

To: Planning and Zoning Staff and Board Members

From: Diana Davis, Chair Planning and Zoning Board

Date: 9-29-2023

RE: Floor Area Ratio – agenda item October 2, 2023 - Planning and Zoning Board meeting

Frank Davila provided a memo that gave the “green book” definition of Floor Area Ratio and stated that FAR was on the Board’s priority list to address. In order to provide some context for this discussion, I am providing the following:

Historical Context for Prioritized Item – Floor Area Ratio

1. A Planning and Zoning Charette was held in April 2023, where it was anticipated by myself and others that the community would weigh-in on important topics to land use planning in our community such as Harmony terminology and whether measurable-objective means were needed. In February 2023, prior to the charette, the Board decided not to discuss the defining or the analysis of the term “harmony” until after the charette, when it was expected that we would gauge community input on these important concepts. Unfortunately, the Charette did not cover concepts of harmony.
2. Town Council adopted in July 2023, Ordinance 763, a definition of “harmony” that is used by the Board in its architectural and site plan reviews. The Harmony definition includes terms such as “Mass” and “Bulk” and “Scale.” However, there is no measurable terminology used within the definition. **Attachment**

Defining the Perceived Problem with Not having Objective Definitions.

3. The Town of Juno Beach does have objective standards that are measurable within Section 34-268, for zoning areas RS 1 – RS 5 for example, for min lot size, min set backs, max. height, and max. lot coverage. The question is whether these standards that result in a decision that a building is in harmony with its surroundings or are additional term definitions needed. There are other measurable standards within our code for the other zoning areas. **Attachment**
4. The perceived problem that we are solving for to determine what is out of harmony – for example, 461 Olympus Drive, the house designed by Architects William Waters and Rick Gonzalez is a good example of harmony, which was Rick Gonzalez home for many years. It looks like the different sections were built over time and it is proportional to the lot that it is built upon. The square foot numbers for Olympus Drive are found on the Palm Beach County Property Appraiser’s web site, however the lot size is not provided on the same web site, so the min lot size for this zoning class was used to calculate FAR:



FAR estimate based on neighborhood lot size	square ft	FAR	
	living space		
431 Olympus	2233	0.22	
451 Olympus	3674	0.37	
461 Olympus	5090	0.509	Rick Gonzalez design and build

5. In addition to 461 Olympus Drive as a good example of harmony, an example of a home arguably not in harmony due to its mass, size, bulk (all terms not included in our definition of harmony when it was built) is 451 South Juno Lane. While the architecture is pleasing and in harmony with the area and it looks like the different sections were built over time, arguably its mass, size and bulk are not proportional to the lot that it is built upon or neighboring properties. Even with the set back requirements, lot coverage and other measurable standards of Section 34-268, arguably this home is not in harmony with its neighbors. Note that FAR calculations are estimated only as the min lot size was used and not the actual lot size.

Estimate based on neighborhood lot size	Square Footage	FAR ***
FAR based on min 8,000 sq. ft. lot	Living Space	
35% lot coverage	min 2800	

390 South Juno Lane	1566	
401 South Juno Lane	2126	
405 South Juno Lane	3504	
410 South Juno Lane	2085	
430 South Juno Lane	2328	
431 South Juno Lane	2236	
440 South Juno Lane	2263	
451 South Juno Lane	6606	0.82
460 South Juno Lane	3189	
461 South Juno Lane	3037	
FAR if lot min 8,000	3,600	0.45
FAR if lot min 8,000	4,000	0.5



Height – above neighboring properties as seen above from adjacent streets three houses away and in photo below as seen by next door neighbor.



6. Example from Fort Lauderdale neighborhood that does not have objective standards for determining what is in harmony with the neighborhood. Note that a definition of mid-century modern architecture for Juno Beach was also not decided at the Charette. See



photo

Benchmarking other Communities for their Objective Measurable Standards for Harmony

7. Benchmarking other communities such as the Town of Palm Beach and Lake Worth Beach, they do use measurable terms such as Cubic Content Ratio or Floor Area Ratio in their definitions of harmony. The Cubic Content Ratio is more difficult to calculate than Floor Area Ratio. See definitions used by Lake Worth Beach and note that different lot sizes or neighborhoods or zoning classes can have different FAR.

Lake Worth Municipal Code

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area total: The sum of the gross horizontal area of all of the floors of a building, except a basement or sub-basement as defined, measured from the exterior faces of exterior walls or supporting columns.

Floor area ratio: A regulatory technique which relates to total developable site area and the size (square feet) of development permitted on a specific site. A numeric rating assigned to each land use category determines the total gross square feet of all buildings as measured from each building's exterior walls based upon the actual land area of the parcel upon which the buildings are to be located. Total gross square feet calculated using the assigned floor area ratio shall not include such features as parking lots or the first three (3) levels of parking structures, aerial pedestrian crossovers, open or partially enclosed plazas, or exterior pedestrian and vehicular circulation areas.

Lake Worth Beach Land Development Regulations
Sec. 23.3-8. (c) - SF-TF 14—Single-family and two-family residential

Maximum FAR is 0.60.

The FAR shall be 0.55 for lots up to 4,999 square feet;

The FAR shall be 0.50 for lots between 5,000 square feet and 7,499 square feet; and

The FAR shall be 0.45 for lots 7,500 square feet and greater

An additional 0.05 of FAR may be granted for a LEED certified or Florida Green building.

