purpose of anticipation of potential termination and teardown of the existing condominium buildings
- (e) The entire Town of Juno Beach should be included in the Master Plan

(f) Impacts of development anticipated within the Master Plan should be included especially for potential impacts on our nesting sea turtle population and impacts on our Juno Dunes Natural conservation areas.

3. Do you support code amendments that are targeted for Slow, Reasonable Growth?

Would you support reviewing our building rules (land development codes) to allow slow, reasonable growth while protecting Juno Beach's small-town character?

Yes / No - If Yes, please check any you support:

- (a) Remove special incentives that benefit developers (current projects would be kept as is).
- (b) Remove extra height incentives (example: 12-story and RH zoning for commercial zoned areas where the use is an assisted living instead of the normal 4-story limit).
- (c) Require a variance (special approval) for underground parking that requires additional open green space, if the parking is underground.
- (d) For our mixed-use within Commercial Zoned property support a higher mix of commercial businesses that retains our local mom and pop businesses, and may slow the pace for redevelopment within our Town while we adopt appropriate code changes for our community vision.
- (e) Require more green open space or landscape open space for development

4. Do you support code amendments that will create and protect a “Sense of Place” for Juno Beach residents?

Some towns like Boca Grande, Palm Beach, and Key West, have building rules (land development codes) in place for their commercial corridors that place limits on what can be built to protect their charm and characteristics of the community. Would you support similar steps to protect Juno Beach's unique feel?

Yes / No -If Yes, please check any you support:

- (a) Incentives like tax breaks for preserving historic buildings.
- (b) More open green space and landscaping with a unified design.
- (c) Larger setbacks and wider rights-of-way for a park-like feel.
- (d) Meandering sidewalks with shade trees.
- (e) Safer pedestrian crosswalks.
- (f) Bike safety improvements with designated lanes.

- (g) Lower building height or density using incentives such as reduced parking requirements or reduced landscaping.
- (h) Screen parking lots with landscaped berms along Right of Way, so drive by does not see the parked cars (example, FPL on north side of Universe Blvd)
- (i) Require the undergrounding of overhead power lines - transmission and feeders.

5. Keeping Local Businesses - Right now, our rules allow new buildings in commercial zones to be mostly residential (75% residential / 25% commercial). Would you support keeping more space for shops and services, so residents have local options and small businesses can thrive? How would you work to attract business mix that best serves our community, including world class company headquarters or healthcare providers, or other specific business mixes?

Yes / No -If Yes, please check any you support:

- (a) Keep the same amount of commercial space we have now (“no net loss”).
- (b) Require a higher share of commercial use (example: 65/35, 55/45, or 45/55).
- (c) Require that ground floors in commercial areas remain mostly commercial (75–95%).
- (d) Create a local “Heart of Juno Beach” chamber of commerce to support our small businesses, which was a suggestion of our contractor who worked on the Strategic Plan for Juno Beach.

Survey – what is the best way to preserve the unique character of Juno Beach?

- Is the regulation of the size of buildings in context important?
- Is the regulation of architectural style important?
- What about the protection of the property rights of existing residents?

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]

Showing the most recent responses to the question. See all responses here.

Size limitations are important for new buildings in Commercial Zoned Areas 243 (94.92%)



Size limitations are important for new buildings in Multifamily Zoned Areas 245 (95.7%)



Size limitations are important for new buildings in Residential Zoned Areas 238 (92.97%)



No size limitations are necessary any of the above areas; developers should determine 3 (1.17%) what to build based on their vision for the community



Total responses 256

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]

Showing the most recent responses to the question. See all responses here.

Do not repeal the "harmony" size code. I support maintaining regulations that guide incremental growth rather than allowing developers full discretion over structure size.  209 (81.64%)

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.  194 (75.78%)

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.  194 (75.78%)

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.  9 (3.52%)

Total responses

256

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]

Showing the most recent responses to the question. See all responses here.

Maintain the existing "harmony" code provisions, which evaluate bulk, mass, scale 230 (90.2%) 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 175 (68.63%) vertical dimensions.



Implement 3-D GIS Scene View technology to visually compare proposed structures 182 (71.37%) to neighboring buildings in a contextual, spatial model.



None of the above. I do not support any size restrictions for new buildings and believe 7 (2.75%) developers should determine the scale of their projects.



Total responses

255

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

Showing the most recent responses to the question. See all responses [here](#).

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. 

Total responses 252

• Total Responses

256

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]

Showing the most recent responses to the question. See all responses here.

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 of existing residents imposes an unreasonable burden; developers should have full discretion over their building projects. 

Total -----

Total Responses

252

Proposed Town Communications Policy

Town of Juno Beach – Town Council

Purpose

The purpose of this policy is to ensure that official Town-wide communications are accurate, neutral in tone, reflective of the actions of the Town Council and Town operations, and supportive of a positive civic culture. This policy establishes the contents and standards for the monthly Town of Juno Beach Newsletter.

Official Monthly Newsletter

- 1. Publication Title:** The official newsletter shall be titled “**Town of Juno Beach Newsletter**”
- 2. Frequency:** The newsletter shall be published **once per month** and distributed in both electronic and, where appropriate, printed form.
- 3. Responsible Party:** The Town Manager or designee shall prepare the newsletter in coordination with Town staff, consistent with the standards of this policy.

Required Newsletter Content

The Town of Juno Beach Newsletter shall contain **four core sections**, as follows:

1. Town Council Meeting Summary

- A neutral and factual summary of the most recent Town Council meeting.
- Content shall be **based solely on the approved minutes**, including:
 - Motions made
 - Votes taken
 - Consensus direction provided
- No statements may interpret, characterize, explain, or assign motives to Council members' votes or positions.
- No legal interpretations or statements of legal risk may be included unless such language has been expressly adopted by Town Council in a public meeting.

2. Town Operations & Staff Initiatives

- Updates on actions Town staff have taken **in support of adopted Town Council policies and goals.**
- This section may reference content from staff Activity Reports, Police Reports, Public Works updates, and similar operational summaries.

3. Community Safety, Services, and Public Information

- Relevant information regarding Town services, safety reminders, utility notifications, or seasonal information of benefit to residents.
- May include factual Police Department updates and public advisories.

4. Community Events & Partner Announcements

- Information on upcoming Town events, workshops, volunteer activities, and recreational programs.
- Announcements may include community partner and county-supported activities, including:
 - Loggerhead Marinelife Center
 - Juno Beach Pier
 - Juno Dunes Natural Area
- Social, cultural, educational, and community engagement programming may be highlighted.

Prohibited Content

To ensure neutrality and integrity of official communications:

- **No policy proposals** or change in existing process & procedures may be described unless they have been voted on by the Town Council.
- **No interpretations** of Council actions, individual votes, or policy intent shall be included.
- **No attribution of motives** to any Council member, staff member, resident, or advisory board.
- **No editorial commentary** or persuasive statements may appear.

