



Meeting Name: Planning and Zoning Board

Meeting Date: June 2, 2025

Prepared By: Mayer, Stephen

Item Title: Ordinance No. 793 – Removal of Architectural Review (Building Design Elements) in Appearance Review for Single-Family (and Two-Family) Dwellings

DISCUSSION:

At the Appearance Review Workshop and Harmony Discussion on May 2, 2025, the Town Council gave staff a consensus to remove all architecture or design review elements from the appearance review criteria regarding single family and two-family structures, not within a Planned Unit Development or in a historic district. Staff is providing a staff initiated zoning code text amendment for the Planning and Zoning Board to review and make recommendations to the Town Council.

Florida Statutes Section 163.3202, (5)(a) states, “Land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless” the dwelling is listed in the National Register of Historic Places, the regulations are adopted in order to implement the National Flood Insurance Program, adopted in compliance with Chapter 553 (specific for Accessibility by Handicapped Persons and other building safety code regulations), located within a community redevelopment area, are required to ensure coastal wildlife protection, or located within a Planned Unit Development or other master planned communities, or “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.”

Mr. Len Rubin, Town Attorney, provided a legal memorandum which analyzed this section of Florida Statutes, as it pertains to the Town of Juno Beach’s Appearance Review procedures. Please see the partial conclusion below:

“...applying the rules of statutory construction does not lead to any definitive conclusion regarding the Town’s ability to regulate architectural styles for detached single-family (and two family) dwellings. Neither the plain language of the statute nor the legislative history gives any clear indication as to whether the Planning and Zoning Board’s historical duties as an appearance review board satisfies the statutory

criteria for the continued regulation of building design elements or architectural styles for detached single-family dwellings” as set forth in Section 163.3202(5)(a), Florida Statutes.

Due to this uncertainty, the Town Council directed staff to remove building design elements from the Appearance Review. Staff notes that as defined in Florida Statutes, "building design elements" include the external color, exterior cladding, roof/porch style, exterior architectural ornamentation, window/door location and styling, garage location/orientation, and the number, type, and interior layout of rooms. This definition focuses on the aesthetic and functional elements of a building's exterior and internal layout, excluding height, bulk, or location on a zoning lot.

RECOMMENDED TEXT CHANGE:

Staff recommends the following text change amendments to chapter 34, “zoning,” of the town code of ordinances:

- Amending article i, “in general,” by amending section 34-4, “definitions,” to include a definition for the term building design elements; and
- Amending division 4, “site plan and appearance review,” of article ii, “administration and enforcement,” by amending section 34-116, “required; criteria,” to exclude regulation of building design elements for single-family and two-family dwellings.

This would mean that staff would not be able to consider design elements, as defined, when reviewing Appearance Review Applications for single-family and two-family development. This does not remove architectural style requirements for all other developments, including all development types within a Planned Unit Development or Historic Districts.

For the discussion at the May 28th Town Council meeting, which provides recommended tools by staff for the application of Harmony for single-family homes, staff is proposing the creation of a Pattern Book for guidance rather than enforcement.

RECOMMENDATION:

Staff recommends approval of the draft ordinance and is ready to answer any questions the Board may have on this item.

Attachments:

Attachment 1 – F.S. 163.3203

Attachment 2 – Proposed Ordinance No. 793