



AGENDA ITEM

Meeting Name: Town Council Meeting

Meeting Date: August 26, 2025

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Item Title: Appearance Review Single Family Dwellings – Response to Town Council

BACKGROUND

At the July 23rd, 2025, Town Council meeting, the Council discussed the impacts of Senate Bill 180 on Appearance Review and directed staff to come back with available options and a recommendation for a course of action at the next meeting.

At the May 2nd, 2025, Appearance Criteria for Single-Family Homes workshop, the Council directed staff to continue the status quo in the methods used by staff in the application of harmony for single-family homes, pending staff review of *best practices and associated recommendations*.

At the May 28th, 2025, Town Council meeting, the staff discussed the tools and criteria for assessing harmony in single-family homes which were based on the comments provided by the Town Attorney in regards to implementing metrics that result in restricting the size of homes so that a property owner is limited to less square footage than existing homes in the immediate vicinity could potentially result in a Bert Harris Act claims as this regulation could unfairly or unreasonably limit the existing use of property to an extent that the property owner is unable to attain his/her reasonable, invested-backed expectation.

Staff benchmarked other municipalities to find out what controls have been implemented to regulate “super-sized” houses, these included:

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|---|----------------------------------|
| a. Limit Building Height* | h. Gross Floor Area (GFA) |
| b. Design Review | i. Daylight Plane Requirements |
| c. Floor Area Ratio (FAR)* | j. Lot Coverage* |
| d. Make bulk and mass fit neighbors* | k. Increased Parking* |
| e. Increased front, rear and/or side yard setbacks* | l. Open Space / Landscape* |
| f. Floor Area Limit (FAL) | m. Overlay/Conservation District |
| g. Privacy Protections | n. Zero Lot Lines |

Staff noted that the Town currently regulates 7(*) of these controls through the Building Site Area Regulations (Base Zoning) for each zoning district and through the Appearance Review.

After the discussion, Council directed staff to draft text amendment language to:

- 1) Amend the zoning code to remove architectural review of single-family and two-family dwellings, amend the zoning code to remove appearance review for single-family dwellings.
- 2) Amend the zoning Code to revert the review of single-family dwellings from the Planning and Zoning Board back to Town staff.
- 3) Amend the Zoning code to revise the comparison of harmony language among buildings from the preponderance of building 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 to
- 4) Amend the zoning code to implement new tools/regulations to the building site area regulations for each zoning district to promote single family residential harmony by requiring an additional 5 foot setback for second stories, require a second story floor area limit of 75% of the first floor, increase the percentage of minimum landscaped open space, and to 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.

At the May 28th, 2025, Town Council meeting, Council also enacted a Zoning in Progress (ZIP) to provide staff with ample time to update the Code as necessary, thereby pausing applications for the processing of Appearance Review applications. However, before staff could place these items at the July Planning and Zoning meeting, the State adopted legislation (Senate Bill 180) on June 26, 2025, which pre-empts local government from adopting language stricter than the current code. Please see the relevant excerpt from Senate Bill 180 below:

SENATE BILL 180

Section 28. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR1323 4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by F.S. 163.3164, Florida Statutes, before October 1, 2027, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be stricken. This subsection applies retroactively to August 1, 2024.

DISCUSSION

As discussed in the staff memorandum on May 28th, staff listed a litany of concepts to manage “Super-Sized” houses or single-family homes that are not harmonious with their surroundings.

Many of these concepts are regulations currently within standard zoning regulations and enforcing them differently than base code was determined infeasible due to concerns that such a concept might jeopardize the Town with a Bert Harris Act claim. Therefore, those concepts were not further researched and were

not recommended. Other concepts are now infeasible because they would require text language that would make the code more restrictive or burdensome and would be pre-empted by SB 180.

To provide a comprehensive “third solution”, staff is tasked with providing a neutral assessment of Appearance Review with all potential concepts. Staff compiled a table with all potential concepts, and highlighted those that are feasible, based on low to no Bert Harris Act Claims concerns and SB 180 pre-emptions in green, cautionary in yellow, and those that are not in red. Further discussion is recommended prior to the adoption of any of the recommendations below.

