

RESOLUTION NO. 2025-XX**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, CLARIFYING LEGISLATIVE INTENT BEHIND THE TERM HARMONY WITHIN CHAPTER 34, "ZONING," OF THE CODE OF ORDINANCES, AS IT APPLIES TO APPEARANCE REVIEW OF SINGLE FAMILY DWELLINGS; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.**

10 **WHEREAS**, Article VIII of the State Constitution and Chapter 166, Florida Statutes
11 provide that municipalities shall have the governmental, corporate, and proprietary
12 powers to enable them to conduct municipal government, perform municipal functions,
13 and render municipal services, and may exercise any power for municipal purposes,
14 except when expressly prohibited by law; and

16 **WHEREAS**, the Town Council of the Town of Juno Beach, Florida (the "Town
17 Council") as the governing body, pursuant to the authority vested in Chapter 163 and
18 Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its
19 land development regulations; and

21 **WHEREAS**, the Town Council adopted Division 4, "Site Plan and Appearance
22 Review," of Article II, "Administration and Enforcement," of Chapter 34, "Zoning," of the
23 Town Code of Ordinances, "(1) To ensure the best use and the most appropriate
24 development and improvement of each lot in the town; (2) To protect the owners of lots to
25 ensure that the use of surrounding lots will maintain or improve property values; (3) To
26 ensure the erection thereon of well-designed and proportioned structures built of
27 appropriate materials; (4) To preserve, as far as practicable the natural features and
28 beauty of said property; (5) To obtain harmonious architectural themes; to encourage and
29 secure the erection of attractive structures thereon, with appropriate locations thereof on
30 lots; (6) To secure and maintain proper setbacks from streets and adequate open spaces
31 between structures; and (7) In general, to provide adequately for a high type and quality
32 of improvement in said property, and thereby enhance the property values and the quality
33 of life in the town," as stated in Section 34-115, Town Code of Ordinances; and

35 **WHEREAS**, the Town Council adopted Ordinance 421 at second and final reading
36 on February 19, 1992, which, among other items, established appearance and site plan
37 review criteria for new developments and included the criteria, "is of a design and
38 proportion which enhances and is in harmony with the area;" and

40 **WHEREAS**, the Town Council adopted Ordinance 763 at second and final reading
41 on July 26, 2023, which, among other items, provided a definition of the term harmony,
42 which "means a quality which produces an aesthetically pleasing whole as in an
43 arrangement of varied architectural and landscape elements. Harmony can be achieved
44 through the proper consideration of scale, mass, bulk, proportion, height, orientation, site
45 planning, landscaping, materials and architectural components, including, but not limited
46 to, porches, roof types, fenestration, entrances and stylistic expression;" and

1 **WHEREAS**, the Town Council adopted Ordinance 780 at second and final reading
2 on January 24, 2024, which provided clarification on the assessment of harmony during
3 appearance reviews by specifying, “the comparison of harmony between buildings shall
4 consider the preponderance of buildings or structures within 300 feet from the proposed
5 site of the same zoning district;” and

6
7 **WHEREAS**, the Town Council now desires to clarify its legislative intent for
8 appearance reviews and the determination of whether harmony has been achieved does
9 not require neighboring properties to be of the same or similar overall square footage;
10 and

11
12 **WHEREAS**, the Town Council desires to further clarify its legislative intent for
13 appearance reviews and the determination of whether harmony has been achieved must
14 address adverse physical or visual impacts as permitted under Florida Statutes, the Town
15 Comprehensive Plan, and the Town Code of Ordinances; and

16
17 **WHEREAS**, the Town Council recognizes that the Town’s planning and zoning
18 department may properly consider the plain language of the Town Code of Ordinances
19 to administer appearance reviews and utilize any expert consultants as may be necessary
20 in the review of individual applications to determine whether harmony has been achieved
21 as defined in the Town Code of Ordinances; and

22
23 **WHEREAS**, the Town Council determines that the adoption of this Resolution in
24 the best interest of the Town of Juno Beach.