- **No legal risk interpretations** or references to potential legal risk may be included unless the language has been adopted by Council in a public meeting.

Tone and Presentation

- The newsletter shall be written in a **positive, welcoming, and community-focused tone**.
- The purpose of the newsletter is to **showcase the Town, Town Council, and Town staff** in a professional and informative manner.
- Photography and visuals used shall reflect the character and natural beauty of Juno Beach.

Approval & Oversight

- The Town Manager shall ensure compliance with this policy.
- If a newsletter section may reasonably be interpreted as stating or implying a policy position **not previously adopted by Council**, the Town Manager shall bring the matter before Council for clarification prior to publication.

Appearance Review Single Family Homes

- **Problem:** Juno Beach Planning and Zoning Staff is not comfortable making appearance review decisions for Single Family homes which relies on subjective professional judgement
- **Solution:** Hire professional consultants – architects, landuse planners, other degreed professionals to provide their qualified professional opinions regarding appearance review for Single Family Homes in Juno Beach. Professionals provide written qualified professional opinions to staff who then present to our Planning and Zoning Board of volunteer residents. Pass through the costs to the applicant. Not more stringent or burdensome only a different party making decisions. (no problem with SB 180)

Appeals: We can decide that appeals go before Town Council and then to Circuit Court. Currently appeals go directly to Circuit Court.

- **Other suggestions:** (1) Adopt Palm Beach County calculations of square footage, (2) Adopt GIS Scene View for 3-D physical representations, (3) Adopt the Field Guide to American Houses by Virginia Savage McAlester (architectural guidebook)

Harmony – Tests for Bulk and Mass

Metrics

Is the sq. ft. & FAR within the study area range? (Y or N – go to 2)

Metrics

Are calculations less than double the average? (Yes Approved, No go to test 3)

Metrics

Are calculations within 10-20% of the largest structure? (Y- likely approve, go to 4; No – probable denial go to 4)

Subjective Review

Are Mitigating factors present to compensate such as setbacks, orientation, landscaping, architectural features; more subjective features? (Y- Approval N- Denial)

Harmony – Tests for Scale (height)

Metrics test

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

Metrics test

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

Metrics test

Is the scale within the allowable limits of 34-268* [everyone gets a second story]?
(Y-likely approve, go to 4; No –probable denial)

Subjective Review

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

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. see, workshop guidance 5-2-25]

Scale Tests for Height/Stories

1. Are more than half the structures in the 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 of 34-268 (Y – go to 4, No denial)*second story allowed in every zoning code
4. Are other mitigating factors present to compensate (setbacks, orientation, site planning, architectural features such as step-backs or 2nd floor limits on area, landscaping,) (Y-approval N-denial) [purple boxes more subjective criteria. see, 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)

MEMORANDUM

TO: Mayor Peggy Wheeler
Vice Mayor John Callaghan
Members of the Town Council

FROM: Leonard G. Rubin, Town Attorney *(ls)*

RE: Regulation of Architectural Styles for Single-Family Detached Dwellings

DATE: April 21, 2025

CC: Robert Cole, Town Manager
Frank Davila, Planning and Zoning Director
Caitlin Copeland-Rodriguez, Town Clerk

BACKGROUND:

For well over thirty years, the Town has regulated the architectural style of all buildings and structures erected within the Town as part of its site plan and appearance review procedures. Buildings were required to be of an architectural style representative of or reflecting the "Old Florida" style of architecture indigenous to the Town and commonly known and identified as late Victorian (Key West Cracker), Spanish revival (Mediterranean), or a combination thereof. In 2014, the list of architectural styles was expanded to include Modern (early to mid-20th century). All new commercial developments, mixed-use developments, and residential dwellings of two or more units were required to undergo site plan and appearance review, including architectural review. These applications were first considered by the Planning and Zoning Board and presented to the Town Council for final action with the Board's recommendation. However, single-family detached dwellings were subject to site plan and appearance review, including architectural review, only by the Town's Planning and Zoning Department.

During its 2021 session, the Florida Legislature amended Section 163.3202, Florida Statutes, to limit the ability of local governments to regulate "building design elements" for single-family and two-family dwelling units. The term building design elements refers only to the exterior appearance and layout of the structures, not the size or massing, and is defined by statute as follows:

[T]he external building color; the type or style of exterior cladding material; the style of material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms. The term does not include the height, bulk, orientation, or location of a dwelling on a zoning lot; or

the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.

§163.3202(5)(b)1, Fla. Stat. (2024) (emphasis added). Section 163.3202(5)(a), Florida Statutes, did provide certain exceptions to this limitation on municipal regulation of single-family and two-family dwellings, including, but not limited to, dwellings located in planned unit developments or master planned communities or dwellings located within a jurisdiction of a local government that has a design review board or architectural review board.

As set forth above, prior to 2021, single-family detached dwellings were not considered by either the Planning and Zoning Board or the Town Council and were subject solely to site plan and appearance review and approval by the Planning and Zoning Department. To comply with the statutory amendment and to facilitate the Town's continued regulation of architectural styles for single-family detached dwellings, on October 27, 2021, the Town Council adopted Ordinance No. 745, amending the Town's Zoning Code to designate the Planning and Zoning Board as the Town's appearance review board for single-family detached dwellings. The Board was granted final decision-making authority on site plan and appearance review¹, specifically including architectural review, of detached single-family dwellings not located within an approved planned unit development, thereby invoking the statutory exception outlined above.

However, during its 2023 session, the Florida Legislature amended Section 163.3202 to only allow local governments to continue to regulate building design elements for single-family detached dwellings if the local government had a design review board or architectural review board created before January 1, 2020. As set forth above, the Town did not delegate appearance and architectural review of single-family dwellings to the Planning and Zoning Board until October 27, 2021. Consequently, effective July 1, 2023 (the effective date of the statutory change), the Town ceased regulating building design elements for single-family detached dwellings.

Recently, Councilmember Davis questioned whether the Town could continue to regulate building design elements because the Planning and Zoning Board has historically conducted appearance review, albeit on an advisory basis, of commercial developments, mixed use developments, and residential structures of two or more units. Councilmember Davis presented a letter from Nancy Stroud, a local land use attorney, opining that because the Planning and Zoning Board's duties included appearance review as of January 1, 2020 and because the terms "design review board" and "architectural review board" are not specifically defined by statute, the Town could continue apply its land development regulations relating to building design elements (or architectural styles) to single-family and two-family dwellings.

¹ Through the adoption of Ordinance No. 753 on September 28, 2022, the Town Council removed the site plan review component for single-family detached homes from the Planning and Zoning Board's purview and returned that function to the Planning and Zoning Department, thereby limiting the Board's authority solely to appearance review (including architectural review) only.

