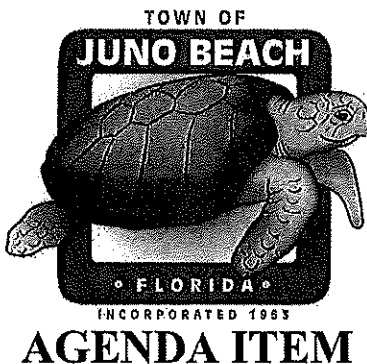


Provided by Diana
Davis at the
6/25/2025 TC Mtg



Meeting Name: Town Council
Meeting Date: May 28, 2025
Prepared By: Davila, F. CFM.
Item Title: Discussion - Appearance Review Criteria for Single-Family Homes

BACKGROUND:

On May 2, 2025, the Town held an Appearance Review Criteria for Single-Family Homes Workshop, to further discuss the current Appearance Review criteria being used for single-family homes not located within a Planned Unit Development (PUD). At the workshop, the Town Council gave the following consensus:

1. Discontinue performing architectural review for single-family homes and amend the Code accordingly.
2. 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.
3. For staff to conduct an analysis of the proposed language submitted by Vice Mayor Callaghan providing criteria for the assessment of Harmony (see attachment #1) and for staff to return with additional options that incorporate tools such as FAR, increased setbacks, and other mechanisms that could help clarify the code.

DISCUSSION:

Following the May 2, 2025 Appearance Review Workshop Council, staff is providing the following responses to the consensus provided in the background section stated above.

1. Town staff will be providing a proposed code-text amendment to the Planning and Zoning Board for their review at the June Planning and Zoning Board meeting to codify the removal of Architectural Review for single-family homes not located within a PUD, please note that Historic Districts (Saturn Lane Historic District, Beachbound Historic District and Zephyr Historic District) will not be affected by the proposed code-text amendment.
2. Staff continues to take applications for Appearance Review as directed. Currently, the town has received 3 Appearance Review applications. The staff's review of the applications will be based on staff's methodology as explained at the workshop (status quo). As the Town continues to receive additional applications, staff's review and the recommendation will follow the status quo until otherwise directed by Town Council.

3. For the review of tools and criteria for assessing harmony in single-family homes, please note that staff consulted with the Town Attorney. This was done to ensure that our approach is legally sound and to avoid any unintended consequences. Please see below the Town Attorney's comments:

The Town Attorney has indicated that adding metrics that result in restricting the size of new homes so that a property owner is limited to less square footage than existing homes in the immediate vicinity could potentially result in 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, investment-backed expectation.

Based on the Town Attorney's comments, staff reviewed the proposed language submitted by Vice Mayor Callaghan that included an amendment to the current language for Appearance Review, criteria #2 *harmony*, and metrics to achieve harmony by quantifying its provisions. Staff concluded that most of the criteria are not quantifiable as these terms (landscape, site planning, orientation, materials, etc...) are often used as visual/aesthetic elements which leads them to be qualitative in nature. For the quantifiable terms, such as mass and bulk, staff applied the proposed methodology of +/- a percentage of the average size home within the study area, and tested 10, 15, 25, and 50 percent. Staff concluded that by using this methodology, certain properties could not build to the square footage of the "largest" house within the study area and those homes under the average may be able to build smaller type of addition(s) (i.e. bedroom, bathrooms, etc...). This approach would contradict the guidance provided by the Town Attorney and thus is not recommended by staff.

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

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

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. Based on the guidance received from the Town Attorney, staff recommends the following tools for Council to review and consider.

