

## **TOWN OF JUNO BEACH, FLORIDA**

## **ORDINANCE NO. 793**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING DIVISION 18, "LIVE LOCAL ACT," OF ARTICLE IV, "SUPPLEMENTAL REGULATIONS," OF CHAPTER 34, "ZONING" OF THE TOWN CODE OF ORDINANCES TO CONFORM WITH CHAPTER 2025-172, LAWS OF FLORIDA; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE**

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Town Council of the Town of Juno Beach, Florida as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, SB 1730 (2025), codified as Chapter 2025-172, Laws of Florida, amends the "Live Local Act" to modify certain requirements of local governments related to the review and approval of affordable housing developments; and

WHEREAS, the Town Council wishes to amend Division 18, "Live Local Act," of Article IV, "Supplemental Regulations," or Chapter 34, "Zoning," of the Town Code of Ordinances to conform with revisions to the Live Local Act codified as Chapter 2025-17, Laws of Florida; and

WHEREAS, the Town's Planning and Zoning Board, as the Local Planning Agency, has conducted a public hearing on this Ordinance and provided its recommendation to the Town Council; and

WHEREAS, the Town Council has determined that adoption of this Ordinance is in the best interests of the general welfare of the Town of Juno Beach.

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

**Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and correct and are incorporated herein.

46                   **Section 2.** The Town Council hereby amends Division 18, "Live Local Act," of  
47 Article IV, "Supplemental Regulations," or Chapter 34, "Zoning," of the Town Code of  
48 Ordinances as set forth in Exhibit "A" attached hereto and incorporated herein. For  
49 purposes of this Ordinance, underlined type shall constitute additions to the original text,  
50 \*\*\* shall constitute ellipses to the original text and ~~strike~~~~through~~ shall constitute  
51 deletions to the original text.

52                   **Section 3.** All ordinances or parts of ordinances of the Town of Juno Beach,  
53 Florida, which are conflict with this Ordinance, are hereby repealed to extent of such  
54 conflict.

55                   **Section 4.** The provisions of this Ordinance shall become and be made a part  
56 of the Zoning Code of the Town of Juno Beach, Florida. The sections of this Ordinance  
57 may be renumbered or relettered to accomplish such, and the word "ordinance" may be  
58 changed to "section," "article" or any other appropriate word.

59                   **Section 5.** If any section, paragraph, sentence, clause, phrase, or word of this  
60 Ordinance is for any reason held by a court of competent jurisdiction to be  
61 unconstitutional, inoperative or void, such holding shall not affect the remainder of the  
62 Ordinance.

63                   **Section 6.** This Ordinance shall be effective immediately upon final adoption.

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65                   [Remainder of page intentionally blank]

72 FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_.  
73  
74 SECOND, FINAL READING AND ADOPTION this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_.  
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76  
77 AYE NAY PEGGY WHEELER, MAYOR  
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80 AYE NAY JOHN CALLAGHMAN, VICE MAYOR  
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83 AYE NAY DIANA DAVIS, VICE MAYOR PRO TEM  
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85  
86 AYE NAY DD HALPERN, COUNCILMEMBER  
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89 AYE NAY MARIANNE HOSTA, COUNCILMEMBER  
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92 ATTEST: APPROVED AS TO FORM AND LEGAL  
93 SUFFICIENCY:  
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97 CAITLIN E. COPELAND-RODRIGUEZ, MMC TG LAW PLLC  
98 TOWN CLERK TOWN ATTORNEY  
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## EXHIBIT "A"

101 **DIVISION 18. LIVE LOCAL ACT**

102 **Sec. 34-1325. Applicability and intent.**

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

107 (b) Affordable Housing Projects with at least 40 percent of the units included in the  
108 project designated as affordable housing, as defined in Section 420.0004, Florida  
109 Statutes, as amended from time to time, shall shall only be permitted in the  
110 Commercial General (CG), Commercial Office (CQ), and Medical Commercial (MC)  
111 zoning districts, and in portions of any flexibly zoned area such as a planned unit  
112 development permitted for commercial, industrial, or mixed use pursuant to the  
113 provisions of 166.04151(7), Florida Statutes, as amended from time to time.

114 (c) The intent of these regulations is to establish a regulatory framework for  
115 consideration of projects submitted pursuant to the Act. In adopting these  
116 regulations, the town council recognizes that there may be some ambiguity or need  
117 for additional interpretation. To the extent not expressly preempted by state law,  
118 town staff is directed to interpret these regulations in a manner that would best  
119 preserve the town's small-town, coastal character and its commitment to  
120 environmental preservation.

121 **Sec. 34-1326. Procedure.**

122 (a) All projects shall be reviewed by the town's development review committee only by  
123 the planning and zoning director as the designated administrative official of the  
124 Town of Juno Beach. Said projects shall be granted without further action by the  
125 governing body of the municipality, any quasi-judicial judicial board, any  
126 administrative board or reviewing body, pursuant to Section 125.01055, of the  
127 Florida Statutes.

