

1 TOWN OF JUNO BEACH, FLORIDA

2
3 ORDINANCE NO. 782

4
5 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO
6 BEACH, FLORIDA AMENDING CHAPTER 34, "ZONING," OF THE TOWN
7 CODE OF ORDINANCES TO BY AMENDING ARTICLE IV,
8 "SUPPLEMENTAL REGULATIONS," TO ADOPT A NEW DIVISION 18,
9 "LIVE LOCAL ACT," TO IMPLEMENT CHAPTER 2023-17, LAWS OF
10 FLORIDA; PROVIDING FOR CODIFICATION, SEVERABILITY,
11 CONFLICTS, AND AN EFFECTIVE DATE.

12
13 WHEREAS, on March 29, 2023, the Governor signed into law Senate Bill 102, "Live
14 Local Act," codified by Chapter 2023-17, Laws of Florida ("Act"), which is intended to
15 streamline and incentivize affordable housing developments with the State of Florida; and
16

17 WHEREAS, the Act preempts certain use, density, and height regulations for
18 qualifying developments that provide for the establishment of affordable multi-family rental
19 housing in commercial, industrial, and mixed-use areas; and
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21 WHEREAS, notwithstanding such preemption, the Town retains its home rule
22 authority to establish land development regulations to implement the Act and adopt
23 regulations that are not expressly preempted by the Act; and
24

25 WHEREAS, the Act provides that if a municipality has designated less than twenty
26 percent of its land area within its jurisdictional boundaries for commercial or industrial use,
27 the municipality is only required to allow multi-family affordable housing as part of a mixed-
28 use development; and
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30 WHEREAS, because less than twenty percent of the land area within the Town is
31 designated for commercial or industrial uses, any development submitted pursuant to the
32 Act must consist of a mixed-use residential project as defined in the Act; and
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34 WHEREAS, the Town's Planning and Zoning Board has conducted a public hearing
35 on this Ordinance and has provided its recommendation to the Town Council; and
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37 WHEREAS, the Town Council has determined that adoption of this Ordinance is in
38 the best interests of the general welfare of the residents and property owners of the Town
39 of Juno Beach.

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

43
44 **Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and confirmed
45 and are incorporated herein.
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47 **Section 2.** The Town Council hereby amends Article IV, "Supplemental Regulations,"
48 of Chapter 34, "Zoning," of the Town Code of Ordinance by adopting a new Division 18, "Live
49 Local Act," to read as follows (additional language underlined):

1
2 **DIVISION 18. LIVE LOCAL ACT**
3

4 **Sec. 34-1325. Applicability.**
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6 (a) The provisions of this division shall apply to all applications for
7 the development of land for mixed-use projects with affordable multi-family
8 residential units pursuant to Live Local Act, as set forth in Section
9 166.04151(7), Florida Statutes (“Act”).

10
11 (b) Such projects shall only be permitted in the Commercial General
12 (CG), Commercial Office (CO), and Medical Commercial (MC) zoning districts.
13

14 **Sec. 34-1326. Procedure.**
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16 (a) All projects shall be reviewed by the town’s development review
17 committee and shall be subject to the site plan and appearance review
18 procedures and shall meet all criteria set forth in article II, division 4 of this
19 chapter.
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21 (b) Upon receipt of an application for development approval, the
22 town shall notify the public by posting notice of the application on the Town
23 website and providing notice to the public through the Town’s e-mail database.
24 The notice shall indicate that copies of all application materials shall be
25 provided upon request.
26

27 (c) The application shall be subject to administrative review as
28 required by the Act, and the project shall be approved by the planning and
29 zoning director only if it meets all applicable land development regulations,
30 including the community appearance standards set forth in division 14 of article
31 II of this chapter, and the requirements of this division. The director shall
32 further determine that the project is consistent with the provisions of the
33 comprehensive development plan, except those provisions expressly
34 preempted by Section 166.04151(7), Florida Statutes, relating to location with
35 specified zoning districts, height, and density.
36

37 (d) The application shall be subject to engineering review and
38 approval during the building permitting process in the same manner as any
39 other development application.
40

41 **Sec. 34-1327. Limitations on height and density.**
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43 (a) *Height.* Pursuant to Section 166.04151(7), Florida Statutes, the
44 maximum height permitted shall be limited to the height permitted as of right
45 for a commercial or residential project within the town within one (1) mile of the

1 proposed development without consideration of any bonuses or modifications
2 permitted through the special exception process or otherwise. In no event
3 shall the height of any structure exceed twelve (12) stories and one hundred
4 and thirty (130) feet.