- a. Step-Back / Setbacks for 2nd stories – a similar regulation is currently referred to in the Saturn Lane Historic Zoning District which requires *"All floors above the first floor level shall be set back an additional five feet from the first floor front yard setback"*, another example is the Commercial General Zoning District which requires *"For all buildings higher than two stories, all stories above the first two stories shall be set back a minimum of five feet from the first story building facade and shall include an architecturally compatible roof treatment or element along such building line break"*. The proposed language would require **a second story and above to provide an additional 5-foot minimum setback for all yards.**
- b. 2nd Story Floor Area Limit (FAL) – The Village of North Palm Beach adopted a second-story floor area regulation for their residential zoning district which reads: *"Second-Story Floor Area. The floor area of the second story of a single-family dwelling shall not exceed seventy-five percent (75%) of the floor area of the first story. For the purposes of this*

subsection, floor area shall include all areas lying within the building perimeter established by the interior side of the exterior walls of the building, including garages, covered patios, and other open-air exterior areas that are under roof. The floor area for the second story shall include areas open to below. Staff would propose adopting the same language.

- c. Increase Minimum Landscape Open Space Percentage – the Town’s minimum Landscape Open Space Percentage for single-family dwelling uses range between 20-25%. The increase in the percentage would require for the balance of the lot coverage to not be used for non-permeable surfaces, such as driveways, concrete pads, pool decks, artificial turf, etc...

The Town’s consultant Chen Moore & Associates (CMA) is currently reviewing the Town’s Landscape Requirements in its entirety, where regulations for single family homes such as minimum landscape open space, and the addition of trees, hedges and/or other landscape materials may be recommended.

- d. Design Review – At the workshop, the implementation of a design/pattern book was discussed. The Town cannot enforce the architecture of single-family homes not located in a PUD but may provide a pattern/design book which highlights the Town’s desired architectural styles reflecting the vernacular of Old Florida as identified in Code Section 34-116 (3)(b)(1) that would serve as a recommendation guide for single-family projects. The pattern book would be helpful as the Town can still enforce Architectural Styles for projects other than single-family and two-family dwellings.

Please note that tools a, b, and c would allow a property to be developed to a maximum square footage that is lower than the current permissible maximum square footage under base zoning.

Proposed Council Direction

For the Council’s review and discussion, the following steps are being proposed to move forward if the Town is to continue to enforce *harmony* for single-family homes not located in a PUD while protecting the Town from potential Bert Harris Act claims:

- ✓ 1 • Amend the code to remove the architectural review of single-family and two-family homes from the Appearance Review criteria as directed at the April 2nd, 2025, workshop.
- ✓ 2 • Create a Zoning in Progress (ZIP) to provide staff with ample time to update the code as necessary, this will prevent applications for substantially improved and new single-family homes from going through the current Appearance Review and Building Permit process.
- X 3 • Amend the code to remove Appearance Review from single-family homes. Please note that the Appearance Review will still apply to other projects (two-family and above). For single-family homes, with the addition of the proposed tools (a-d), harmony would be further emphasized within base zoning.
- ✓ 4 • Amend the code to revert the review and the approval/denial of single-family dwellings from the Planning and Zoning Board to staff. Please note that only staff review and approval would be required.
- X 5 • Amend the code to remove the comparison of harmony language that reads “consider the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district” and replace it with “comparison of the buildings or structures within the same contiguous zoning district”.
- X 6 • Amend the code to implement additional regulations (see options a through d above) to the Building Site Area Regulations (base zoning) for each zoning district with the “Single-family detached dwellings” use to promote harmony through base zoning.

✓ move forward

X reconsider
for motion repeal

3

RECOMMENDATION:

Staff recommends for the Town Council to incorporate the steps mentioned in the Proposed Council Direction section of the memorandum.

If there is no resolution on how to move forward, staff will continue to use the current methodology for the review of "harmony".