The menu of all concepts discovered by staff

Concept	Description	Senate Bill 180 and/or Bert Harris Act Claim concerns	Staff Comments
Limitations in Building Height	Limit Building Height – depending on the Zoning District, SFH are limited to either 2 or 3 stories (30 ft. or 40 ft. accordingly). Code changes would include reduction of Building Height and/or number of stories allowed.	Both	Tower Elements were discussed in 2024. TC decided to leave the code as is.
Design Review by an Appearance Review Board consisting of people trained in the fields of Architecture, Planning, Real Estate, and similar fields.	Appearance Review following the <u>existing code regulations for Appearance under Code Section 34-116(b)(2). Metrics shall not be codified as directed by legal counsel.</u>	None	Recommended by the Town Attorney on his July 21 st memorandum – Senate Bill 180 and its impacts on Appearance Review/ Harmony Standards for SF dwellings.
Design Review by an Appearance Review Board consisting of person trained in the fields of Architecture, Planning, Real Estate, and similar fields.	Design Review including but not limited to: façade articulation, material changes, driveways, building volume ratios, blank walls, wall projections, and the like. Maintaining consistent façade and building orientation along block face. Maintain setbacks that are consistent with other buildings on the block face. Require setbacks do not deviate more than 25% of setbacks on the block face. Require variation in height, or use of step backs when building reaches certain heights. Encourage	Both	Homes would be regulated to be similar in appearance, further eliminating the Town’s eclectic architectural style.

	step backs by allowing to encroach a minimal amount into side or front yards. Though not required, may be factors in determining if mass and scale are acceptable.		
Floor Area Ratio Limitations	Although not codified as FAR's, the Town would be limited to the maximum currently permitted based on lot coverage, building height when compared to the lot size.	Both	Due to SB 180 and Bert Harris Act Claims, no reductions would be recommended .
Enforcing bulk and mass fit with neighboring development	Regulating Bulk (Total square footage) or Mass (façade area), with either incremental allowance, or a maximum (which would be under the maximum allowed by code.	Both	Codifying metrics is contrary to the recommendation by Legal Counsel.
Modify front, rear and/or side yard setbacks	Setbacks (increasing rear setbacks and reducing front setbacks at the same amount, to move buildings forward, away from backyards). If moved to the front, the home would engage public spaces like street and front yards, rather than homes to the rear, thus creating less privacy issues.	Total buildable areas would need to remain the same to avoid SB 180 or Bert Harris Act Claims.	It may create nonconformities. Does not achieve a reduction of mass or bulk. It addresses privacy, orientation, and site planning criteria.
Privacy Protections	Privacy provisions. If a 2 story or tower feature is too close to a setback, where the site line may be over a 6' privacy wall/fence, then the windows and/or balconies must be placed away from these areas or shielded in some way. Such as clear story windows, or balconies with side walls to prevent site into yards.	Both	The Town does not have any regulations as it pertains to window types, location or material.
2 nd Floor Area Limit (FAL).	Limit the second story to a lesser percentage than the first floor.	SB 180	Staff recommended a 2 nd FAL of 75%, unable to move forward due to SB 180.
Gross Floor Area comparisons	Gross Floor Area is the total square footage of all floors. It would be compared to all the homes within the same zoning district. <u>Metrics shall not be codified as directed by legal counsel.</u>	None	Currently being done by staff with our current procedure as identified at the May 2 nd workshop. Contrary to legal counsel advice, <u>as directed by Council at the July TC meeting,</u>

