

TOWN OF JUNO BEACH

ORDINANCE NO. 668

1 **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO**
2 **BEACH, FLORIDA, AMENDING CHAPTER 34, "ZONING," OF THE**
3 **TOWN CODE OF ORDINANCES BY AMENDING ARTICLE I, "IN**
4 **GENERAL," TO AMEND CERTAIN DEFINITIONS USED IN THE ZONING**
5 **REGULATIONS; AMENDING ARTICLE II, "ADMINISTRATION AND**
6 **ENFORCEMENT," BY CREATING A NEW DIVISION 8, "ZONING**
7 **RELIEF PROCEDURE," TO CODIFY THE TOWN'S EXISTING**
8 **PROCEDURE FOR ADDRESSING POSSIBLE OR ALLEGED**
9 **VIOLATIONS OF STATE AND FEDERAL LAWS; AMENDING ARTICLE**
10 **III, "DISTRICT REGULATIONS," BY AMENDING DIVISION 1,**
11 **"GENERALLY," TO ESTABLISH THE "MEDICAL COMMERCIAL (MC)**
12 **ZONING DISTRICT," AMENDING DIVISION 14, "COMMERCIAL**
13 **GENERAL (CG) ZONING DISTRICT," AND DIVISION 15,**
14 **"COMMERCIAL OFFICE (CO) ZONING DISTRICT," REGARDING THE**
15 **LOCATION OF OUTPATIENT SUBSTANCE ABUSE TREATMENT**
16 **FACILITIES, AND CREATING A NEW DIVISION 22, "MEDICAL**
17 **COMMERCIAL (MC) ZONING DISTRICT," TO ESTABLISH THE**
18 **DISTRICT AND PROVIDE ZONING REGULATIONS; AMENDING**
19 **ARTICLE IV, "SUPPLEMENTAL REGULATIONS" REGARDING**
20 **ZONING REGULATIONS FOR THE MEDICAL COMMERCIAL (MC)**
21 **ZONING DISTRICT AND REFERENCES TO ASSISTED LIVING**
22 **FACILITIES; PROVIDING FOR CODIFICATION, SEVERABILITY,**
23 **CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER**
24 **PURPOSES.**

25
26 WHEREAS, the Town Council of the Town of Juno Beach ("Town") finds that
27 disabled individuals should be given equal access to live in the Town's residential
28 neighborhoods while preserving the basic integrity of its zoning scheme and the character
29 of single-family neighborhoods; and
30

31 WHEREAS, the Town staff has conducted a review of Chapter 34, "Zoning," of the
32 Town Code of Ordinances with the aim of removing all provisions which were intended to
33 preserve the traditional zoning of single family neighborhoods but which could be
34 construed or implemented in a way which would violate the rights of disabled or
35 handicapped individuals under the Americans With Disabilities Act ("ADA") or the Fair
36 Housing Act ("FHA"); and
37

38 WHEREAS, the Town Council wishes to assure that its land development
39 regulations treat persons with disabilities and facilities serving them in a non-
40 discriminatory manner while maintaining the fundamental integrity of the Town's zoning
41 scheme; and
42

43 WHEREAS, accordingly, the Town staff recommends amendments to the Town's
44 zoning regulations in order to provide sufficient and appropriate locations for facilities and
45 service providers which serve disabled persons; and

1 WHEREAS, the Town's application of its zoning and land development regulations
2 and related rules, policies, and practices is governed by constantly-evolving case law
3 decisions addressing the rights of applicants and affected parties under the Religious
4 Land Use and Institutionalized Persons Act ("RLUIPA"), the First and Fifth Amendments
5 to the U.S. Constitution, the FHA and the ADA, and other applicable state and federal
6 laws; and
7

8 WHEREAS, through the adoption of Resolution 2013-07, the Town Council
9 established a zoning relief procedure in order to provide the Town with the opportunity to
10 resolve claims related to possible unintended violations of federal and state law and to
11 avoid costly litigation; and
12

13 WHEREAS, the codification of a zoning relief procedure will permit qualifying
14 individuals or entities to request, and, where appropriate based on the facts and law, to
15 receive relief from Chapter 34, "Zoning," of the Town's Code of Ordinances ("Code") and
16 all related rules, policies, practices and services in accordance with state and federal law;
17 and
18

19 WHEREAS, the zoning relief procedure is consistent with applicable case law and
20 the legislative history of the subject laws and legal precedent, which encourage local
21 governments to provide an accommodation procedure for claimants, and require
22 claimants to exhaust administrative remedies prior to filing suit; and
23