SINGLE FAMILY HOME REVIEWS 34-116 (3) (b) APPEARANCE REVIEW AND (3)(a) SITE PLAN REVIEW

**RECONSIDERATION OF THE MAY 28TH VOTE DUE TO NEW
INFORMATION – SB 180 SENT TO GOVERNOR
TO BECOME EFFECTIVE JULY 3RD**

NEW INFORMATION SENATE BILL 180

- SB 180 TO GOVERNOR 6/18 - EFFECTIVE DATE JULY 3RD UNLESS VETOED
- PASSED WITH LARGE MAJORITIES IN BOTH HOUSE AND SENATE
- GOVERNOR ONLY VETOS 3% OF 300 BILLS – VERY REMOTE CHANCE OF VETO

SUMMARY –SB 180 would not allow adoption of new codes for mitigation factors, as it would be viewed as “more stringent or more burdensome.” however if the current code is kept in place, may be able to further define or clarify existing reviews for harmony to include mitigation factors discussed in May 28th memo such as step-backs second story, smaller upper floors, landscape and architectural pattern book.

What are the specific codes? 34-116(3) b. Appearance review criteria.

1. Architectural Style – workshop vote & Town Council vote to remove for single family home reviews.

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;

34-116(3) b. Appearance review criteria.

2. Harmony Review – where ordinance 780 was codified January 2024 – workshop vote to keep harmony & Town Council vote to not repeal ordinance 780.

2. Is of a design and proportion which enhances and is in **harmony** with the area. The concept of harmony shall not imply that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression. For the purpose of this section, the comparison of harmony between buildings shall consider the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district;

May 28th Town Council meeting – no reconsideration of the majority vote to remove architectural review 34-116(3)(b)1 for single family

- The removal of architectural review is consistent with the Town Council workshop-vote and the May 28th Town Council vote.

- Retain the staff given Council direction of bullets:

#1 code amendments to remove architectural review for single family homes.

#2 create a zoning in progress to provide staff time to update these code provisions

#4 as there is no longer a need for the P&Z Board to sit as our architectural review board, revert the final authority for single family home review to staff.

Proposed Council Direction

For the Council's review and discussion, the following steps are being proposed to move forward if the Town is to continue to enforce *harmony* for single-family homes not located in a PUD while protecting the Town from potential Bert Harris Act claims:

- ✓ 1 • Amend the code to remove the architectural review of single-family and two-family homes from the Appearance Review criteria as directed at the April 2nd, 2025, workshop.
- ✓ 2 • Create a Zoning in Progress (ZIP) to provide staff with ample time to update the code as necessary, this will prevent applications for substantially improved and new single-family homes from going through the current Appearance Review and Building Permit process.
- ✗ 3 • Amend the code to remove Appearance Review from single-family homes. Please note that the Appearance Review will still apply to other projects (two-family and above). For single-family homes, with the addition of the proposed tools (a-d), harmony would be further emphasized within base zoning.
- ✓ 4 • Amend the code to revert the review and the approval/denial of single-family dwellings from the Planning and Zoning Board to staff. Please note that only staff review and approval would be required.
- ✗ 5 • Amend the code to remove the comparison of harmony language that reads "consider the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district" and replace it with "comparison of the buildings or structures within the same contiguous zoning district".
- ✗ 6 • Amend the code to implement additional regulations (see options a through d above) to the Building Site Area Regulations (base zoning) for each zoning district with the "Single-family detached dwellings" use to promote harmony through base zoning.

✓ move forward ✗ reconsider
for motion repeal

May 28th Votes in Conflict

- Motion to repeal ordinance 780, which was the latest amendment to 34-116(3)(b)2, referred to as the harmony review, that is contained within the “appearance review” code - FAILED
- Motion to accept the proposal for moving forward as outlined in the staff memo, that contained the remove appearance review for single family homes that contains the ordinance 780 harmony review: PASSED

Motion for Reconsideration of bullets #3, #5, and #6, regarding removal of harmony review

Based on new information regarding that SB 180 has been sent to the Governor and to become law effective date July 3rd unless vetoed and Consistent with the Workshop Vote to keep harmony and consistent with the Town Council vote to retain ordinance 780.