25
26 **NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE**
27 **TOWN OF JUNO BEACH, FLORIDA, as follows:**

28
29 **Section 1.** The foregoing recitals are hereby ratified as true and correct and are
30 incorporated herein.

31
32 **Section 2.** The Town Council hereby clarifies its legislative intent for
33 appearance reviews and the determination of whether harmony has been achieved does
34 not require neighboring properties to be of the same or similar overall square footage and
35 recognizes that the Town’s planning and zoning department may properly consider the
36 plain language of the Town Code of Ordinances to administer appearance reviews and
37 utilize any expert consultants as may be necessary in the review of individual applications
38 to determine whether harmony has been achieved as defined in the Town Code of
39 Ordinances.

Section 3. The Town Council hereby authorizes the Town Manager to take any action which is necessary to implement this Resolution.

Section 4. This Resolution shall be effective immediately upon adoption.

RESOLVED AND ADOPTED this _____ day of _____, 2025.

Peggy Wheeler, Mayor

ATTEST:

**Caitlin Copeland-Rodriguez, MMC
Town Clerk**

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

TG Law PLLC, Town Attorney

DRAFT

TOWN OF JUNO BEACH, FLORIDA

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING DIVISION 4, "SITE PLAN AND APPEARANCE REVIEW," OF ARTICLE II, "ADMINISTRATION AND ENFORCEMENT," OF CHAPTER 34, "ZONING" OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR APPEARANCE REVIEW OF SINGLE FAMILY DWELLINGS TO BE SUBJECT TO ADMINISTRATIVE REVIEW AND APPROVAL AND CLARIFYING COMPLIANCE OF APPEARANCE REVIEW WITH RELEVANT FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Town Council of the Town of Juno Beach, Florida as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, Section 163.3202(5)(a), Florida Statutes, prohibits a municipality from applying land development regulations relating to building design elements, as defined therein, to a single-family or two-family dwelling, subject to certain exceptions set forth therein; and

WHEREAS, the Town Council wishes to amend Division 4, "Site Plan and Appearance Review," of Article II, "Administration and Enforcement," of Chapter 34, "Zoning," of the Town Code of Ordinances by recognizing the existence of Section 163.3202(5)(a), Florida Statutes, and the preemption contained therein without exempting single-family and two-family dwellings from appearance review; and

WHEREAS, the Town Council wishes to further amend Division 4, "Site Plan and Appearance Review," of Article II, "Administration and Enforcement," or Chapter 34, "Zoning," of the Town Code of Ordinances by modifying appearance review of single-family dwellings to be subject to administrative review and approval by the Planning and Zoning Director rather than requiring a public hearing before the Planning and Zoning Board; and

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

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

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

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

14 **Section 2.** The Town Council hereby amends Division 4, "Site Plan and
15 Appearance Review," of Article II, "Administration and Enforcement," or Chapter 34,
16 "Zoning," of the Town Code of Ordinances is hereby amended as set forth below. For
17 purposes of this Ordinance, underlined type shall constitute additions to the original text,
18 *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute
19 deletions to the original text.

21 **Sec. 34-116. Required; criteria.**

23 No construction or clearing of land may begin in any district prior to review and approval
24 of the site plan and appearance. The review shall consist of:

- 26 (1) Consideration of the application by the development review committee (DRC),
27 which may recommend approval, denial, or approval with modifications and/or
28 conditions;
- 29 (2) Consideration of the application by the town planning and zoning board, which
30 may recommend approval, denial, or approval with modifications and/or
31 conditions; and
- 32 (3) Final review and approval or denial, or approval with modifications by the town
33 council. Single-family detached dwellings not located within an approved
34 planned unit development shall be subject to appearance review and
35 approval or denial, or approval with modifications by the town planning and
36 zoning board director, with site plan review by the town planning and zoning
37 department. Single-family dwellings within an approved planned unit
38 development shall be subject to site plan and appearance review and
39 approval only by the town planning and zoning department in accordance with
40 the established design criteria. The criteria to be used in this review shall be
41 to ascertain that the proposed site plan for new development meets the
42 following criteria:

43 ***

45 b. Appearance review criteria.

