

Retaining Architectural Review for Single-Family Homes: Analysis of Legal Risk based on likelihood of lawsuit & costs versus Public Policy Benefits of Moving Forward

Yellow Light potential for Legal Challenge: Such challenges to P&Z decisions are rare, manageable, and comparable to other routine Town matters such as defense of code violation citations and defense of traffic tickets issued

1. Type of Lawsuit: If a homeowner challenges denial of a proposed design based on architectural style, the proper legal avenue is a writ of certiorari—a limited judicial review, with no damages, penalties, or prevailing party attorney's fees.
2. Lawsuit Frequency: Over the last 20 years, only five writ of cert cases involved Planning and Zoning (P&Z) decisions. Four were challenges by neighbors trying to block large new construction buildings. Only one case sought to allow a larger construction project.
3. Cost: (* request for costs submitted range of \$5k-\$15k) Assuming \$10,000 per defense, the average annual cost is approximately \$2,500 per year. This is less than the Town spends on mailings and is equivalent to defending a traffic or code enforcement citation.

Potential Outcome of Legal Challenge: Whether Favorable or Not, it is Easily Resolved at a known reasonable cost

- Precedent: No applicant has been denied based solely on architectural style. Denials are rare and could be avoided with negotiated design changes. Pre-emption language for Building Design Elements has been in place for several years without consequence
- Legal Position: Florida law does not explicitly prohibit architectural review. The Town's detailed code for architectural styles is helpful in a pre-emption type legal challenge
- **Attorney Opinion: The Town Attorney confirms a legal argument can be made that architectural review authority is not preempted for single-family homes. (Attached)**
- Comparable Cities: St. Petersburg, with similar code language to Juno Beach, retains its architectural review and no challenges to its authority have been filed.

Public Benefit: Preserving Neighborhood Character and Property Values

- Mitigating Mass: Design features like roof slope, porches, and balconies help large homes blend into neighborhoods. These are 'building design elements' that without the authority to regulate may not be tools available to mitigate larger mass projects.
- Sense of Place: Architectural quality distinguishes Juno Beach from other coastal towns. Losing control risks losing our Town's unique character reducing property values for existing residents.

Example of Legal Analysis for the policy decision on whether to retaining review of Architecture for Single Family homes

- Future Flexibility: Without architectural review, the Town may not be able to implement voluntary historical preservation programs or meet Comprehensive Plan goals for neighborhood consistency. (See Comprehensive Plan Future Land Use 11.1)
- Long-Term Trend: The Fla. Legislature is unlikely to restore local authority. Relinquishing architectural review now forfeits long-term tools that protect our community.

Summary: Low Risk, High Reward

The legal risk of retaining architectural review for single-family homes in Juno Beach is low. The cost of defending a legal challenge—approximately \$10,000 per case—is modest and infrequent, while the policy benefits of architectural review are substantial, including preserving neighborhood character, supporting property values, and enabling future preservation programs.

Conclusion

For a known cost of approximately \$2,500 per year, the Town can preserve its unique character, maintain regulatory flexibility, and support stable property values. The risk of a challenge is small and manageable. The benefits of retaining architectural review are too important to give up.

Footnote 1: Writ of Certiorari Cases Filed Against the Town (1998–2025)

Type	Case Number	Date	Case Style
P&Z	50-2025-CA-00000-XXXX-MB	—	Shaw, Scott v Town of Juno Beach
P&Z	50-2024-CA-010287-XXXX-MB	10/25/2024	Black, William v Town of Juno Beach
P&Z	50-2019-CA-005516-XXXX-MB	4/26/2019	Anthon, Dean v Town of Juno Beach
P&Z	50-2018-CA-012132-XXXX-MB	9/21/2018	Huffman, Debra Lea v Town of Juno Beach
Noise/Odor	50-2013-CA-018537-XXXX-MB	12/19/2013	Caybana Grill Inc v Town of Juno Beach
Charter School	50-2013-CA-009453-XXXX-MB	5/10/2013	Bright Futures Academy Charter School Inc v Town of Juno Beach
Charter School	50-2013-CA-008635-XXXX-MB	5/10/2013	Bright Futures Academy Charter School Inc v Town of Juno Beach
Speed Ticket	50-2010-CA-004716-XXXX-MB	2/22/2010	Kamp, Mark M v Town of Juno Beach

Example of Legal Analysis for the policy decision on whether to retaining review of Architecture for Single Family homes

Speed Ticket	50-2009-CA-035334-XXXX-MB	10/19/2009	Levine, Cary Michael v Town of Juno Beach
Interference w/ Building	50-2007-CA-005639-XXXX-MB	4/16/2007	Juno Ocean Key v Town of Juno Beach
Interference w/ Building	50-2007-CA-002523-XXXX-MB	2/20/2007	Bay Colony Oversight Inc v Town of Juno Beach
P&Z	50-2006-CA-003682-XXXX-MB	4/13/2006	Davies, Peggy v Town of Juno Beach
	50-2002-CA-011685-CACT-AY	9/27/2002	Cole, James v Town of Juno Beach
	50-1999-CA-012092-CACT-AY	12/17/1999	McLeod, T. Bragg v Town of Juno Beach
	50-1998-CA-005299-CACT-AY	6/12/1998	Juno Isles Civic Association v Town of Juno Beach

Footnote 2: Len Rubin legal analysis of whether the state statute language regarding “Building Design Elements” pre-empts the local municipal authority to continue its regulations of architectural styles. (Attached)