1	TOWN OF JUNO BEACH, FLORIDA				
2 3	ORDINANCE NO. 782				
4 5 7 8 9 10 11 12	AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA AMENDING CHAPTER 34, "ZONING," OF THE TOWN CODE OF ORDINANCES TO BY AMENDING ARTICLE IV, "SUPPLEMENTAL REGULATIONS," TO ADOPT A NEW DIVISION 18, "LIVE LOCAL ACT," TO IMPLEMENT CHAPTER 2023-17, LAWS OF FLORIDA; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.				
12 13 14 15 16	WHEREAS, on March 29, 2023, the Governor signed into law Senate Bill 102, "Live Local Act," codified by Chapter 2023-17, Laws of Florida ("Act"), which is intended to streamline and incentivize affordable housing developments with the State of Florida; and				
17 18 19 20	WHEREAS, the Act preempts certain use, density, and height regulations for qualifying developments that provide for the establishment of affordable multi-family rental housing in commercial, industrial, and mixed-use areas; and				
20 21 22 23 24	WHEREAS, notwithstanding such preemption, the Town retains its home rule authority to establish land development regulations to implement the Act and adopt regulations that are not expressly preempted by the Act; and				
24 25 26 27 28 29	WHEREAS, the Act provides that if a municipality has designated less than twenty percent of its land area within its jurisdictional boundaries for commercial or industrial use, the municipality is only required to allow multi-family affordable housing as part of a mixed-use development; and				
30 31 32 33	WHEREAS, because less than twenty percent of the land area within the Town is designated for commercial or industrial uses, any development submitted pursuant to the Act must consist of a mixed-use residential project as defined in the Act; and				
34 35 36	WHEREAS, the Town's Planning and Zoning Board has conducted a public hearing on this Ordinance and has provided its recommendation to the Town Council; and				
37 38 39 40	WHEREAS, the Town Council has determined that adoption of this Ordinance is in the best interests of the general welfare of the residents and property owners of the Town of Juno Beach.				
41 42 43	NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA as follows:				
44 45 46	<b>Section 1.</b> The foregoing "Whereas" clauses are hereby ratified as true and confirmed and are incorporated herein.				
40 47 48 49	<b>Section 2.</b> The Town Council hereby amends Article IV, "Supplemental Regulations," of Chapter 34, "Zoning," of the Town Code of Ordinance by adopting a new Division 18, "Live Local Act," to read as follows (additional language <u>underlined</u> ):				

## **DIVISION 18. LIVE LOCAL ACT**

## Sec. 34-1325. Applicability.

(a) The provisions of this division shall apply to all applications for the development of land for mixed-use projects with affordable multi-family residential units pursuant to Live Local Act, as set forth in Section 166.04151(7), Florida Statutes ("Act").

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

## Sec. 34-1326. Procedure.

(a) All projects shall be reviewed by the town's development review committee and shall be subject to the site plan and appearance review procedures and shall meet all criteria set forth in article II, division 4 of this chapter.

(b) Upon receipt of an application for development approval, the town shall notify the public by posting notice of the application on the Town website and providing notice to the public through the Town's e-mail database. The notice shall indicate that copies of all application materials shall be provided upon request.

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

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

## Sec. 34-1327. Limitations on height and density.

(a) Height. Pursuant to Section 166.04151(7), Florida Statutes, the maximum height permitted shall be limited to the height permitted as of right for a commercial or residential project within the town within one (1) mile of the

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1	propagad development without consideration of any honuses or modifications				
1	proposed development without consideration of any bonuses or modifications permitted through the special exception process or otherwise. In no event				
2					
3	shall the height of any structure exceed twelve (12) stories and one hundred				
4	and thirty (130) feet.				
5	(b) Dopoity Durquent to Section 166 0/151(7) Elevide Statutes the				
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	One 044000 Development stands and eritaria				
13	Sec. 34-1328. Development standards and criteria.				
14	(a) Demained with a forecase. Operation to with the excitation recordsticing				
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.				
19					
20	(b) Building site area regulations.				
21	A If the manipulation will be a the height and deposite a substituted				
22	1. If the project is utilizing the height and density permitted				
23	in the town's Residential High (RH) zoning district, the				
24 25	following site area regulations shall apply:				
25 26	A Minimum total area: 10,000 aquara faat:				
20 27	<ul> <li><u>a.</u> Minimum total area: 40,000 square feet;</li> <li>b. Minimum lot width: 150 feet;</li> </ul>				
28					
20 29					
30	d.Front set yard setback: 30 feet from street line;e.Side yard setback: 35 feet with one side having a				
31	minimum of 15 feet;				
32	<u>f.</u> 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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45					

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.
40	
41	(e) Unified lot. All residential and non-residential components of the
	site plan shall be located on the same or unified lot.
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1	Sec. 34-1329. Affordability.				
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3	(a) Pursuant to Section 166.04151(7), Florida Statutes, at least forty				
4	(40) percent of the multi-family residential units shall remain affordable, as				
5	defined in Section 420.0004, Florida Statutes, for a period of at least thirty (30)				
6	years. This requirement shall be incorporated as a condition into any				
7	administrative approval. Furthermore, as prerequisite to the issuance of a				
8	building permit, the applicant shall execute and deliver to the town for				
9	recordation in the public records, on a form approved by the town attorney, a				
10	covenant, declaration, or other deed restriction in favor of the town ensuring				
11	compliance with this affordability requirement.				
12	$(h)$ The explicant shall provide to the town, on lanuary $15^{\text{th}}$ of each				
13	(b) The applicant shall provide to the town, on January 15 <sup>th</sup> of each				
14 15	÷				
16					
17					
18	anordability criteria set forth in Section 420.0004, 1 jonda Statutes.				
19	Sec. 34-1330. Appeals.				
20	<u>060.04-1000. Appeals.</u>				
21	Any aggrieved or adversely affected party may appeal an administrative				
22	order, decision, approval, or interpretation in the enforcement of the				
23	regulations of this division to the zoning board of adjustment and appeals in				
24	accordance with section 34-66 of the town code.				
25					
26	<b>Section 3.</b> The provisions of this Ordinance shall become and be made a part of the				
27	Code of Ordinances of the Town of Juno Beach. The sections of this Ordinance may be				
28	renumbered or relettered to accomplish such, and the word "ordinance" may be changed to				
29	"section," "article" or any other appropriate word.				
30					
31	Section 4. If any section or provision of this Ordinance or any portion thereof, any				
32	paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid,				
33	such decision shall not affect the validity of the remainder of this Ordinance.				
34					
35	<b>Section 5.</b> All ordinances or parts of ordinances of the Town of Juno Beach, Florida,				
36	which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.				
37					
38	<b>Section 6.</b> This Ordinance shall be effective immediately upon adoption.				
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40					
41	[The remainder of this page intertionally blank]				
42	[The remainder of this page intentionally blank]				

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FIRST RE	ADING this day o	
SECOND,	FINAL READING AND	ADOPTION this day of, 2024.
AYE	NAY	ALEXANDER COOKE, MAYOR
AYE	NAY	PEGGY WHEELER, VICE MAYOR
AYE	NAY	MARIANNE HOSTA, VICE MAYOR PRO TEM
AYE	NAY	DD HALPERN, COUNCILMEMBER
AYE	NAY	
ATTEST:		APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
CAITLIN C TOWN CL	OPELAND-RODRIGUE ERK	Z LEONARD G. RUBIN TOWN ATTORNEY