- Motion for reconsideration of the proposal for moving forward as outlined in the staff memo bullets #3, #5, and #6. Repeal this Council direction in bullets:

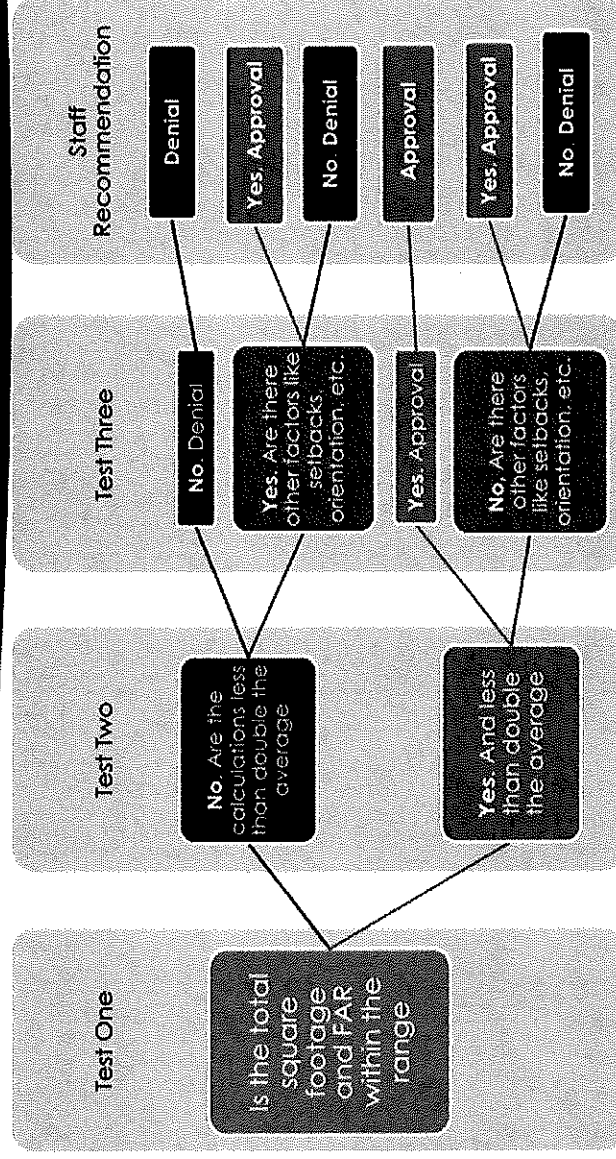
#3 remove appearance review from single-family homes in favor of site criteria only 34-268

#5 remove the comparison of harmony language “300 feet”

#6 amend the code to implement mitigation measures (a)-(d), second story step backs, smaller second story, landscape and pattern book for architectural design

Harmony – Staff Tests for Bulk and Mass

7



- Staff conducts test(s) for Bulk and Mass since the 300-foot study area was adopted

With this type of comparison remaining in place, may be able to adopt as part of the review, additional mitigation options such as “step backs for upper floors” and “landscape mitigation” and “following architectural pattern book.” If the review remains in place, then we can continue to make the procedure more predictable

RE: Update on SB 180 - Did it go to the Governor for signature on June 19th?

From Matt Singer <msinger@flcities.com>
Date Mon 6/23/2025 3:01 PM
To Diana Davis <dianadavisjunobeach@gmail.com>

Hi Vice-Mayor,

SB 180 was just formally presented to the Governor on June 18, around 3:30 p.m. This means the Governor has 15 consecutive days to act. That means that the deadline for gubernatorial action is Thursday, July 3. If no action is taken by then, the bill will become law without his signature.

Please let me know if you have any further questions.

Thank you,

Matt Singer
Legislative Advocate
Florida League of Cities, Inc.
(850) 701-3652



From: Diana Davis <dianadavisjunobeach@gmail.com>
Sent: Monday, June 23, 2025 2:55 PM
To: Matt Singer <msinger@flcities.com>
Subject: Update on SB 180 - Did it go to the Governor for signature on June 19th?

