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10 **ORDINANCE NO. 9-21**

11
12 **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF**
13 **JUPITER, FLORIDA, AMENDING CHAPTER 27, THE ZONING**
14 **CODE; PROVIDING FOR THE AMENDMENT OF SECTION 27-1**
15 **TO ADD THE DEFINITION OF SPECIALTY HOSPITAL; PROVIDING**
16 **FOR THE AMENDMENT OF THE USE REGULATIONS OF**
17 **SECTIONS 27-564, 27-604, 27-897, 27-1160 TO ADD THE USE OF**
18 **“HOSPITAL, SPECIALTY” AS A SPECIAL EXCEPTION USE IN**
19 **THE ZONING DISTRICTS OF COMMERCIAL, GENERAL (C-2),**
20 **COMMERCIAL, OFFICE (C-3), INDUSTRIAL, HIGH**
21 **TECHNOLOGY AND EMPLOYMENT CENTER (I-4), AND THE**
22 **WORKPLACE SUBDISTRICT (WP) AND INSTITUTIONAL**
23 **SUBDISTRICT (IN) OF THE MIXED USE DEVELOPMENT**
24 **DISTRICT (MXD); PROVIDING FOR THE AMENDMENT OF**
25 **SECTION 27-963 TO ALLOW HOSPITAL, SPECIALTY AS A USE**
26 **BY RIGHT IN THE MEDICAL CENTER DISTRICT (MC); PROVIDING**
27 **FOR THE AMENDMENT OF ARTICLE XI, DIVISION 29 TO**
28 **MODIFY ITS TITLE; PROVIDING FOR THE AMENDMENT OF**
29 **SECTIONS 27-2726 AND 27-2727 TO INCLUDE THE USE OF**
30 **HOSPITAL, SPECIALTY IN THE SUPPLEMENTAL REGULATIONS**
31 **PERTAINING TO HOSPITALS; PROVIDING FOR SEVERABILITY;**
32 **PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT;**
33 **PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN**
34 **EFFECTIVE DATE.**
35

36 **WHEREAS**, the Town of Jupiter (“Town”) has adopted a Comprehensive Plan which has
37 been determined to be in compliance with Chapter 163, Part II, Florida Statutes; and

38 **WHEREAS**, pursuant to Section 163.3202(2), Florida Statutes, municipalities are
39 required to provide specific and detailed Land Development Regulations to implement adopted
40 Comprehensive Plans; and

41 **WHEREAS**, the Town Council of the Town has previously enacted Land Development
42 Regulations which have been codified in the Town Code pertaining to hospitals; and

1 **WHEREAS**, the Town Council hereby amends the use regulations of various zoning
2 districts to include the use of specialty hospitals as either a special exception use, or use by
3 right; and

4 **WHEREAS**, the Town's Planning and Zoning Department and its Planning and Zoning
5 Commission have made their respective recommendations regarding the proposed
6 amendments to the Town Council; and

7 **WHEREAS**, the Town Council, after due notice and public hearings has determined that
8 the adoption of the proposed amendments would further the public health, safety and general
9 welfare.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**
11 **JUPITER, FLORIDA AS FOLLOWS:**

12 **Section 1.** The whereas clauses are incorporated herein as true and correct and as the
13 legislative findings of the Town Council.

14 **Section 2.** Chapter 27, Section 27-1 of the Town Code, entitled "Definitions" is hereby
15 amended to add the definition as follows:

16 Sec. 27-1. - Definitions.

17 *Hospital, specialty* means a facility licensed by the state which maintains and operates inpatient
18 *care for one or more persons, for a restricted range of services appropriate to the diagnosis,*
19 *care, and treatment of patients with specific categories of medical or psychiatric illnesses or*
20 *disorders.*

21 *Specialty hospital. See Hospital, specialty*

22 **Section 3.** Chapter 27, Section 27-564 of the Town Code, entitled "Use regulations" of
23 the Commercial, General District (C-2) is hereby amended to read:

24 Sec. 27-564. - Use regulations.

(b) *Special exceptions.* The following uses may be permitted after review by the planning and zoning commission and provided the town council determines that the application meets the criteria contained in section 27-177, all other applicable provisions of law, and does not otherwise adversely affect the public:

(1) Auto, marine, recreational vehicle, truck sales, mobile homes (new and used sale and rental facilities and lots) (See division 28 of article XI of this chapter).