QUESTION PRESENTED:

Given the Planning and Zoning Board's historical appearance review duties as a recommending body for commercial developments, multi-family developments, and residential dwellings of two or more units, did the Town have an architectural review board or design review board in place prior to January 1, 2020 to enable the Town to continue to regulate building design elements (or architectural styles) for detached single-family dwellings and two-family dwellings not included within a planned unit development pursuant to Section 163.3203(5)(a), Florida Statutes?

SHORT ANSWER:

Neither the plain language of Section 163.3203(5)(a)7, Florida Statutes, nor the legislative history for the 2023 amendment gives any definitive indication of the Town's ability to continue to regulate architectural styles for detached single-family dwellings and two-family dwellings. Consequently, the Town Council may wish to seek an advisory opinion from the Attorney General. However, because Attorney General opinions are advisory and not legally binding, the Town must proceed to evaluate its options and determine the appropriate course of action based on the potential risks and benefits of each approach, taking into account the best interests of the Town and its residents.

ANALYSIS:

As set forth above, the Planning and Zoning Board has historically, and most certainly prior to January 1, 2020, acted as a recommending body for site plan and appearance review for commercial developments, mixed-use developments, and residential dwellings of two or more units. As set forth in Section 34-116(3)(b) of the Town Code, architectural style is a component of appearance review. The central question is whether given this appearance review function, the Town's Planning and Zoning Board satisfies the statutory requirement of an "architectural review board" or "design review board."

As pointed out in Ms. Stroud's letter, Section 163.3202(5)(a), Florida Statutes, does not define the terms "architectural review board" or "design review board." When attempting to discern the application of a statute, the first rule of statutory construction or interpretation is to give the statute its plain and ordinary meaning. *Weber v. Dobbins*, 616 So. 2d 956 (Fla. 1993). However, when a word or term is not defined and the statutory language is unclear or ambiguous, courts apply rules of statutory construction and explore legislative history to determine legislative intent. *Nicarry v. Eslinger*, 990 So. 2d 661 (Fla. 5th DCA 2008). See also *Longval v. State*, 914 So. 2d 1098 (Fla. 4th DCA 2005) (to discern legislative intent, courts must apply a "common-sense approach" which requires consideration of, among other things, legislative history). A statute is ambiguous when its language is subject to more than one reasonable interpretation and may permit more than one outcome. *Hess v. Walton*, 898 So. 2d 1046 (Fla. 2d DCA 2005).

Initially, it appeared that the Legislature's 2023 amendment to Section 163.3202(5)(a), Florida Statutes, preempted the Town's ability to review building design elements for detached single-family dwellings because prior to October 27, 2021, architectural review

was conducted solely by the Planning and Zoning Department and not by a board with design review or architectural review functions. However, upon closer examination, the statute does explicitly state that the Town was required to have a design review board or architectural review board actively reviewing such applications prior to January 1, 2020. The statute only requires that the "dwelling be located within a jurisdiction of a local government that has a design review board or an architectural review board created before January 1, 2020." §163.3202(5)(a)7, Fla. Stat. (2024). As fully set forth above, the Planning and Zoning Board has historically conducted appearance review and architectural review of development applications as a recommending body and was in place long before January 1, 2020. Because the statutory language is subject to more than one interpretation, the next step in the analysis would be to explore the legislative history of the 2023 revision to Section 163.3202(5)(a), Florida Statutes.

While the legislative history, like the statute itself, does not provide any specific definitions, the Florida Legislature's April 27, 2023 Bill Analysis and Fiscal Impact Statement for the 2023 revision to Section 163.3202(5)(a), Florida Statutes, does, in a footnote, give two examples of the types of local government architectural review boards or design review boards to which it was referring, namely, the Village of Wellington Architectural Review Board and the City of St. Petersburg Development Review Committee, which also functions as the City's Design Review Board. However, a deeper analysis of the roles of these two example boards or committees yields no additional clarity.

The stated duties of the Village of Wellington Architectural Review Board ("ARB") are to: (1) adopt by resolution various schedules of approved materials, designs, and charts of approved colors; (2) hear and decide appeals of administrative decisions of the planning, zoning and building department pertaining to approved materials, designs, and charts of approved colors; (3) hear and approve alternatives to the development and design criteria established by ordinance or resolution; and (4) review and approve plans for multifamily and non-residential development. Appointments to the Architectural Review Board are "based on experience or interest in the businesses and professions involved in building and development." The powers and duties of the Wellington ARB include adopting schedules of approved materials, designs, and colors and go far beyond mere recommendations regarding appearance review. The Wellington ARB conducts traditional architectural or design review in the same manner as many other local government boards that review the architectural elements of single-family homes, such as the Town of Bay Harbor Islands Design Review Board, the City of Miami Beach Design Review Board, and the City of Naples Design Review Board. Each of these municipalities has extensive design and/or architectural guidelines in place that are administered by a board whose members have specific expertise relating to architecture, engineering, and/or land use.

The City of St. Petersburg, on the other hand, has a Development Review Commission ("DRC") with duties very similar to a traditional planning board like the Town's Planning and Zoning Board. In appointing members to the DRC, Section 18.80.020.2(B) of the City Code requires that, where possible, the City Council should include members "qualified and experienced in the fields of architecture, planning, landscape architecture,

engineering, construction, and land use law and real estate." While the City has developed very detailed architectural guidelines for its traditional neighborhoods, the architectural review of single-family homes is conducted by members of City Staff, with the St. Petersburg DRC's role generally limited to reviewing architectural details and materials when a property owner is seeking a variance. In fact, a representative of the City Attorney's Office confirmed that the City of St. Petersburg specifically added design review to the Commission's duties after the 2021 amendment to Section 162.3202(5)(a), Florida Statutes, to ensure continued regulation of building design elements or architectural styles for detached single-family homes. The City's approach to the 2021 legislation was very similar to Town's approach; however, the City continued to regulate architecture after 2023 amendment, relying on the fact that the Development Review Commission was in existence prior to January 1, 2020.

Because the legislative history provides two divergent examples of the types of boards that would fall within the exception allowing local governments to continue to regulate building design elements, it provides no additional clarification of the Legislature's intent.

Neither the plain language of the statute nor the legislative history provides clear direction as to whether the Town can continue to conduct architectural review of detached single-family homes. While the Town will not have a definitive answer until a court of competent jurisdiction rules on this issue or the Florida Legislature further clarifies the statutory language, the Town could, as interim step, request an advisory opinion from the Florida Attorney General. Attorney General Opinions serve to provide legal advice on questions of statutory interpretation. Attorney General opinions are advisory only and not law; however, they are persuasive and could provide additional guidance to the Town.