128 (b) Notwithstanding the foregoing, all Projects will still undergo screening by, but shall  
129 not be subject to a vote of, the Town's development review committee and shall be  
130 subject to the for compliance with site plan and appearance review procedures and  
131 shall meet all to ensure compliance with the criteria set forth in article II, division 4  
132 of this chapter.

133 (b) Within 48 hours of receipt of an application for development approval, the town  
134 shall notify the public by posting notice of the application on the town website and  
135 providing notice to the public through the town's e-mail database. The notice shall  
136 indicate that copies of all application materials shall be provided upon request.

137 (c) The application shall be subject to administrative review as required required by the  
138 Act, and the project shall be approved by the planning and zoning director only if it

139       meets all applicable land development regulations, including the community  
140       appearance standards set forth in division 14 of article II of this chapter, and the  
141       requirements of this division. The director shall further determine that the project is  
142       consistent with the provisions of the comprehensive development plan, except  
143       those provisions expressly preempted by section 166.04151(7), Florida Statutes,  
144       relating to location with specified zoning districts, height, and density.

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

148       **Sec. 34-1327. Limitations on height and density.**

149       (a) *Height.* Pursuant to section 166.04151(7), Florida Statutes, the maximum height  
150       permitted shall be limited to the height permitted as of right for a commercial or  
151       residential project within the town within one mile of the proposed development  
152       without consideration of any bonuses or modifications permitted through the special  
153       exception process or otherwise. In no event shall the height of any structure exceed  
154       12 stories and 130 feet.

155       (b) *Density.* Pursuant to section 166.04151 (7), Florida Statutes, the maximum density  
156       permitted shall be limited to density permitted as of right for a residential project  
157       within the town without consideration of any bonuses or modifications permitted  
158       through the special exception process or otherwise. In no event shall the residential  
159       density of any proposed development exceed 18 units per acre. Allowable density  
160       shall mean the density prescribed for the property in accordance with section  
161       166.04151 (7), Florida Statutes, without additional requirements to procure and  
162       transfer density units or development units from other properties.

163       (c) Demolitions. Administrative approval of the demolition of an existing structure  
164       associated with a proposed development under this subsection, shall be granted  
165       without further action by the governing body of the municipality or any quasi-judicial  
166       or administrative board or reviewing body, if the proposed demolition otherwise  
167       complies with all state and local regulations.

168       **Sec. 34-1327.1. Development standards and criteria.**

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

173       (b) *Building site area regulations.*

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

177       a. Minimum total area: 40,000 square feet;

178       b. Minimum lot width: 150 feet;

- c. Minimum lot depth: 200 feet;
- d. Front set yard setback: 30 feet from street line;
- e. Side yard setback: 35 feet with one side having a minimum of 15 feet;
- f. Rear yard setback: 30 feet;
- g. Minimum floor space per dwelling unit: 1,000 square feet of habitable space for a one bedroom; 1,200 square feet of habitable space for a two bedroom; and 1,400 square feet of habitable space for three or more bedrooms;
- h. Maximum building dimension: 150 feet, provided, however that along the building face having the maximum dimension, said dimension may be increased to no more than 175 feet;
- i. Maximum lot coverage: 50 percent; and
- j. Minimum landscaped open space: 15 percent of lot area.

In addition to the foregoing, all structures exceeding two stories shall comply with the high-rise setback, which requires 30 feet from all property lines and an additional five feet of setback at ground level for each additional story beyond the first two stories up to a maximum of 60 feet. For those lots having a width of 200 feet or less as recorded in the office of the county property appraiser, the maximum setbacks shall not exceed 50 feet; however, the maximum building dimension on such lots shall not exceed 150 feet.

2. For purely non-residential components of the project or mixed-use structures where the height does not exceed four stories and 60 feet, the project shall comply with the building site area regulations of the applicable commercial zoning district.

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

(d) *Equivalent treatment of all dwelling units.* All affordable dwelling units and market rate dwelling units shall be located within the same structure. All common areas and amenities shall be accessible and available to all residents of the development. Access to the required affordable dwelling units shall be provided through the same principal entrances utilized by all other dwelling units in the development. Additionally, the overall square footage and number of bedrooms in the affordable dwelling units shall be proportional to the overall square square footage and number of bedrooms in the market rate dwelling units. By way of example, if 25 percent of the market rate dwelling units consist of two bedrooms, then 25 percent

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220 of the affordable dwelling units shall have two bedrooms, and the affordable  
221 dwelling units shall be similar in size to the market rate dwelling units.

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

224 (f) If the proposed development is on a parcel with a contributing structure or building  
225 within a historic district which was listed in the National Register of Historic Places  
226 before January 1, 2000, or is on a parcel with a structure or building  
227 individually listed in the National Register of Historic Places, the town may  
228 restrict the height of the proposed development to the highest currently allowed,  
229 or allowed on July 1, 2023, height for a commercial or residential building located  
230 in its jurisdiction within three-fourths of a mile of the proposed development or  
231 3 stories, whichever is higher. The term "highest currently allowed" in this  
232 paragraph includes the maximum height allowed for any building in a zoning  
233 district irrespective of any condition