(2) Wholesale outlets and distribution businesses.

(3) Shopping centers and/or retail with aggregate floor area of more than 20,000 square feet.

(4) Motel, hotel.

(5) Car wash.

(6) Self-service storage facilities.

(7) Marine facilities (See division 25 of article XI of this chapter).

(8) Outdoor recreation facilities, amusements (See division 31 of article XI of this chapter).

(9) Utility services and transmission towers (See division 43 of article XI of this chapter).

(10) Churches and funeral homes.

(11) Recreational vehicle parks (See division 36 of article XI of this chapter).

(12) Nursing homes and convalescent facilities (See division 29 of article XI of this chapter).

(13) Automotive fueling stations (See division 37 of article XI of this chapter).

(14) Hospital (See division 29 of article XI of this chapter).

- 1 ~~(15)~~ Hospital, specialty (See division 29 of article XI of this chapter).
- 2 ~~(4516)~~ Theaters, indoor and drive-in.
- 3 ~~(4617)~~ Auction.
- 4 ~~(4718)~~ Cemeteries (See division 7 of article XI of this chapter).
- 5 ~~(4819)~~ Automobile repair station.
- 6 ~~(4920)~~ Public parking garage.
- 7 ~~(2021)~~ Club.
- 8 ~~(2422)~~ Helistop (See division 4 of article XI of this chapter).
- 9 ~~(2223)~~ Timesharing.
- 10 ~~(2324)~~ Fast food restaurant.
- 11 ~~(2425)~~ Public uses (See division 35 of article XI of this chapter).
- 12 ~~(2526)~~ Mobile home parks, subject to the provisions of chapter 12 and division 27 of
- 13 article XI of this chapter.
- 14 ~~(2627)~~ Integrated health park (See division 22 of article XI of this chapter).
- 15 ~~(2728)~~ Convenience stores.
- 16 ~~(2829)~~ Assisted and independent living facilities (See division 6 of article XI of this
- 17 chapter).
- 18 ~~(2930)~~ High-tech, laboratory and/or office research (in multi-story buildings).
- 19 ~~(3031)~~ Microbrewery.
- 20 **Section 4.** Chapter 27, Section 27-604 of the Town Code, entitled “Use regulations”
- 21 Office Commercial District (C-3) is hereby amended to read:
- 22 Sec. 27-604. - Use regulations.

(b) *Special exceptions.* The following uses may be permitted after review by the planning and zoning commission and provided the town council determines that the application meets the criteria contained in section 27-177, all other applicable provisions of law, and does not otherwise adversely affect the public:

(1) Hospital (See division 29 of article XI of this chapter).

~~(2)~~ Hospital, specialty (See division 29 of article XI of this chapter).

~~(23)~~ Utility services and transmission towers (See division 43 of article XI of this chapter).

~~(34)~~ Automotive fueling station (See division 37 of article XI of this chapter).

~~(45)~~ Arenas, auditoriums (See division 31 of article XI of this chapter).

~~(56)~~ Day care and preschool facilities (See division 8 of article XI of this chapter).

~~(67)~~ Public parking garage.

~~(78)~~ Shopping centers and/or retail of greater than 100,000 square feet of total floor area. Uses allowed shall be those listed as a use by right in the Commercial, General District (C-2). Area and dimension regulations shall follow section 27-605.

~~(89)~~ Helistop (See division 4 of article XI of this chapter).

~~(910)~~ Timeshare.

~~(4011)~~ Club.

~~(4412)~~ Motel, hotel.

~~(4213)~~ Public uses (See division 35 of article XI of this chapter).