You don't often get email from dianadavisjunobeach@gmail.com. [Learn why this is important](#)
Hi Matt,

Please confirm that SB 180 was sent to the Governor for signature. If this email date is the date it went to the governor we have until July 4th for his signature. Thank you, Diana Davis
Vice Mayor Pro Tem
Town of Juno Beach

From: 1000 Friends of Florida <friends@1000fof.org>
Sent: Thursday, June 19, 2025 2:03 PM
To: dianadavisjunobeach@gmail.com <dianadavisjunobeach@gmail.com>
Subject: Join us in urging Governor DeSantis to veto SB 180

Senate Bill 180 Emergency Preparedness and Response

Section 28 requires no more restrictive or burdensome land development ordinance from what existed August 2024, until October 2027.

1320 Representatives.

1321 Section 28. (1) Each county listed in the Federal Disaster
1322 Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-
1323 4828), or Hurricane Milton (DR-4834), and each municipality
1324 within one of those counties, may not propose or adopt any
1325 moratorium on construction, reconstruction, or redevelopment of
1326 any property damaged by such hurricanes; propose or adopt more
1327 restrictive or burdensome amendments to its comprehensive plan
1328 or land development regulations; or propose or adopt more
1329 restrictive or burdensome procedures concerning review,
1330 approval, or issuance of a site plan, development permit, or
1331 development order, to the extent that those terms are defined by
1332 s. 163.3164, Florida Statutes, before October 1, 2027, and any
1333 such moratorium or restrictive or burdensome comprehensive plan
1334 amendment, land development regulation, or procedure shall be

Page 46 of 48

CODING: Words ~~striken~~ are deletions; words underlined are additions.

ENROLLED
2025 Legislature

CS for CS for SB 180, 2nd Engrossed

2025180er

1335 null and void ab initio. This subsection applies retroactively
1336 to August 1, 2024.

SECTION 18 relief is injunctive only and local government is given time to settle a claim if someone challenges a government action under these provisions.

Clarification regarding "appearance review" (single family RS1 - RS5) and applicability of SB 180

From Diana Davis <ddavis@juno-beach.fl.us>

Date Sun 6/8/2025 8:58 AM

To Robert Cole <rcole@juno-beach.fl.us>; Len Rubin <len@torcivialaw.com>; Frank Davila <fdavila@juno-beach.fl.us>; Stephen Mayer <smayer@juno-beach.fl.us> <smayer@juno-beach.fl.us>

Dear Rob Cole, Len Rubin, and Team,

I had hoped we would have a definitive timeline for SB 180's disposition, but as Matt Singer's note below clarified, the 7-day clock for the Governor's signature does not begin until the bill is formally presented during session or 14-days after session.

In light of this, I believe it is our duty—as prudent stewards of the public trust—to prepare for the likelihood that SB 180 will be signed. Our planning and recommendations to Council should, in my view, proceed with that assumption in mind.

Specifically, I am concerned that if appearance review criteria in Juno Beach Municipal Code Section 34-116(3)(b)2., (referred to as "the harmony review") are not maintained for single-family homes in RS-1 through RS-5 districts, to compare mass, bulk, scale and proportion, then **Town will lose the ability to evaluate and mitigate the size and impact of new construction using the proposed mitigation tools of step-backs for second stories, and smaller second stories that were in the staff memo presented at the May 28th meeting.** SB 180 will prohibit any more stringent or burdensome regulations than were in effect August 2024, similar to the previous SB 250. **The "harmony review" of 34-116(3)(b) 2, was in effect as of August 2024.** It provides a complying ordinance that could be "further clarified" to include the suggested mitigation tools of stepping back the second story and a 75% second story size. SB 180 would not prohibit clarifying or further defining ordinances that existed at the time of August 2024, however a new requirement that is considered more stringent or burdensome would be prohibited, such as a new ordinance to only use 34-268 plus step backs for a 2nd floor plus 2nd floor at 75% which is what I understand the May 28th memo to propose.