Irrespective of whether the Town Council seeks an Attorney General Opinion, the Town Council's decision as to whether to continue to regulate architecture for single-family detached homes² ultimately hinges upon the Town Council's risk tolerance and an evaluation of the potential benefits and consequences of each approach.

Option A – No regulation of architectural styles for detached single-family dwellings.

The first approach is to take a more conservative, restrictive interpretation of the statute and continue along the current path of not regulating building design elements or architectural styles of single-family detached dwellings. While this approach prevents the Town from requiring specific architectural styles for single-family detached dwellings, the Town can continue to address neighborhood compatibility issues through the application of other components of the appearance review process, such as harmony, or through the adoption of additional regulatory criteria, such as maximum floor area ratios. As explained above, Section 163.3202(5)(b)1, Florida Statutes, does not address size or massing and specifically excludes "bulk" from the definition of building design elements.

Additionally, the Town Council delegated final authority for appearance review of single-family detached homes to the Planning and Zoning Board for the sole purpose of allowing

² Whatever course of action the Town Council takes for single-family detached dwellings would also apply to two-family dwellings.

continued architectural review for these types of dwellings in response to the statutory amendment. However, the Board is not comprised of persons with specific qualifications or experience in the fields of architecture, design, engineering, or land planning, and some of the Boardmembers have expressed reluctance in applying appearance review criteria, some of which are inherently subjective in nature, to pending appearance review applications. If the Town is no longer regulating architectural review for single-family detached dwellings, the Town Council could delegate the appearance review function back to the members of the Planning and Zoning Staff, who do have the requisite expertise in the fields of architecture and land planning. Under this approach, if an applicant disagreed with Town Staff's application of the architectural styles or appearance review criteria, including harmony, that decision could be appealed to the Town Council sitting as the Zoning Board of Adjustment and Appeals, thereby vesting the Town Council with final decision-making authority over certain applications.

Option B – Reactivate regulation of architectural styles for detached single-family dwellings.

The second approach is to follow the lead of the City of St. Petersburg and take a more liberal interpretation of the statute, thereby reactivating the Town's regulation of building design elements or architectural styles for detached single-family homes in the same manner as the Town conducted such review prior to July 1, 2023. This option would expand the Planning and Zoning Board's review to include all aspects of appearance review, including harmony and architectural styles. The Board would continue to have final decision-making authority, and any person seeking to challenge the Board's determination would be required to file a Petition for Writ of Certiorari in the circuit court, without any potential for Town Council involvement in the process.

The potential risk associated with this approach is that applicants who are denied appearance review based on architectural style could raise the provisions of Section 162.3202(5)(a), Florida Statutes, as a basis for reversal of the Board's decision and the Town would be required to defend such an action. While there are various statutory provisions that allow for the recovery of attorney's fees for violations of a statutory preemption, these provisions are only generally applicable to challenges to ordinances and would not apply to an appeal of the denial of a development order application for appearance review. Furthermore, because the Town adopted the architectural review requirement prior to May 11, 1995, no cause of action would generally exist under the Bert J. Harris Private Property Rights Protection Act for enforcing mandated architectural styles. §70.001(12), Fla. Stat. (2024).

The Town Council could also consider returning both appearance review and architectural review of detached single-family dwellings to Planning and Zoning Staff. However, because a review board or architectural committee would not be performing this function, this approach would be more difficult to defend in the event of a challenge to the Town's authority to regulate building design elements (or architectural styles) based on Section 163.3202(5)(a), Florida Statutes.

CONCLUSION:

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. The Town Council could request an advisory opinion from the Attorney General seeking additional guidance regarding the statutory interpretation. However, even if the Attorney General issues such an opinion, it is advisory only. Consequently, it is ultimately up to the Town Council to 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.

MEMORANDUM

TO: Mayor Peggy Wheeler
Vice Mayor John Callaghan
Members of the Town Council

FROM: Leonard G. Rubin, Town Attorney *(initials)*

RE: Senate Bill 180 and its Impact on Appearance Review/Harmony Standards for Single-Family Dwellings

DATE: July 21, 2025

CC: Robert Cole, Town Manager
Frank Davila, Planning and Zoning Director
Caitlin Copeland-Rodriguez, Town Clerk

BACKGROUND:

Town Council's Direction

At its May 28, 2025, meeting, the Town Council directed Staff to proceed with the following revisions to the Town's Zoning Code as a means of continuing the enforcement of harmony review for single-family dwellings and complying with the state law preemption of the regulation of building design elements:

1. Amend the Zoning Code to remove architectural review of single-family and two-family dwellings from the Appearance Review Criteria;
2. Create a Zoning in Progress to provide Staff with ample time to update the Code as necessary, thereby pausing applications for Appearance Review under the existing Code provisions;
3. Amending the Zoning Code to remove Appearance Review for single-family dwellings;
4. Amend the Zoning Code to revert the review of single-family dwellings from the Planning and Zoning Board back to Town Planning and Zoning Staff;
5. Amend the Zoning Code to revise the comparison of harmony language among buildings from "the preponderance of buildings or structures within 300 feet from the proposed site in the same zoning district" to "the buildings or structures within the same contiguous zoning district;" and
6. Amend the Zoning Code to implement the following additional tools/regulations to

the building site area regulations for each single-family zoning district to promote harmony through base zoning:

- a. Require an additional five-foot setback for second stories for all yards;
- b. Require a second-story Floor Area Limit (“FAL”) of seventy-five percent (75%) of the floor area of the first story;
- c. Increase the percentage of minimum landscaped open space; and
- d. Implement a design/pattern book highlighting the Town’s desired architectural styles and explore the possibility of providing incentives to encourage use of the desired styles.

Senate Bill 180

While Town Staff was in the process of implementing the Town Council’s direction, on June 26, 2025, the Governor signed Senate Bill 180 into law as Chapter 2025-190, Laws of Florida. Senate Bill 180 imposes a multitude of additional requirements on local governments relating to emergencies. Most importantly, however, Section 28 of Senate Bill 180 drastically limits the Town’s ability to revise its Zoning Code. Specifically, because Palm Beach County is listed in the Federal Disaster Declaration for Hurricane Milton, prior to October 1, 2027, the Town may **not**:

1. Propose or adopt any moratorium¹ on construction, reconstruction, or redevelopment of any property damaged by such hurricane;
2. Propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or
3. Propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order.

Any such moratorium or more restrictive or burdensome comprehensive plan amendments, land development regulations, or procedures shall be “null and void ab initio.” These restrictions apply retroactively to August 1, 2024.