~~(4314)~~ Funeral homes (See division 17 of article XI of this chapter).

~~(4415)~~ Assisted and independent living facilities (See division 6 of article XI of this chapter).

(~~45~~16) Integrated health park (See division 22 of article XI of this chapter).

(~~46~~17) High-tech, laboratory and/or office research (in multi-story buildings).

(~~47~~18) Licensed service provider facilities offering licensable service components as listed in section 27-1(b)—(d) of the definition of licensed service provider facilities. The services listed in section 27-1(e), (f) of the definition of licensed service provider facilities may be permitted as a special exception use only in conjunction with, and as a part of, services listed in section 27-1(b)—(d) of the definition of licensed service provider facilities (See division 29 of article XI of this chapter).

Section 5. Chapter 27, Section 27-897 of the Town Code, entitled “Use regulations” of the Industrial, High Technology and Employment Center District (I-4) is hereby amended to read:

Sec. 27-897. - Use regulations.

(c) *Special exceptions.* The following uses are special exception uses which are permitted in the district, provided they meet the criteria set forth in section 27-177. The cumulative total of these special exception uses shall not exceed 40 percent of the total gross floor area of a development:

(1) Light industrial uses, including manufacturing, fabricating, processing, converting, altering and assembling.

(2) Day care and preschool facilities, as an accessory use to a permitted use.

(3) Hospital (See division 29 of article XI of this chapter).

(~~4~~) Hospital, specialty (See division 29 of article XI of this chapter).

(~~45~~) Limited living facilities for scientists, laboratory technicians, custodians and caretakers that are demonstrated to be necessary to carry out a permitted use in this district.

(56) Heliports (See division 4 of article XI of this chapter) as an accessory use to a permitted use.

(67) Educational facilities for training and study.

(78) Automotive fueling station (See division 37 of article XI of this chapter).

(89) Laundry and dry cleaning.

(910) Restaurant (maximum 2,000 square feet per restaurant).

(4011) Retail and personal service uses (maximum 12,000 square feet).

(4412) Business office.

Section 5. Chapter 27, Section 27-963 of the Town Code, entitled "Use regulations" of the Medical Center District (M-C) is hereby amended to read:

Sec. 27-963. - Use regulations.

(a) *Uses by right.* In the Medical Center District (M-C), land, buildings or premises may be used by right only for one or more of the following specified uses:

(1) ~~Hospitals, convalescent homes and nursing homes (See division 29 of article XI of this chapter).~~

~~(2) Hospital, specialty (See division 29 of article XI of this chapter).~~

~~(3) Nursing homes and convalescent facilities (See division 29 of article XI of this chapter).~~

(24) Medical and dental clinics and medical laboratories.

(35) Private offices for doctors, dentists, opticians, and other recognized medical professions.

(46) Establishments offering physical therapy treatments.

(57) Apothecaries/pharmacies and stores for the retail sale or rental of hospital physical therapy or orthopedic equipment, and the sales of prescription drugs, medicines and medically related items only.

(68) Professional offices that conduct business in any of the following related categories; law, architecture, landscape architecture, engineering and accounting.

(79) Limited public uses (See division 35 of article XI of this chapter).

(810) Assisted and independent living facilities (See division 6 of article XI of this chapter).

(911) Integrated health park (See division 22 of article XI of this chapter).

(1012) Wellness centers.

(1113) Licensed service provider facilities offering the licensable service components as listed in section 27-1(b)—(d) of the definition of licensed service provider facilities. The services listed in section 27-1(e), (f) of the definition of licensed service provider facilities may be permitted only in conjunction with, and as a part of, services listed in section 27-1(b)—(d) of the definition of licensed service provider facilities (see division 29 of article XI of this chapter).

(1214) Accessory residential (See section 27-1913).

Section 6. Chapter 27, Section 27-1160 of the Town Code, entitled “Mixed use development subdistrict use classification” is hereby amended to read:

Sec. 27-1160. - Mixed use development subdistrict use classification.