Without section 34-116(3)(b)2 in effect, the effect of the staff memo that was approved by Council in a split vote will be only the base zoning provisions of Section 34-268 (i.e., setbacks and 35% lot coverage). That would significantly narrow our ability to achieve compatibility and protect neighborhood character. If that will be the effect, then it should be clearly communicated to Town Council so that they know that the mitigation measures suggested by the staff memo at the May 28th meeting (step backs and smaller 2nd stories) are not possible under SB 180, unless it is to further clarify the existing harmony review of section 34-116(3)(b)2, to compare mass, bulk, scale and proportion in context (for RS1 – RS5). Also the relevant time frame to go back to these mitigation factors, should be explained that we could not have any of the additional mitigation if 34-116(3)(b)2, is removed for single family RS1 – RS 5, until possibly October 2027, if Council were to bring it back at that time.

Because at least some on Council who voted to approve the staff memo concepts at the May 28th Town Council meeting, believe that the harmony review of 34-116(3)(b)2, was part of the solution presented for the single family home reviews for RS1 through RS 5; then bringing this concept back would be both consistent with the majority Appearance Review Workshop vote, and consistent with the testimony at

the May 28th meeting that referred to "harmony" remaining, which was interpreted by some on Council who voted yes, to mean that the 34-116(3)(b)2, concept remained for single family homes RS1 through RS2. (Eyes on Juno Blog)

[In my opinion, the conversions regarding "harmony remaining" in our code and "architectural Old florida style" remaining in our code, was not clearly communicated that it is no longer applicable to the single family home reviews of RS1-RS5, if the Council vote on May 28th is implemented through resolution language for the zoning in progress or implemented through ordinance and two readings]

As to architectural review, it is also important to communicate that this is a forever decision, that there will be no going back, even if the three members of Town Council are not re-elected, this would have been decided forever, unless Florida Statute Section 163.3202 is amended. I am still working to obtain information as to the costs of a Writ of Cert action, which is the only downside of continuing with architectural review and then being challenged if we turn down a project based on architectural review. I would like to further define the litigation risk that Bert Harris Act may present to the evaluation of Mass, Bulk, Scale and proportion; in contrast to factors such as height.

There should also be communication to Town Council that removal of 34-116(3)(b)1 and 2, for review of single family homes in zoning codes RS1-RS5, will limit the Town's opportunities with our consultants TCRPC contracted and budgeted for our Master Plan and for our code improvements with Chen Moore and Associates approved by Town Council to look at "sound and slow growth" (highest priority of Town Council) and FAR, due to SB 180.

I'm aware that our Town staff and Town attorney understands these implications. However, they were not clearly articulated in the memorandum or during the discussion at the last Council meeting. I felt it was important to formally note that omission. **If we are to function effectively as a team and offer the best guidance to our community, we must over-communicate—especially on matters of such lasting consequence. Clear and complete information builds trust and strengthens collaboration.**

As communicated to Frank Davila and Steven Mayer, I am working on finding examples in our community of the resulting FAR represented by the proposal in the May 28th Town Council meeting to understand the mass, bulk, scale and proportion it represents. I am also working on understanding potential litigation risks with the Bert Harris Act for mass, bulk, scale and proportion types of land development regulations, including damages awarded, and mitigation such as insurance. I am gathering information on Writ of Cert cases that are brought if someone opposes a land development decision and what costs it represents.

I look forward to speaking with each of you regarding these issues in the coming weeks prior to our next Town Council meeting. Thank you for taking the time to consider these concepts.

Best regards,

Diana Davis

Vice Mayor Pro Tem

561-267-7772

From: Matt Singer <MSinger@flcities.com>
Sent: Saturday, June 7, 2025 10:38 AM
To: Diana Davis <ddavis@juno-beach.fl.us>
Subject: Re: Is there any news on the signing of SB 180?