Senate Bill 180 further authorizes a resident or business owner in a municipality to bring a civil action for declaratory and injunctive relief against the municipality for violating the foregoing prohibitions. Once the action is filed, the resident or business owner is entitled to a preliminary injunction against the municipality preventing the implementation of the moratorium or the comprehensive plan amendment, land development regulation, or procedure. If such a civil action is successful, the resident or business owner is entitled to an award of reasonable attorney fees and costs. Attorney fees and costs may **not** be

¹ The Town’s current moratorium is not impacted by Senate Bill 180 because it only applies to new applications for development approval of a commercial, mixed-use, or multi-family residential project and would not impact property damaged by a hurricane.

awarded if: (i) the resident or business owner provides the governing body written notice that the moratorium, comprehensive plan amendment, land development regulation, or procedure is in violation of Section 28 of Senate Bill 180; and (ii) the governing body withdraws the proposed moratorium, comprehensive plan amendment, land development regulation, or procedure within fourteen (14) days or, in the case of an adopted moratorium, comprehensive plan amendment, land development regulation, or procedure, the governing body “notices an intent to repeal within fourteen (14) days of receipt of the notice, and repeals the moratorium, comprehensive plan amendment, land development regulation, or procedure within fourteen (14) days thereafter.”

Impact of Senate Bill 180 on Town Council’s Direction

As set forth above, Senate Bill 180 prevents the Town from adopting any amendments to its Zoning Code that impose a greater burden on residents or business owners or are more restrictive or limiting. On their face, the following proposed revisions to the Zoning Code addressing harmony for single-family dwellings through base zoning are more restrictive or burdensome and would likely subject the Town to a civil action for declaratory and injunctive relief (and the potential for payment of both its own attorney’s fees and costs and the attorney’s fees and costs incurred by the resident or business owner):

- increasing the yard setbacks for the second story;
- imposing a second-story Floor Area Limitation; and
- increasing the minimum landscaped open space.

The expansion of the comparison area for harmony is not necessarily more burdensome or restrictive because the comparison of all buildings and structures within the same contiguous zoning district (as opposed to the preponderance of those located within 300 feet) may, dependent upon the circumstances, work to the benefit of the resident or business owner and allow a *larger* structure. By way of example, utilizing the three newly constructed single-family homes on U.S. Highway One as comparators may allow larger homes to be constructed on both Appollo Drive and Diana Lane because they are located within the same contiguous (RS-1) zoning district. In fact, these dwellings were cited by the Planning and Zoning Board when approving the appearance review application for 401 Diana Lane, notwithstanding that they are not located within 300 feet of that particular property.

Senate Bill 180 does not, however, prevent the Town from moving forward with other Zoning Code revisions as directed by the Council, namely:

- removing architectural review for single-family and two-family dwellings;
- removing appearance review for single-family dwellings; and
- reverting to Staff review and approval/denial of appearance review for single-family dwellings.

The Zoning in Progress is still in place until the Town Council affirmatively votes to lift it; however, as explained above, given the preemptions set forth in Senate Bill 180, various components of the direction provided to Staff in May, particularly those aimed addressing harmony for single-family dwellings through base zoning, are no longer viable or available to the Town without the risk of being sued.

Town's Existing Appearance Review Regulations

The Town's current regulations governing appearance review of single-family dwellings were adopted prior to August 1, 2024, and therefore are **not** impacted by Senate Bill 180. The Town Code currently requires appearance review by the Planning and Zoning Board for single-family dwellings. The Code contains the following applicable appearance review criteria as set forth in Section 34-116 of the Town Code:

1. 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 limited to porches, roof types, fenestration, entrances, and stylistic expression. For the purposes of this section, the comparison of harmony between buildings shall consider the preponderance of buildings and structures within 300 feet from the proposed site within the same zoning district;
2. 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;
3. 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;
4. 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;
5. Shall locate and design mechanical equipment with architectural treatments so that any noise or other negative impact is minimized;
6. Complies with the town's community appearance standards (see article IV, division 14 of this chapter).

When determining whether a proposed dwelling “is of a design and proportion which enhances and is in harmony with the area,” the Zoning Code defines both “harmony” as well as certain terms contained within the definition of harmony:

- *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.
- *Bulk* means the overall size and volume of a building or structure.
- *Mass* means the relationship and sizes between different volumes of a building or structure.
- *Proportion* means the visual effect of relationship of one portion to another, or of a portion to the whole, or of one thing to another.
- *Scale* means the proportions of a building in relation to its surroundings, particularly other buildings in the surrounding context.

As fully explained at the Town Council’s May 2, 2025, workshop meeting, in applying these criteria, Town Staff has utilized various tests or metrics for assessing both the bulk and mass of proposed single-family dwellings and evaluating their scale. Staff developed these metrics to ensure consistent application of the subjective criteria and to satisfy requests from the Planning and Zoning Board for measurable, objective standards. These tests or metrics are not codified; rather, they were developed to provide transparency to applicants and members of the public regarding Staff’s analysis of appearance review applications.

QUESTION PRESENTED:

Given the preemptive language of Senate Bill 180, what are the Town’s options moving forward as they relate to appearance/harmony review for single-family dwellings?

SHORT ANSWER:

The preemptive language of Senate Bill 180 prevents the Town from proceeding with the direction provided to Town Staff at its May 28, 2025, Town Council meeting. Consequently, the Town Council’s options are: (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.

ANALYSIS:

1. **Continue with the direction provided in May to the extent not preempted by Senate Bill 180 and revert to base zoning:**

As discussed above, the Town Council can choose to move forward with the portions of the direction provided to Staff that are not preempted by Senate Bill 180. This would involve removing architectural review, removing appearance review, and reverting approval of single-family dwellings back to Town Staff. Because Staff is precluded from amending the base Zoning Code to address “harmony” through modified site area regulations (increasing the second-story setback, imposing a FAL for the second-story, and increasing the minimum landscaped open space), this would essentially revert the review of single-family dwellings back to the current base zoning regulations. However, the Town Council could still move forward with the pattern book (either with or without incentives) and encourage specific architectural designs and styles.

This course of action would allow residents to add second-stories and otherwise expand the square footage of existing single-family dwellings pursuant to the existing site area regulations. It would also eliminate the possibility of lawsuits arising out of appearance review decisions, including any claims for monetary damages pursuant to the Bert J. Harris Act. Because there would no harmony review for single-family dwellings, the potential negative would be larger, boxier single-family dwellings, especially by those seeking to purchase lots within the Town with the intent to construct new single-family dwellings, “flip” the properties, and maximize their investment.