The zoning district use classifications as listed on the following pages is a comprehensive listing of uses permitted within each zoning subdistrict. Uses within each district are depicted by the following:

P - Permitted as a use by right.

P* - Permitted as a use by right only in the central common use area.

1 SE - Special exception.

2 SE* - Special exception only in the central common use area.

3 Blank - Prohibited use.

4 Any use not depicted within the tables is considered to be a prohibited use within the Mixed
5 Use Development District (MXD) project.

6 Mixed Use Development District (MXD) - Subdistrict Use Regulations

	Mixed Use District												
Sub-Districts	NB				NC	RU	CC	TC	WPL	WP	REC	IN	EA
Required components in (NB) subdistrict only	CU	RL	RM	NCL									
Residential													
Duplex			P										
Live/work unit				P	P	P	P	P	P	SE			
Multifamily dwelling unit			P	P	P	P	P	P	P	P			
Single-family dwelling unit		P	P										
Nonresidential													
Adult day care				SE	SE		SE		SE	SE		SE	
Adult entertainment establishment										P			
Agricultural, horticultural, forestry										SE			
Assisted and independent living facilities (See division 6 of article XI of this chapter)			SE	SE	SE	SE	SE		SE	SE		SE	
Auction									SE				
Automotive fueling station							SE						
Automotive repair station							SE		SE	SE			
Banking or financial institution				P	P		P	P	P	P			
Bed and breakfast (10 beds or more)					SE		SE	SE					
Bed and breakfast (less than 10 beds)				SE	SE		P	P					
Business office	P*			P	P		P	P	P	P			
Car wash							SE						
Cemetery							SE		SE	SE		SE	
Child care center					SE		SE	SE	SE	SE		SE	

Club					SE		SE				SE		
Conference and training center							SE	SE	SE	SE			
Convenience store	SE*						SE	SE	SE	SE			
Distribution facilities										SE			
Educational, school—Private/public (elementary, middle and high schools)												SE	
Educational services (2,500 sq. ft. or less)				P	P		P	P	P	P		P	
Educational services (greater than 2,500 sq. ft.)				SE	SE		SE	SE	SE	SE		SE	
Funeral home							SE		SE	SE			
High tech, laboratory and office research					SE		SE	SE	P	P			
Home occupation		P	P	P	P	P	P	P	P	P			
Hospital <u>(See division 29 of article XI of this chapter).</u>												SE	
<u>Hospital, specialty (See division 29 of article XI of this chapter).</u>										<u>SE</u>		<u>SE</u>	
Hotel and motel					SE		SE	SE	SE	SE			
Indoor recreation (2,500 sq. ft. or less)				P	P		P	P	P	P			
Indoor recreation (greater than 2,500 sq. ft. but less than or equal to 5,000 sq. ft.)				SE	SE		P	P	P	P			
Indoor recreation (greater than 5,000 sq. ft.)					SE		SE	SE	SE	SE			
Laundry and dry cleaning, full service (2,500 sq. ft. or less)					P		P	P	P	P			
Laundry and dry cleaning, full service (greater than 2,500 sq. ft.)							SE	SE	SE	SE			
Laundry and dry cleaning, self service							SE	SE	SE	SE			
Light manufacturing									SE	P			
Lumber and building material and supply							SE						
Medical or dental clinic (not, including veterinary)					P		P	P	P	P			
Microbrewery							SE	SE					
Museum, cultural center, arboretum	SE				SE		SE	SE	SE	SE	SE	SE	
Nursing <u>homes</u> and convalescent facilities (See division 29 of article XI)									SE	SE		SE	
Outdoor recreation							SE	SE	SE	SE	SE	SE	