			<u>staff continues to use metrics.</u>
Daylight Plane Requirements	Implement a plane requirement for floors above the first floor (setbacks). Allows for sunlight between buildings.	SB 180	Staff recommended an additional 5ft. setback for the 2 nd story, unable to move forward due to SB 180.
Decrease maximum Lot Coverage	Reducing the lot coverage percentage to less than what is currently allowed would decrease the overall size of the SFH, most RS zoning districts are limited to 35%.	Both	We cannot adopt language that is stricter than current code.
Increase in Parking required	SFH requires a minimum of 2 parking spaces.	SB 180	We cannot adopt language that is stricter than current code.
Increase in open space and landscaping requirements	Other than minimum landscape open space percentage (SFH require 25%), SFH are exempt from landscaping requirements.	SB 180	We cannot adopt language that is stricter than current code.
Providing separate overlay, CRA or historic district regulations	Adopt an Overlay Zoning District for zoning districts where SFH are permitted use, and provide new regulations, such as lot coverage, landscape open space, height, FAR, architectural elements, etc. <u>Its implementation shall be voluntary.</u>	None, if voluntary.	Overlay districts are not mandatory, incentives are likely needed to encourage participation.
Zero Lot Lines	Allows for one side setbacks to be increased thus creating a larger side yard area but maintains the same distance between structures.	SB 180	Would create nonconformities, and at times separation of building would be less than currently allowed until the other structure get torn down and rebuilt.
Voluntary Architecture Pattern book with incentives	The intent of the Town's Site Plan and Appearance Review Criteria is to obtain harmonious architectural themes. The Town's architectural style is 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	None	Although staff has been directed and advised to remove the architecture style component of the appearance review of single-family homes not located in a PUD, we may provide a pattern/design book which highlights the Town's desired architectural styles

	mid-20th century), or combination thereof style of architecture. <u>Please note that single-family and two-family dwellings are exempt from following the Town's Architectural Style.</u>		reflecting the vernacular of Old Florida as identified in Code Section 34-116 (3)(b)(1). A pattern book would serve as a recommendation guide for single-family projects.
Greater public involvement and notice requirements for applications	Encourage neighbor's consent and greater public participation through <u>Town initiated notices</u> , such as posting a future meeting notification sign on the subject property and the Town's website, and GIS portal.	None	As long as the Town is providing the notice and not the property owner, this is not considered more restrictive or burdensome to the owner.
LEED Certification for "super-size" homes	Requiring sufficient energy technology in houses that are over a certain size, or number of duplicate rooms, as large houses are very insufficient to cool, light and provide water. Duplicate rooms may not always be used and sit dormant while needing AC and lighting. Not done in Florida, but a concept adopted in other states.	SB 180	We cannot adopt language that is stricter than current code.
Front façade softening	Encouraging a certain sized front porch by reducing front setbacks to accommodate them, side loading garages by reducing setbacks to incentive them and provide horizontal stacking of cars, and other features that may provide Juno Beach charm, and soften the mass and scale of buildings. <u>Its implementation shall be voluntary.</u>	None, if voluntary.	This would not reduce the mass and bulk of the property but rather create a pleasant front façade and reinforces desired architectural styles (Late Victorian).
Demolition restriction on Historic structures.	If a structure is considered historic by the Town (new definition would need to be implemented), the tear down of homes may be limited.	Both	A true historic district would be hard to implement. We cannot adopt language that is stricter than current code.
Accessory apartments	Allow smaller granny flats/mother-in-law suites/ accessory apartments which would incentivize expansion in a controlled way. In the RS zoning	None	Accessory apartments can be used as standalone dwellings or vacation rentals. Please note that the State has

	district accessory apartments are not allowed, but if we did, we could allow them as single-story, <u>without changing the maximum lot coverage, landscape open space, building height, etc.</u> Thereby encouraging horizontal construction rather than vertical. It gives homeowners something they wish for to make their homes more viable, and an alternative to selling, tearing down, or mass expansion of the primary home.		preempted municipalities from prohibiting vacation rentals.
Visual Aids for Appearance Review Applications	For applicants to develop a 3-D Model to show what proposed buildings will look like in context.	SB 180	This would be cost-prohibited if created by staff. This would not reduce the mass and bulk of the property simply provide a visual aid.