5
6 (b) *Density.* Pursuant to Section 166.04151(7), Florida Statutes, the
7 maximum density permitted shall be limited to density permitted as of right for
8 a residential project within the town without consideration of any bonuses or
9 modifications permitted through the special exception process or otherwise.
10 In no event shall the residential density of any proposed development exceed
11 eighteen (18) units per acre.

12
13 **Sec. 34-1328. Development standards and criteria.**

14
15 (a) *Required mix of uses.* Consistent with the existing regulations
16 governing mixed-use projects within the town's commercial zoning districts, all
17 projects submitted pursuant to this division shall have a maximum of seventy-
18 five (75) percent of residential use based on total gross floor area.

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20 (b) *Building site area regulations.*

21
22 1. If the project is utilizing the height and density permitted
23 in the town's Residential High (RH) zoning district, the
24 following site area regulations shall apply:

- 25
26 a. Minimum total area: 40,000 square feet;
27 b. Minimum lot width: 150 feet;
28 c. Minimum lot depth: 200 feet;
29 d. Front set yard setback: 30 feet from street line;
30 e. Side yard setback: 35 feet with one side having a
31 minimum of 15 feet;
32 f. Rear yard setback: 30 feet;
33 g. Minimum floor space per dwelling unit: 1,000
34 square feet of habitable space for a one bedroom;
35 1,200 square feet of habitable space for a two
36 bedroom; and 1,400 square feet of habitable space
37 for three or more bedrooms;
38 h. Maximum building dimension: 150 feet, provided,
39 however that along the building face having the
40 maximum dimension, said dimension may be
41 increased to no more than 175 feet;
42 i. Maximum lot coverage: 50%; and
43 j. Minimum landscaped open space: 15% of lot area.
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1 In addition to the foregoing, all structures exceeding two
2 (2) stories shall comply with the high-rise setback, which
3 requires thirty (30) feet from all property lines and an
4 additional five (5) feet of setback at ground level for each
5 additional story beyond the first two stories up to a
6 maximum of sixty (60) feet. For those lots having a width
7 of two hundred (200) feet or less as recorded in the office
8 of the county property appraiser, the maximum setbacks
9 shall not exceed fifty (50) feet; however, the maximum
10 building dimension on such lots shall not exceed one
11 hundred and fifty (150) feet.

12
13 2. For purely non-residential components of the project or
14 mixed-use structures where the height does not exceed
15 four (4) stories and sixty (60) feet, the project shall comply
16 with the building site area regulations of the applicable
17 commercial zoning district.

18
19 (c) *Parking.* The project shall provide for two (2) spaces per
20 residential unit and one (1) guest space for every seven (7) units as required
21 for residential uses in commercial zoning districts. The parking for commercial
22 uses shall be governed by division 4 of article IV of this chapter. Due to the
23 lack of any major transit stops in the town, no parking reductions shall be
24 considered. However, the project may propose, for consideration and
25 approval by the town, shared parking in accordance with the criteria governing
26 the minimum parking requirements for mixed-use projects in the town's
27 commercial zoning districts.

28
29 (d) *Equivalent treatment of all dwelling units.* All affordable dwelling
30 units and market rate dwelling units shall be located within the same structure.
31 All common areas and amenities shall be accessible and available to all
32 residents of the development. Access to the required affordable dwelling units
33 shall be provided through the same principal entrances utilized by all other
34 dwelling units in the development. Additionally, the sizes and number of
35 bedrooms in the affordable dwelling units shall be proportional to the square
36 footage and number of bedrooms in the market rate dwelling units. By way of
37 example, for the number of bedrooms, if twenty-five (25) percent of the market
38 rate dwelling units consist of two bedrooms, then twenty-five (25) percent of
39 the affordable dwelling units shall have two bedrooms.

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41 (e) *Unified lot.* All residential and non-residential components of the
42 site plan shall be located on the same or unified lot.
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