Parking garage—Public, private (primary use)							SE	SE	SE	SE	SE	SE	
Parking lot (primary use)								SE	SE	SE	SE	SE	
Park (public)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Personal services	P*			P	P		P	P	P	P			
Pet shops, including grooming (with boarding)					SE		P	P	P	P			
Pet shop, including grooming (with no boarding)					P		P	P	P	P			
Public use	SE			SE	SE		SE	SE	SE	SE	SE	SE	SE
Religious institution							SE	SE				SE	
Research and development									SE	P			
Restaurant (2,500 sq. ft. or less)	SE*			P	P		P	P	P	P			
Restaurant (greater than 2,500 sq. ft.)					SE		SE	SE	SE	SE			
Restaurant—Fast food (drive-thru)							SE						
Restaurant—Fast food (no drive-thru)					SE		SE	SE	SE	SE			
Retail or service store or shop (2,500 sq. ft. or less)	P*			P	P		P	P	P	P			
Retail or service store or shop (greater than 2,500 sq. ft. but less than or equal to 10,000 sq. ft.)					P		P	P	P	P			
Retail or service store or shop (greater than 10,000 sq. ft. but less than or equal to 20,000 sq. ft.)					SE		P	P	SE	SE			
Retail or service store or shop (greater than 20,000 sq. ft.)					SE		SE	SE	SE	SE			
Special events	See Special Event Use Table												
Tavern or lounge							SE	SE	SE	SE			
Theater, indoor, drive-in and dinner							SE	SE					
Utility services and transmission tower										SE	SE	SE	
Veterinary clinic (with boarding)					SE		SE	SE	SE	P			
Veterinary clinic (with no boarding)					P		P	P	P	P			
Warehousing and limited-access self-service storage facilities							SE*		SE	SE			
Warehousing and multi-access self-service storage facilities									SE*				

<i>Districts:</i>	NC—Neighborhood commercial	CC—Community commercial	WP—Workplace
	EA—Edge area	RU—Residential urban	TC—Town center
	REC—Recreation	WPL—Workplace, limited	IN—Institutional
<i>Neighborhood (NB) uses:</i>	CU—Common use	RL—Residential, low	
	RM—Residential, medium	NCL—Neighborhood commercial, limited (optional use)	

See self-service storage facilities supplemental regulations (section 27-3053) for additional location restrictions.

Section 7. Chapter 27, Article XI, Division 29 of the Town Code, entitled “NURSING AND CONVALESCENT FACILITIES” is hereby amended to read:

NURSING HOMES AND CONVALESCENT FACILITIES AND HOSPITALS

Section 8. Chapter 27, Section 27-2726 of the Town Code, entitled “Where permitted” is hereby amended to read:

Sec. 27-2726. - Where permitted.

(a) Nursing homes and convalescent facilities may be located in the Medical Center Districts (M-C) as a use by right; in the Rural Residential Districts (R-R), Residential, Single-Family Districts (R-1), Residential, Single-Family-Duplex Districts (R-2) and Residential, Limited Multifamily Districts (R-3) as an approved element of a planned unit development; and may be located in Residential, Limited Multifamily Districts (R-3), Commercial, General Districts (C-2), Mixed Use Development Districts (MXD), Quasi-Public Institutional Districts (QPI), and Public/Institutional Districts (PI), and the Workplace Limited (WPL), Workplace (WP), and Institutional (IN) Subdistricts of the Mixed Use Development (MXD) District as special exception uses.

(b) Hospitals may be located in the Medical Center Districts (M-C) by right and in Commercial, General Districts (C-2), and Commercial, Office Districts (C-3), Industrial, High Technology and Employment Center (I-4) Districts, and Institutional (IN) Subdistricts of the Mixed Use Development (MXD) districts as special exceptions.

(c) Specialty Hospital may be located in the Medical Center Districts (M-C) by right and in Commercial, General Districts (C-2), Commercial, Office Districts (C-3), Industrial, High Technology and Employment Center (I-4), Workplace (WP) and Institutional (IN) Subdistricts of the Mixed Use Development (MXD) Districts as special exceptions.