2. **Continue to conduct appearance review consistent with the regulations currently in effect**

As explained above, the Town’s current regulations governing appearance review for single-family dwellings are not impacted by Senate Bill 180. However, various stakeholders within the Town have raised concerns regarding the continued enforcement of the existing regulations. These concerns include, but are by no means limited to, Staff’s use of uncodified tests or metrics, the unpredictable nature of the inherently subjective regulations, the reluctance of the Planning and Zoning Board to enforce non-quantifiable standards, and the potential for inconsistent application of such regulations moving forward. Such concerns warrant an analysis of the validity of such regulations and the potential for future legal challenges.

a. *Validity of the Town’s existing regulations:*

In Florida, municipal zoning ordinances are presumed valid and constitutional and must be upheld if it can be shown that they bear a “rational relationship to a legitimate public purpose.” *Kuvin v. City of Coral Gables*, 62 So. 3d 625 (3d DCA 2010), *rev. denied*, 64 So. 3d 118 (Fla. 2011). In other words, “zoning restrictions must be upheld unless they bear no substantial relation to legitimate societal policies, or it can be clearly shown that the regulations are a mere arbitrary exercise of the municipality’s police power.” *Id.* at 632. Florida courts “have repeatedly found that measures designed to enhance or

maintain the aesthetic appeal of a community are a valid exercise of a local government's police power and these measures bear a rational relationship to a legitimate purpose." *Id.* at 633. Florida has long recognized that local governments may legislate to protect the appearance of their communities as a legitimate exercise of their inherent police power. *Id.* at 634 (quoting *City of Sunrise v. D.C.A. Homes*, 421 So. 2d 1084, 1085 (Fla. 4th DCA 1982), *rev. denied*, 434 So. 2d 886 (Fla. 1983)).

While the Town is authorized to enact zoning ordinances to regulate the aesthetics and appearance of single-family dwellings, there are limitations on this authority, and zoning ordinances are subject to legal challenge. A direct facial challenge to the validity of an ordinance is generally made by an original proceeding for declaratory or injunctive relief. *Miami-Dade County v. Omnipoint Holdings, Inc.*, 863 So. 2d 195 (Fla. 2003). A challenge to a zoning ordinance as applied to a particular applicant or property owner, on the other hand, may be raised on appeal. *Key Haven Associated Enterprises, Inc. v. Board of Trustees of Internal Improvement Trust Fund*, 427 So. 2d 153 (Fla. 1983).

The first potential challenge to the Town's regulatory scheme for appearance review is that it is void for vagueness, thereby resulting in a denial of due process. The standard for testing vagueness is whether an ordinance "gives a person of ordinary intelligence fair notice of what constitutes forbidden conduct." *Jones v. Williams Pawn & Gun, Inc.*, 800 So. 2d 267, 270 (Fla. 4th DCA 2001), *rev. denied*, 821 So. 2d 305 (Fla. 2002). The language of a statute or ordinance "must provide a definitive warning of what conduct is required or prohibited, measured by common understanding and practice." *Id.* A property owner is entitled to be apprised of objective, discernible development standards as contained in a valid comprehensive plan and development ordinances. *Board of County Commissioners v. Snyder*, 627 So. 2d 469 (Fla. 1993). Consideration of vague or subjective criteria in zoning ordinances can violate an applicant's right to due process of law as guaranteed by the Fourteenth Amendment of the United State Constitution. *Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983), *rev. denied*, 444 So. 2d 416 (Fla. 1984). See also *North Bay Village v. Blackwell*, 88 So. 2d 524 (Fla. 1956) (zoning ordinance must prescribe definite standard applicable to all citizens similarly conditioned).

An ordinance may also be challenged as violating equal protection. A party asserting that a zoning ordinance has been applied in a manner that violates equal protection must show: (1) that they were treated differently from similarly situated individuals; and (2) that the approving body unequally applied a facially neutral ordinance for the purpose of discriminating against that party. *Burns v. Town of Palm Beach*, 343 F.Supp.3d 1258, 1272 (S.D. Fla. 2018). For a proposed development to be "similarly situated," it must be *prima facie identical* in all relevant respects. Additionally, development plans submitted during different time periods can render comparators not sufficiently similar. Consequently, in the zoning context, an equal protection claim is extremely difficult to prove.

While there is an argument that the Town's appearance review criteria are too subjective and fail to provide objective, discernible development standards, courts are very reluctant to strike down ordinances on these grounds. The only two reported federal court decisions addressing zoning ordinances with provisions somewhat similar to the Town's harmony

criteria both rejected challenges that the ordinances were unduly vague so as to deny the property owner due process or equal protection under the law.

In *Burns*, the plaintiff alleged that the Town of Palm Beach's zoning regulations were unconstitutionally vague because they granted the Town's Architectural Review Committee unbridled discretion. The court explained that when evaluating such claims, courts must determine whether a person of ordinary intelligence has a reasonable opportunity to know what is prohibited and whether the ordinance provides explicit standards to avoid arbitrary and discriminatory enforcement. *Id.* at 1270. The Town of Palm Beach's ordinance listed specific design elements that cannot be "excessively dissimilar to other structures within a 200-foot radius," including the "height of the building," "architectural compatibility," "arrangement of the components of the structure," and "design that is complimentary with the size and massing of adjacent properties." The court determined that these criteria were sufficiently clear for an ordinary person to understand what is prohibited and "provided parameters that constrain the Town's Architectural Review Commission's discretion, preventing arbitrary and discriminatory enforcement." *Id.* at 1271. The court further determined that the property owner failed to show that he was treated differently than others who were similarly situated. Consequently, the Town did not violate the property owner's equal protection rights when it denied approval of the proposed design for his residence as non-compliant with the Town's zoning ordinance that provided that the building should not be "excessively dissimilar" in relation to other structures within 200-foot radius. The proposed comparators (or approved homes) were not identical to his proposed design, were located in different neighborhoods, and were submitted during different time periods.

In upholding the District Court's decision, the Eleventh Circuit Court of Appeals determined that the Architectural Review Commission's discretion was limited by the ten criteria noted in the Town's zoning ordinance. *Burns v. Town of Palm Beach*, 999 F.3d 1317 (11th Cir. 2021). The court further explained that "the commission has limited membership made of no less than two, but no more than three, registered architects and one landscape architect, and even the other members had to be 'specially qualified' in art, architecture, community planning, land development, real estate, landscape architecture, or another relevant profession, or have 'civic interest and sound judgement' that could be used to determine the effects of a proposed building on 'the desirability, property values and development of surrounding areas.'" *Id.* at 1350. Finally, the court noted that the Town Council had the power to review any potentially arbitrary decisions by the Architectural Review Commission. *Id.*

Similarly, in *Rectory Park, L.C. v. City of Delray Beach*, 208 F.Supp.2d 1320 (S.D. Fla. 2002), the court upheld a zoning ordinance that provided that an application for a proposed project could be denied if it was "not compatible . . . with surrounding development" because it listed standards for determining the permissible density of a particular project. The court rejected a facial vagueness challenge to the City's conditional use ordinance that gave the city commission discretion to deny an application when a proposed project was "not compatible in terms of building mass and intensity of use with surrounding development." *Id.* at 1332. Recognizing that a decision maker is permitted discretion as to concepts as inherently subjective as "compatibility," the court

concluded that when a zoning regulation contains clear and definite standards, it will not be declared impermissibly vague just because the decision-maker has flexibility in applying the standards. *Id.* In other words, the fact that there is subjectivity and discretion accorded to decision-makers does not in and of itself render the criteria unconstitutionally vague.

