

To: Town Council, Frank Davila, Town Manager, and Len Rubin, Town Attorney
From: Diana Davis, Council member
Date: 1-17-2025
RE: 1-22-2025 Town Council Meeting Agenda Item # 16, Titled ARB Review Criteria

Whether the State has pre-empted all architecture review from the Town of Juno Beach for its historic areas (Beach Bound, Zephyr Way and Saturn Lane) and other single-and-two-family homes is a major policy question for our Town that requires additional discussion.

The Town of Juno Beach staff agenda item memo for the Appearance Review Board criteria cites Florida Statute 163.3202(5)(a), as **not allowing “building design elements” to be regulated in single and two-family dwellings in the Town of Juno Beach**. Building design elements includes “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 . . .”, which are **the elements of architectural style for the Town of Juno Beach’s historical areas and of our “Old Florida style” architecture for our single family home zoning districts**.

Action: Due to the magnitude of the potential impact to our Town of this policy decision, and the need ability to preserve our policy options, suggest having our Town Attorney brief options or perhaps hiring an outside municipal land use attorney to determine our options as to how the law (effective 7/2021 with amendments in 7/2023) applies to the Town of Juno Beach municipal code.

Policy Matter – maintain local authorities. As a policy matter, it is the preferred path **NOT** to give away authorities that are traditionally within the Town’s control such as architectural review of single-and two-family homes and architectural review of our historical neighborhoods. As a policy matter, the Town of Juno Beach has advocated for “Home Rule,” as a municipal charter government to maintain its jurisdiction to make local decisions locally rather than ceding these decisions to Tallahassee, our State Government.

Policy Matter – whether to regulate architectural styles in our residential single family zoning districts and historical areas. The Town of Juno Beach has historically regulated architectural styles for single family homes, with the styles known as “Old Florida.” We also have distinctive historic districts with their own architectural features described.

Explore Alternative Interpretations of the legislation as applied to Juno Beach: We are fortunate that Juno Beach Municipal Code 34-28, assigns the duty to our Planning and Zoning Board to include appearance review and site plan review. The state legislation requires a “design review board” or an “architectural review board” but there is no definition for these boards and no requirement that these boards were active prior to January 1, 2020. Our appearance review criteria that have been in effect prior to 1/2020

contains language regarding building design elements for our “Old Florida style” and for our historical areas.

- Potential interpretation is that the state legislation will allow the regulation of “building design elements” for our historic districts under the provisions of Florida Statutes 163.3202(5)(a)1.
- Potential interpretation is that the state legislation will allow the regulation of “building design elements” for single family and two-family homes under the provisions of Florida Statutes 163.3202(5)(a)7, because Juno Beach Municipal Code 34-28, prior to January 1, 2020, assigned the duty to our Planning and Zoning Board for appearance review and site plan review.

ACTION: Before any of the proposed code changes are enacted, we need to understand our legal options for policy making for our Town. The Town Council should have our Town Attorney, Len Rubin outline the options that we have for interpretation of the state statute; or hire a land use attorney for an analysis specific to Juno Beach and our municipal codes. This is a policy matter with huge ramifications for our Town for years to come. Maintaining our legislative code options is critical to our pledge to residents to Keep Juno Beach, Juno Beach. **NOTE:** In researching this issue, two different land use attorneys, who both have their master’s degrees in planning, agreed that the interpretations above are valid interpretations for Juno Beach to maintain its historical districts and its architectural style codes.

PLANNING AND ZONING BOARD MEMBERS REQUESTED AN ADDITIONAL TOOL FOR

APPEARANCE REVIEW: Code language that could be added to the appearance review criteria, **now**, independent of a policy decision on whether we can continue to regulate architectural styles [i.e., building design elements] in our historical areas and other single family home locations is the following:

3-D Visualization of Project in Context. The site plan shall be illustrated to scale and shall sufficiently indicate the above information for consideration of visual, safety and economic factors including, three-dimensional (3-D) scene GIS plans for any building proposed and it must include at least the buildings within 300 feet of the proposed structure in the same zoning district to show the project in context, unless exempted by the Planning and Zoning Department. [PB sect. 18-207(a)(15)]

In the November 2024 Town Council meeting when this additional criteria for ARB review was previously raised, I had a number of other ARB criteria to add that would protect existing property owners – property rights, which are not reproduced here for the purpose of placing the emphasis on the need for options to pursue appropriate policies for the Town in regard to its ability to review architectural styles.

