

**TOWN OF JUNO BEACH, FLORIDA**

**ORDINANCE NO. 753**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, RELATING TO ARCHITECTURAL REVIEW OF DETACHED SINGLE-FAMILY DWELLINGS; AMENDING DIVISION 1, "GENERALLY," AND DIVISION 4, "SITE PLAN AND APPEARANCE REVIEW," OF ARTICLE II, "ADMINISTRATION AND ENFORCEMENT," OF CHAPTER 34, "ZONING," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTIONS 34-28 AND 34-116 TO ASSIGN ONLY APPEARANCE REVIEW, INCLUDING ARCHITECTURAL REVIEW, OF DETACHED SINGLE-FAMILY DWELLINGS TO THE PLANNING AND ZONING BOARD; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

WHEREAS, during its 2021 session, the Florida Legislature enacted Section 163.3202(5)(a), Florida Statutes, which preempts the regulation of "building design elements" for single-family and two-family dwellings, unless the dwelling is located either in a planned unit development approved by the local governing body or in a jurisdiction of a local government that has a design review board or architectural review board; and

WHEREAS, the term "building design elements" includes external building color; the type or style of exterior cladding material; the style or 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; and

WHEREAS, Section 34-116(3)(b) of the Town Code provides for appearance review of all proposed structures within the Town, including architectural review to confirm that the proposed structure "is of an architectural style representative of or reflecting the vernacular of Old Florida and which is commonly known and identified as Victorian (Key West Cracker), Spanish revival (Mediterranean), Modern (early to mid-20<sup>th</sup> century) or any combination thereof;" and

WHEREAS, while the Town's Planning and Zoning Department historically conducted site plan and appearance review of detached single-family dwellings, through the adoption of Ordinance No. 745 on October 27, 2021, the Town Council amended the Town Zoning Code to assign both site plan and appearance review, including architectural review, of detached single-family dwellings not located within a planned unit development to the Planning and Zoning Board; and

WHEREAS, many of the site plan review criteria are not applicable to detached single-family dwellings, and in an effort to clarify the duties of the Planning and Zoning Board to more accurately reflect the intent and scope of Section 163.3202(5), Florida Statutes, Town Staff recommended assigning only appearance review, including architectural review, to the Planning and Zoning Board, with Town Staff retaining site

plan review; and

WHEREAS, the Town's Planning and Zoning Board has conducted a public hearing on this Ordinance and provided its recommendation to the Town Council; and

WHEREAS, the Town Council has determined that adoption of this Ordinance is in the best interests of the general welfare of the Town of Juno Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA as follows:

**Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and confirmed and are incorporated herein.

**Section 2.** The Town Council hereby amends Division 1, "Generally," of Article II, "Administration and Enforcement," of Chapter 34, "Zoning," of the Town Code of Ordinances by amending Section 34-28, "Planning and zoning board duties," to read as follows (deleted language is ~~stricken through~~):

**Sec. 34-28. - Planning and zoning board duties.**

The planning and zoning board shall issue recommendations to the town council and zoning board of adjustment and appeals, as applicable, on all matters involving community planning, including, but not limited to, the comprehensive plan, site plan and appearance reviews, preliminary plat reviews, variances, administrative appeals, and special exception uses. The planning and zoning board shall have final decision-making authority on ~~site plan and~~ appearance review, specifically including architectural review, of detached single-family dwellings not located within an approved planned unit development. It shall exercise its power as defined in this chapter and as further established by F.S. ch. 163, part II. The planning and zoning board shall be the local planning agency required to be designated as such by F.S. § 163.3174.

**Section 3.** The Town Council hereby amends Division 4, "Site Plan and Appearance Review," of Article II, "Administration and Enforcement," of Chapter 34, "Zoning," of the Town Code of Ordinances by amending Section 34-116 "Required; criteria," to read as follows

(additional language is underlined and deleted language is ~~stricken through~~):

**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 ~~site plan and~~ appearance review and approval or denial, or approval with modifications ~~only~~ 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;
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).

**Section 4.** The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Juno Beach.

**Section 5.** If any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be

invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 6.** All ordinances or parts of ordinances of the Town of Juno Beach, Florida, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

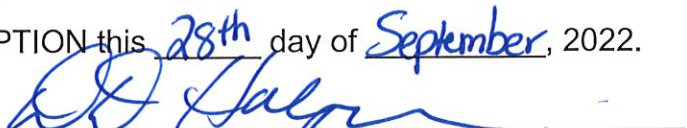
**Section 7.** This ordinance shall be effective immediately upon adoption.

FIRST READING this 14<sup>th</sup> day of September, 2022.

SECOND, FINAL READING AND ADOPTION this 28<sup>th</sup> day of September, 2022.


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DD HALPERN, MAYOR


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ELAINE K. COTRONAKIS, VICE MAYOR

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PEGGY WHEELER, VICE MAYOR PRO TEM

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JASON HASELKORN, COUNCILMEMBER

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ALEXANDER COOKE, COUNCILMEMBER

ATTEST:

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
CAITLIN COPELAND-RODRIGUEZ  
TOWN CLERK

  
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LEONARD G. RUBIN  
TOWN ATTORNEY