Notwithstanding the foregoing, continuing with the Town's current harmony standards for single-family dwellings could still subject the Town to challenges to both the facial validity of the Town's Code and as-applied challenges based on vagueness and equal protection. While facial challenges are generally in the form of actions seeking declaratory relief (a court order that the ordinances are not valid) or injunctive relief (a court order preventing continued enforcement of the ordinances), a claim for damages is still possible. Additionally, property owners could allege, on appeal through a petition for writ of certiorari, both vagueness and equal protection challenges resulting from the application of the ordinances to their specific applications. Finally, as previously discussed with Council, a property owner could file Bert Harris claims against the Town, alleging that the application of the appearance review and harmony standards "inordinately burden" an existing use or vested right. The measure of damages under Bert J. Harris, Jr. Private Property Protections Act is compensation for the actual loss to the fair market value of the real property caused by the government action. Section 70.001, Fla. Stat. (2025).

Like the standards applied by the Town of Palm Beach and the City of Delray Beach, the Town's current harmony criteria are inherently subjective in nature. However, as explained in those decisions, mere subjectivity does not render a zoning ordinance invalid so long as there are sufficient criteria to guide the decision-maker. Consequently, if the Town Council chooses to continue to enforce the existing regulations, the Town Council should consider creating a formal Design or Appearance Review Board with persons experienced in the areas of architecture, planning, and/or real estate. These persons would have the requisite expertise in the field and would be more comfortable applying and enforcing the Town's standards.² Furthermore, if the Town were to continue enforcing its appearance review criteria, it should, like the Town of Palm Beach, include a provision allowing the Town Council to review these decisions. Finally, while 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, it should avoid the adoption of strict formulas in applying the harmony criteria. Rather, in accordance with the case law cited above, its recommendations should be guided by the application of the actual words used in the Town's Zoning Code.

Should you have any questions, please do not hesitate to contact me.

² Shifting review from the Planning and Zoning Board to a Design or Appearance Review Board would merely represent a change in the decision-making body and would not present a more burdensome or restrictive change to either the harmony standards or the procedural requirements and therefore would not violate the Senate Bill 180 preemption.

Town of Juno Beach

Memorandum

To: Town Council and Town Staff

From: Vice Mayor Pro Tem Diana Davis

Date: November 12, 2025

Subject: Proposal to Incorporate 3-D GIS Scene View into Building Application Reviews

Purpose

The purpose of this proposal is to enhance the Town's ability to evaluate new development applications by integrating 3-D GIS "Scene View" visualization into the Planning and Zoning review process. This addition will allow the Planning & Zoning Board, Town Council, and the public to clearly understand the **mass, bulk, and scale** of proposed structures **within the actual context of their neighborhoods**—a dimension not achievable through traditional flat renderings.

Background and Current Limitation - At present, applicants provide only two-dimensional renderings or isolated architectural perspectives. These visuals do not accurately convey how a proposed project will appear in relation to surrounding structures. For example, the Caretta project has been criticized as out of scale over-development inconsistent with Juno Beach's small-town character.

Available Technology - The Town's Planning and Zoning Department already utilizes **Esri's ArcGIS Pro**, a leading software platform widely regarded as the **industry standard** for geospatial analysis and urban planning. Importantly, ArcGIS Pro includes a built-in **3-D Scene View** capability as part of its standard package—no additional module or licensing purchase is required.

This feature functions similarly to other software "suites" such as Microsoft Office, where multiple applications (e.g., Word, Excel, PowerPoint) operate within one integrated platform. Scene View simply extends the Town's existing GIS data into a three-dimensional environment.

Implementation Options

1. In-House Use

- Town staff can build proficiency in 3-D Scene View using Esri's comprehensive online tutorials and training resources.

- Initial setup time is modest once the data layers are defined (building footprints, parcel elevations, etc.), and subsequent projects can be processed more quickly.
- Using this tool internally will greatly enhance staff's ability to prepare clear and comprehensible presentations for boards, Council, and the public.

2. Consultant Support / Pass-Through to Applicant

- Alternatively, the Town may engage an outside GIS consultant to prepare 3-D visualizations.
- The cost can be treated as a **pass-through fee**, charged to the applicant as part of their development review process, similar to how third-party plan reviews or engineering studies are currently handled.
- Preliminary pricing has been obtained from **Andre Castillo**, MAPDEVs, Inc., acastillo@mapdevs.com, a qualified GIS professional, confirming that this service is available and cost-efficient.

Benefits to the Town

- **Improved Decision-Making:** Provides Council and the P&Z Board with realistic, data-driven visualizations to evaluate a project's compatibility with its surroundings.
- **Transparency and Public Confidence:** Enables residents to visualize how proposed new building will look within the context of surrounding structures.
- **Efficient Use of Existing Resources:** Leverages software and data the Town already owns, minimizing additional expenditures, and/or allow for consultant work pass thru costs to applicant.
- **Modernized Review Process:** Aligns Juno Beach with best practices used by other forward-thinking municipalities.

Recommendation

It is recommended that the Town Council direct staff to **incorporate 3-D GIS Scene View visualizations** into all new building and redevelopment application reviews—either through internal preparation or through consultant services billed to applicants. This practical, technology-based enhancement will strengthen the Town's commitment to thoughtful, context-sensitive development and preserve the visual integrity that defines Juno Beach.

Nov 12, 2025

GIS Estimate for Consulting Services

Prepared for:

Diana Davis, Vice Mayor Pro Tem

Town of Juno Beach

dianadavisjunobeach@gmail.com

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1.0 Executive Summary

MAPDEVS is pleased to provide an estimate to (the client) for MAPDEVS Professional Services. We will assist the Town of Juno Beach with its goal of creating 3D GIS renderings of target sites as part of the permit application requirements for residential/commercial building construction activities.

We are providing the following complementary sample 3D application.

Please search using a desired address, i.e

Use the controls on the left to zoom in/out, pan, and rotate the view of the desired area.

[sample 3D web scene](#)

2.0 Solution Overview

2.1 Introduction

MAPDEVS' solution approach leverages our experience with many data analysis projects and the tools that we have created to bring the power of spatial analytics to data processing environments. MAPDEVS Professional Services can provide you with the capability to make use of spatial analytics with your data cluster to read, process, and store results efficiently. MAPDEVS consultants will work with the client to address the client's needs and provide knowledge transfer to your resources during the process. The goal is not only to provide the needed capabilities, but to create sufficient knowledge of the workflows, so that the client will gain insight on how to utilize the tools for future workflow needs. During the project, MAPDEVS will work closely with the client to validate business workflows and identify priority needs. These activities will support the configuration of a set of data streams (feature layers, map layers, etc.) that will be leveraged by the client's team to provide visualization and advanced analysis. Once the initial work is completed, MAPDEVS will provide reach back support for the client to answer questions and provide guidance with future workflow requirements.