To: Planning & Zoning Board and Town Staff

From: Diana Davis, Chair person Planning & Zoning Board

Date: 10/1/2023

RE: SB 102, Live Local Act, allowing Affordable Housing high-rise buildings within our Commercial Zoning Districts

I wanted to ask the Board again for a motion to "request that Town Council take urgent action to implement ordinances, policies and/or procedures for applicants that submit a SB 102 affordable housing project application within our community."

SB 102 leaves open to interpretation by local governments, certain definitions, what zoning site plan requirements apply, enforcement conditions for local governments, and the procedures for public notification of an application for one of these high-rise 40% affordable housing projects.

Since our last meeting, the Town Attorney and Town Staff have put information concerning SB 102 on the Town's website. The bill required information to be published by October 1st, and it is a good first step in providing information about SB 102's application in Juno Beach. Our Town Manager has indicated that he is open to further definition of terms, drafting procedures, and creating enforcement criteria.

For enforcement within the Town of Juno Beach, what if at some point the building under SB 102 is charging more than "affordable housing rental rates" or falls below the 40% that it is charging affordable housing rates? If Juno Beach is going to enforce these requirements, we need an ordinance that assigns penalties, such as \$250 per day per violation and definition of what a violation may be. Also of note, violations of the comprehensive plan in Florida have carried penalties of tearing down the non-compliant build. We have a range of enforcement options that should be spelled out in ordinance whether monetary fines or building removal.

For site plan criteria, it should be stated that we will apply setbacks and other site plan requirements¹ that appear in our zoning code for 12 story buildings, if the applicant is proposing the highest height allowed within one mile of the project, and not the lesser setbacks within a commercial zoning district that per our code are only 60 ft in height (typically 4 stories).

¹ **From 34-267 RH Zoning District Site Plan Requirements:** *High-rise setback: for multiple-family, all buildings shall be set back so as to provide at least a 30-foot setback from all property lines. There shall be added an additional five feet of setback at ground level for each additional story beyond the first two stories. Such setbacks need not exceed 60 feet. For those lots having a width of 200 feet or less as recorded in the office of the county property appraiser at the time of adoption of the ordinance from which this chapter is derived, maximum setbacks need not exceed 50 feet. However, the maximum building dimension on such lots shall not exceed 150 feet.*

From: David Dyess <ddyess@juno-beach.fl.us>
Sent: Saturday, September 30, 2023 3:45 PM
To: msdianadavis@gmail.com
Cc: Alexander Cooke <alexander@alexander-cooke.com>
Subject: Re: Urgent action on Live Local Act - Town Council Meeting 9-27-23

Apologize for the delay in response. Below is from the presentation and the resolution I thought you were referring that we should do. That is a zoning in progress.

→ I do think there are some non-zoning code changes that we could adopt either by resolution or policy as you have suggested. I'm not sure that we need to spell out every piece of the code the developer has to abide by rather than a statement of all comp plan and zoning codes must be strictly complied with except those preempted by the law. Public notice by staff upon receiving an application and figuring out how to handle the monitoring and enforcement of the affordability requirement could also go in that resolution.

I'll see what Len is coming up with.

To: Planning & Zoning Board and Town Staff

From: Diana Davis, Chairperson Planning & Zoning Board

Date: 10/1/2023

RE: Seminole Major Site Plan Amendment Proposal – major projects in Town information on the Town of Juno Beach webpage

The proposal to create a new maintenance entrance on Ocean Drive adjacent to Juno Dunes Way, is a controversial portion of the Major Site Plan Amendment proposal that needs to be accompanied by sufficient information to evaluate its impacts on Ocean Drive traffic. There are concerns about the maintenance trucks and heavy equipment's ability to ingress and egress on Ocean Drive without causing traffic congestion and backup while the gate is being unlocked opened and closed for their entrance into the gated facility. There are concerns about traffic impacts to our residents traveling to and from their homes with trucks paused in Ocean Drive while accessing gated maintenance areas. There are also concerns about our emergency response vehicles answering calls from our Fire House 15, and the need that they are not impeded in any way.

Is the problem to be solved by the proposed maintenance entrance on Ocean Drive, their ability to have trucks and heavy equipment access the newly proposed open concrete storage material bays where materials such as sand, rock, mulch, and cut vegetation will be stored? Did Seminole Golf Course provide evidence of exploring alternative solutions for access, such as paving their already existing interior roadway? Or other solutions such as moving the proposed concrete storage bays to other more accessible locations?

From the Town's webpage, "The Seminole Golf Club is a private golf course consisting of 18-holes, a club house, a material storage area, and a maintenance facility, they are located at 901 Seminole Blvd. The applicant is requesting site modifications to the existing materials storage area and maintenance facility area on the property, which includes a new entrance into the material storage area from Ocean Drive (adjacent to Juno Dunes Way). The 149.21-acre property has a land use designation of Recreation/Open Space, and a zoning designation of Private Recreation. The first Development Review Committee meeting took place at the Town Center on August 31st 2023."

I appreciate the additional information on the website under major projects, and the information provided on this item in the Activities Report to alert our Board of this project being reviewed by Planning and Zoning Staff.