The following option was previously approved by Council to be implemented as the next course of action:

- Adopting a voluntary architecture guidebook with incentives

<i>Positives</i>	<i>Negatives</i>
Reinforces all of the Town's desired architectural styles	Voluntary only, not mandatory regulations
It is easier to convey the desired architectural styles to property owners and applicants	Does not address bulk or mass
Establishes universally accepted elements for each architectural style	Creation of the document is time consuming (4-6 months) and costly (approximately \$55k).

The items below are not prohibited based on potential Senate Bill 180 or Bert Harris Act Claim concerns but require further discussion by Council. For Council's consideration see below a description of each recommendation.

- Encourage neighbor's consent and greater public participation through Town initiated notices

<i>Positives</i>	<i>Negatives</i>
Provides transparency in the review process	Cannot be codified, serves only as a curtesy notice (policy only)
Providing neighbors or interested parties an opportunity for dialogue with the applicant	Responsibility lays entirely with staff, not on applicant.

- Design Review by professionals in the field, further code changes may be necessary to allow for appeal process.

<i>Positives</i>	<i>Negatives</i>
Decision based on professional experience	Challenges in maintaining a full board of professionals
Less risk tolerance for Bert Harris Claims	Potential cost for hiring professionals to participate
	Review would be solely based on current Appearance criteria (unless amended by Council) without the Architectural review component
	Subjectivity of “harmony” remains as codes cannot be codified
	Disagreement on decisions may still occur between perspective from the Board Council and staff

- Modify front/rear yard setbacks

<i>Positives</i>	<i>Negatives</i>
Addresses orientation and site planning concepts	Creates nonconformities
Allows further flexibility of buildable area(s) and building design	Does not address bulk or mass
Enhances rear yard privacy	Creates staggered facades which may impede views of that setback farther back

- Providing separate overlay district regulations

<i>Positives</i>	<i>Negatives</i>
Allows for flexibility of building design, as overlays are customizable to be site specific	Voluntary only, not mandatory regulations
<u>If self-imposed</u> , creates stricter regulations which are permitted to be codified under SB180	Due diligence and codification are time consuming and costly
Overlays are not restricted to entire zoning district but may be property specific	Unlikely to happen if no incentives are provided

- Front façade softening by providing incentives for front porches and side loading garages

<i>Positives</i>	<i>Negatives</i>
Allows further flexibility of buildable area(s) and building design	Does not address bulk or mass
Reinforces the Town’s desired architectural styles (Late Victorian/Key West Cracker)	Only works if its voluntarily
Promotes community/social connection	
Creates curb appeal and outdoor living space, adding to Juno Beach charm	

- Allow smaller granny flats/mother-in-law suites/ accessory apartments

<i>Positives</i>	<i>Negatives</i>
Allow other options to redevelopment projects (preferably horizontal vs. vertical construction)	Creates additional parking demand
Provides for an additional housing type which is currently limited in the Town	Cannot regulate rental component (short term or long term)
Creates additional income if rented.	Possible code changes to density
	Developers may take advantage of leniency on density and rental possibilities

In addition to the recommendations above, if the Town Council wishes to maintain the Site Plan and Appearance Review for Single-Family Dwellings, staff recommend that the Town Council review the intent and purpose pursuant to Sec. 34-115 of the Juno Beach Town Code and amend it accordingly to match the current state preemptions.

The stated and explicit intent and purpose 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.

While the Town Council considers the next steps, it is important to consider the history and effectiveness of the harmony ordinance. Since 2022, there have been 19 Appearance Review applications. Staff has recommended denial of two (2) of those applications. The Planning and Zoning Board has ultimately denied only one (1) out of 19 applications, which was 451 Neptune Road.

A majority of the applications have been approved by the Planning and Zoning Board without any modifications to the original plans. There have only been minor architectural changes and there has never been an application where the total square footage was reduced by the Site Plan and Appearance Review process. The history of the site plan and appearance review can be reviewed in Attachment 1.

RECOMMENDATION

Staff recommends that the Town Council consider exploring all or any number of the options that have zero to low risk for a Bert Harris Act claim and are permissible due to Senate Bill 180.

ATTACHMENT

- History of the Site Plan and Appearance Review