3.0 Scope of Work

3.1 Work Plan

Please refer to Appendix A of this proposal for general assumptions, the client responsibilities, and the Deliverable review and acceptance process that apply to this Scope of Work.

Task 1

Currently, there is no defined scope of work. As such, the task will be set with a status of 'To Be Determined' (TBD).

Our general consulting fees may include providing remote consulting support in 100 hour increments to the client, charged in a prorated manner, based on hours used.

Separate project-based charging will be given once requirements and deliverables are defined with the client.

4.0 Schedule

The project schedule will be mutually agreed upon between the client and MAPDEVS following contract execution.

5.0 Pricing

The price for this proposed work has been estimated based upon an anticipated award of a task order, subject to the terms and conditions of the MAPDEVS Master Agreement for Services (hereinafter referred to as “Master Agreement”), which is attached and incorporated in Appendix C. The required staff and computer expenses for this statement of work have been estimated based on prior experience with work of a similar nature.

The price breakdown by major tasks is presented in the table below.

| Description | Price (USD) |
|---|---------------------|
| Task 1 - 100 hour increments of consulting/ billed at a proration | \$190 hourly |
| Total Price | \$190 hourly |

The proposed price is exclusive of applicable state and local taxes for which the client shall remain responsible. The client will be invoiced for the total price upon MAPDEVS receipt of the fully executed contract Task Order and the client purchase order. Remote consulting support will be invoiced based on a percent complete basis. This proposal is valid for 30 days from the proposal date above.

Payment schedule

50% Deposit: Due prior to the project’s start.

25% Milestone Payment: Due upon achieving the first 25% project completion milestone, as defined in the project scope or contract.

15% Milestone Payment: Due upon achieving the 75% project completion milestone.

10% Final Payment: Due Net 30 days following project closeout.

Late payment policy

Timely payment is essential for the smooth progression of a project. The following policies apply to late payments:

Grace Period: A grace period of 7 calendar days will be extended beyond the invoice due date.

Late Fee: Payments received after the grace period will be subject to a late fee of 5% per month on the outstanding balance. This fee will be calculated from the original due date.

Legal Compliance: The late fee charged complies with all applicable state and federal regulations concerning late payments.

Suspension of Services: Services may be suspended for payments overdue by 30 days or more.

Collections: Payments remaining overdue for 60 days or more may be referred to a collection agency, incurring additional fees.

Communication: It is understood that unexpected circumstances can occur. If there is difficulty meeting a payment deadline, contact should be made immediately to discuss potential alternative arrangements.

Invoicing: Late payment fees will be included in the subsequent invoice or issued as a separate late payment invoice.

Purchasing:

Please return the Master Agreement (in Appendix C), executed by an authorized member of the client. Upon receipt, a MAPDEVS Contracts Administrator will then be engaged to work with the client purchasing group to obtain the necessary signatures, and then draft a new Task Order under the fully executed Master Agreement.

When MAPDEVS receives the applicable Task Order executed by an authorized representative of the client, MAPDEVS will contact you to discuss work schedules. We look forward to supporting you.

Contact:

Andres Castillo

acastillo@mapdevs.com

<https://mapdevs.com/>

Appendix A Responsibilities, Assumptions, and Deliverable Review and Acceptance

A.1. General Client Responsibilities

- Designate a project team with defined team leads, including a project manager, and key project stakeholders and share that project organization with MAPDEVS. The team leads will possess the appropriate knowledge of the client operations and technical requirements. The client project manager will be the main technical point of contact for MAPDEVS' project manager.
- Coordinate and ensure the participation of the client staff in all project-related activities. Activities include, but are not limited to:
 - Meetings.
 - Webcasts.
 - Installation.
 - Training.
 - Testing.
- Provide MAPDEVS with access to the following items during the project, as needed:
 - Background materials.
 - Workflow documents.
 - Data.
 - Meeting facilities.
 - Hardware and software environments (directly, or via VPN).
- Review and provide MAPDEVS with written acceptance to all project Deliverables according to the review and acceptance process outlined in Section A.3 of this Appendix.
- Procure and/or license all necessary hardware, data, COTS Software, and third-party software prior to commencement of the project. A license to any needed software is required and not included in the proposed fees.
- Install and configure the client-provided hardware and software environments according to specifications provided by MAPDEVS.

- Provide access to and facilitate interactions between MAPDEVS and any of the client customers and/or stakeholders.

A.2. General Assumptions

General

- Unless otherwise stated in the Scope of Work, work will be performed remotely from an MAPDEVS office.
- Unless otherwise stated in the Scope of Work, remote work will be provided via telephone, email, and/or webcast and only during normal MAPDEVS business hours, Monday–Friday, 8:00 a.m. to 5:00 p.m. Eastern time, excluding business holidays.
- References to days in the Scope of Work refer to consecutive business days.
- MAPDEVS will be provided with system administration rights and/or access to the client resources with system administrative rights for the client environments, as required.
- The client end users are already knowledgeable in the use of the software, or will complete the training classes recommended by MAPDEVS, if included in this proposal.
- The project schedule will identify task dependencies. The commencement of work on subsequent tasks with dependencies on preceding Deliverables will be contingent upon MAPDEVS receiving written acceptance for those preceding Deliverables.
- the client is required to separately license COTS Software, at a minimum.
-

Hardware / Software

- All work will be performed on the latest version of software products, unless otherwise specified in the Scope of Work.
- Bugs found in COTS Software will be handled by the client under the terms of its software licenses.
- Documentation for COTS is available online, and is not included in any project-specific documentation; nor is documentation for third-party software or Hardware.

Data

- Unless otherwise specified in this proposal, MAPDEVS will not be responsible for cleaning data.
- Existing errors in the source data will not be corrected by MAPDEVS as part of any data upload.

Testing

- Bugs found in COTS software will be handled by the client under the terms of its software licenses.
- Unless otherwise specified, the client is responsible for acquiring and setting up all hardware and third-party software related to setting up the client test, staging and production environments prior to the commencement of deployment activities.

A.3. Deliverable Review and Acceptance

Timely review and acceptance of Deliverables will be critical to maintaining the project schedule.

The Scope of Work assumes the acceptance process and review cycles for each Deliverable type and the client is responsible for providing MAPDEVS with written acceptance for each Deliverable specified in the Scope of Work in accordance with this matrix.

MAPDEVS can provide a sample acceptance letter for review at the beginning of the project.