1. Is of an architectural style representative of or reflecting the
2 vernacular of Old Florida style which is indigenous to the town and
3 which is commonly known and identified by its late Victorian (Key
4 West Cracker), Spanish revival (Mediterranean), Modern (early to
5 mid-20th century), or combination thereof style of architecture.
6 Summarized briefly, common features of the vernacular of Old
7 Florida style that identify the Victorian (Key West Cracker), and
8 Spanish revival (Mediterranean) architectural style include wood or
9 concrete block with stucco siding; simple pitched roofs; tile, metal,
10 or asphalt roofs; ornate details such as but not limited to exposed
11 soffits, individualized vent and louver shapes, reliefs, and detailed
12 window and door treatments; lush landscaping with private yards;
13 and use of porches, balconies and patios. Common features of the
14 vernacular of Old Florida Style that identify the Modern (early to
15 mid-20th century) architectural style include clean geometric lines,
16 often at right angles; an emphasis on function; materials such as
17 glass, steel, iron, and concrete; and the use of natural light through
18 large and expansive windows. The aforementioned architectural
19 styles shall be considered preferred, but not required to the extent
20 that the town is preempted from consideration of building design
21 elements, as defined in Section 163.3202(5)(b)1, Florida Statues, in
22 review and approval of single-family or two-family dwellings;
23

24. Is of a design and proportion which enhances and is in
25 harmony with the area. The concept of harmony shall not imply that
26 buildings must look alike or be of the same style. Harmony can be
27 achieved through the proper consideration of setback, scale, mass,
28 bulk, proportion, overall height, orientation, site planning,
29 landscaping, materials, and architectural components including but
30 not limited to porches, roof types, fenestration, entrances, and
31 stylistic expression, except to the extent any of the aforementioned
32 factors may be preempted from consideration by Section
33 163.3202(5)(a), Florida Statutes in the review and approval of
34 single-family or two-family dwellings. For the purpose of this
35 section, the comparison of harmony between buildings shall
36 consider the preponderance of buildings or structures within 300
37 feet from the proposed site of the same zoning district;
38

39. Elevator and stairwell shafts and other modern operations
40 and features of a building shall be either completely concealed or
41 shall incorporate the elements of the architectural style of the
42 structure; rooftop equipment and elevator and mechanical
43 penthouse protrusions shall be concealed; and parking garages
44 and other accessory structures shall be designed with architectural
45 features and treatments so that they are well proportioned and
46 balanced and in keeping with the architectural style of the principal

structure, except to the extent any of the aforementioned factors may be preempted from consideration by Section 163.3202(5)(a), Florida Statutes in the review and approval of single-family or two-family dwellings;

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, except to the extent any of the aforementioned factors may be preempted from consideration by Section 163.3202(5)(a), Florida Statutes in the review and approval of single-family or two-family dwellings;

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, except to the extent any of the aforementioned factors may be preempted from consideration by Section 163.3202(5)(a), Florida Statutes in the review and approval of single-family or two-family dwellings;

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

Section 4. The provisions of this Ordinance shall become and be made a part of the Zoning Code of the Town of Juno Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 5. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

Section 6. This Ordinance shall be effective immediately upon final adoption.

[Remainder of page intentionally blank]

1 FIRST READING this _____ day of _____, 202_.

2
3 SECOND, FINAL READING AND ADOPTION this _____ day of _____, 202_.

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5
6 AYE NAY _____
7
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9 AYE NAY _____
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11 AYE NAY _____
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14 AYE NAY _____
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17 AYE NAY _____
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21 ATTEST: APPROVED AS TO FORM AND LEGAL
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23
24
25
26 CAITLIN E. COPELAND-RODRIGUEZ, MMC TG LAW PLLC
27 TOWN CLERK TOWN ATTORNEY
28