Town of Juno Beach Municipal Code 34-116(4) a. Appearance review criteria, proposed for single family homes.

1. **Architectural Integrity.** Buildings or structures shall have a unity of character, style, integrity and design. Their architectural style shall be clearly expressed and detailed appropriately to vocabulary of the style and be of high quality in terms of materials, craftsmanship and articulation. The relationship of building forms through the use, texture and color of materials shall be such as to create one harmonious whole. [LWB sect. 23.2-31(d)1].

2. **Character of Façade.** All facades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building. All exterior walls shall contain articulation creating visual interest. The massing of elements of each façade shall have a height to width ratio approximating the golden ratio of 1.618, either vertically or horizontally. [LWB sect. 23.2-31(d)3 and NPB p. 3&4 wall treatments]

3. **Protect Private Property values.** The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property. [LWB sect. 23.2-31(c)13].

4. **Screening and buffering for residential privacy.** The site plan shall provide reasonable, visual and acoustical privacy for the project and to protect adjacent existing residents from undesirable views, lighting, noise, or odors. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of the subject property and to enhance the privacy of the occupants and for the benefit of the adjoining property. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less. [LWB sect. 23.2-31(c)4 and (c)13].

5. **3-D Visualization of Project in Context.** The site plan shall be illustrated to scale and shall sufficiently indicate the above information for consideration of visual, safety and economic factors including, three-dimensional (3-D) scene GIS plans for any building proposed and it must include at least the buildings within 300 feet of the proposed structure to show the project in context, unless exempted by the Planning and Zoning Department. [PB sect. 18-207(a)(15)]

Nancy E. Stroud, P.A.

Nancy Stroud, Esq.

Direct Dial: 561 826 2804

January 22, 2025

Ms. Diana Davis
440 Sunset West
Juno Beach, FL 33408

Re: Architectural Review of Building Design Elements

Dear Ms. Davis,

Thank you for asking me to review the question of whether the Town of Juno Beach has the authority for building design element review under Florida Statutes Section 163.3202(5)(a)7. The statute says:

(a) Land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless:

... 7. The dwelling is located within the jurisdiction of a local government that has a design review board or an architectural review board created before January 1, 2020.

The highlighted provision was adopted in 2023 by the Florida legislature by 2023 Fla. Laws Ch. 31.

The Town of Juno Beach Planning and Zoning Board as of January 1, 2020 authorized the Town Planning and Zoning Board to review site plan and appearance and to issue recommendations for the same to the Town Council. See Section 34-28:

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. 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.

As of January 1, 2020, the Town code "appearance" review included and still includes architectural review, as well as review of multiple design features. See Section 34-116(3)(b), Code of Ordinances.

1875 NW Corporate Blvd., Suite 100, Boca Raton, FL 33431
Telephone -- 561 826 2800

Based on the language of the statute, and the Town code that existed as of January 1, 2020, the Town Planning and Zoning Board was authorized to provide design review and architectural review. I believe that although the Planning and Zoning Board is not specifically named “design review board” or “architectural review board,” clearly it is authorized to function to review design and appearance and thus falls within the statute. The statute does not define what is a “design review board” or “architectural review board”, but the names of the boards point to the relevant requirement that the board perform design and/or appearance review. It also is notable that the statute only requires that the board had been created prior to January 1, 2020. It does not mandate that the board must have a more specified scope or detailed duties, just that it has been created for design and appearance review.

For these reasons, it is my opinion that the Town of Juno Beach is not precluded from applying land development regulations relating to building design elements to single family and two family dwelling units.

Sincerely,

A handwritten signature in black ink that reads "Nancy Stroud". The signature is written in a cursive, flowing style.

Nancy Stroud, J.D., FAICP