(ed) Licensed service provider facilities offering the licensable service components as listed in F.S. § 397.311(26) may be located in the Medical Center (M-C) zoning district as a use by right. Facilities offering licensable service components as listed in F.S. § 397.311(26) may be located in the Commercial, Office (C-3) zoning district and the Indiantown Road Overlay Zoning (IOZ) Center Street/Maplewood Drive district with underlying Commercial, Office District (C-3) as a special exception. The services listed in F.S. § 397.311(26) may be permitted as a special exception use only in conjunction with, and as a part of, services listed in F.S. § 397.311(26).

(de) Licensed service provider facilities shall not be located within 1,200 feet of day care facilities in the Medical Center Districts (M-C), Commercial, Office Districts (C-3), and Indiantown Road Overlay Zoning Districts (IOZ) Center Street/Maplewood Drive districts with underlying Commercial, Office District (C-3) zoning. A licensed service provider facility shall not be located within 1,200 feet of another licensed service provider facility in the Commercial, Office District (C-3) or in the Indiantown R

Section 9. Chapter 27, Section 27-2727 of the Town Code, entitled "Regulation" of Nursing and Convalescent Facilities is hereby amended to read:

Sec. 27-2727. - Regulations.

In addition to the regulations set forth within the district in which the use under this division is located, the following minimum regulations shall apply:

(1) *Nursing homes and convalescent facilities.*

- a. Such facilities shall not be located on any arterial or major street unless a landscape buffer of not less than 50 feet is provided. Access to the facility, should the facility require ambulance service, shall be from a collector street and in such manner as to minimize the adverse effects on adjacent property. The environment created should be of a pronounced residential nature and so designed as to minimize any adverse conditions that might detract from the primary convalescent purpose of the facility.
 - b. The minimum lot area shall not be less than one acre.
 - c. The minimum frontage for the site shall be 100 feet.
 - d. Setbacks, building height and lot coverage shall be the minimums for the district in which the facility is located.
 - e. The maximum permitted density shall not exceed 43.56 patient rooms per gross acre. Density shall be computed at one patient room for each 1,000 square feet of lot area.
 - f. All nursing homes and convalescent facilities shall meet all state requirements for operation and certification.
 - g. Nursing homes and convalescent uses located in the bioscience research protection overlay shall include related medical uses and clinical research uses consistent with the intent of the overlay, as described in Future Land Use Element Objective 1.17 and Policy 1.17.1 of the comprehensive plan.
- (2) *Hospitals and Specialty Hospital.*
- a. The minimum site area shall not be less than five acres.
 - b. The minimum frontage for the site shall be 300 feet.
 - c. Setbacks, building height and lot coverage shall be the minimums for the district within which the facility is located.
 - d. Hospital facilities shall meet all state requirements for operation and certification.

(3) *Licensed service provider facilities.*

- a. Minimum floor area for bedrooms and the minimum number of bathrooms shall be governed by the Florida Building Code.
- b. At least ten percent of the total floor area shall be devoted to a common area (wherein a variety of recreational or therapeutic activities may occur), exclusive of halls, corridors, stairs, and elevator shafts.
- c. Parking requirements for licensed service provider facilities shall be 0.50 parking spaces per facility unit bed and one parking space per every 250 square feet of office space or common area.
- d. All licensed service provider facilities with frontage on an arterial or collector shall provide a landscape buffer running parallel to such frontage. The buffer shall have a minimum width of 25 feet on an arterial and 15 feet on a collector. Facilities with frontage on a local road shall provide a minimum buffer width of ten feet running parallel to such frontage.
- e. When a licensed service provider facility directly abuts a residential zoning district, building elevations shall have a residential character, massing and scale.
- f. Nothing in this subsection shall relieve any licensed service provider facility from compliance with F.S. ch. 397 or any Palm Beach County Rules and Regulations pertaining to detoxification facilities. Where applicable, licensed service provider facilities shall meet all governmental (federal, state, county, town) requirements for operation and certification.

Section 10. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 11. Repeal of laws in conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

1 **Section 12. Codification.** The Sections of the Ordinance may be renumbered or re-
2 lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article",
3 or any other appropriate word.

4 **Section 13. Effective Date.** This Ordinance shall take effect upon its execution.