24 WHEREAS, the Town Council determines that the adoption of this Ordinance is in
25 the best interests of the health, safety and welfare of the residents and citizens of the Town
26 of Juno Beach.
27

28 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
29 JUNO BEACH, FLORIDA as follows:
30

31 **Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and
32 confirmed and are incorporated herein.
33

34 **Section 2.** The Town Council hereby amends Article I "In General" of Chapter 34
35 "Zoning," of the Town Code of Ordinances to read as follows (additional language underlined
36 and deleted language ~~stricken through~~):
37

38 **ARTICLE I. IN GENERAL**

39 * * *

40 **Sec. 34-4. Definitions.**

41
42 For the purposes of this chapter, the following terms and words are
43 hereby defined. Words used in the present tense shall include the future;
44
45

1 the singular number shall include the plural; and the plural the singular; the
2 term "used for" shall include the meaning "designed for"; the term "structure"
3 shall include the term "building"; the term "lot" shall include the terms "plot"
4 and "tract"; the word "shall" is mandatory and not directory.

5
6 * * *

7
8 *Congregate Assisted living facility* means residences which may
9 include a mixture of housing types and may have extended medical care,
10 central kitchen, common dining room, nursing and medical facilities, as well as
11 a chapel, library, and other accessory and incidental uses, as well as limited
12 commercial uses serving exclusively the residents of the facility. Such facilities
13 shall include but not be limited to adult extended care residences and nursing
14 homes and shall not include substance abuse treatment providers licensed
15 pursuant to F.S. ch. 397.

16
17 * * *

18
19 *Community residential home* means a dwelling unit licensed to serve
20 residents who are clients of the department of elderly affairs, the agency for
21 persons with disabilities, the department of juvenile justice, or the
22 department of children and family services, or a dwelling unit licensed by
23 the agency for health care administration, which provides a living
24 environment for seven to 14 unrelated residents who operate as the
25 functional equivalent of a family, including such supervision and care by
26 supportive staff as may be necessary to meet the physical, emotional, and
27 social need of the residents, as defined in F.S. ch. 419. The community
28 residential home is provided for pursuant to the requirements of F.S. ch.
29 419 and shall not include substance abuse treatment providers licensed
30 pursuant to F.S. ch. 397.

31
32 * * *

33
34 *Family* means ~~a collective number of individuals domiciled together~~
35 ~~in one dwelling unit whose relationship is of a continuing nontransient~~
36 ~~domestic character and who are cooking and living as a single nonprofit~~
37 ~~housekeeping unit. The term "family" does not include any society, club,~~
38 ~~fraternity, sorority, association, lodge, coterie, organization, or group of~~
39 ~~students or other individuals whose domestic relationship is of a transitory~~
40 ~~or seasonal nature or for an anticipated limited duration of a school term or~~
41 ~~other similar determinable period~~ one person or a group of two or more
42 persons living together and interrelated by bonds of consanguinity,
43 marriage or legal adoption, or a group of persons not more than three in
44 number who are not so interrelated, occupying a dwelling as a single
45 housekeeping unit. The persons thus constituting a family may also include

1 gratuitous guests and domestic servants. Any person under the age of 18
2 years whose legal custody has been awarded to the state Department of
3 Children and Family Services (DCF) or to a child-placing agency licensed
4 by DCF, or who is otherwise considered to be a foster child under the laws
5 of the state, and who is placed in foster care with a family, shall be deemed
6 to be related to and a member of the family for the purposes of this chapter.
7 Nothing herein shall be construed to include any roomer or boarder as a
8 member of a family, nor shall this definition preclude the utilization of single-
9 family residences as vacation rentals.

10 * * *

11
12
13 *Group home* means one of the following: a foster care home, a
14 family care home, family day care home, or adult day care home. These
15 group homes are provided for pursuant to the requirements of F.S. chs. 402,
16 ~~466~~ and 419 and 429 and shall not include substance abuse treatment
17 providers licensed pursuant to F.S. ch. 397.

18 * * *

19
20
21 *Offices, medical and dental* means outpatient establishments
22 offering patients medical services, examinations and treatments by
23 professionals trained in healing or health-related practices, including, but
24 not limited to, medical doctors, dentists, chiropractors, osteopaths,
25 podiatrists, optometrists, or any similar profession licensed by the state, as
26 well as those technicians and assistants who are acting under the
27 supervision and control of an on-site licensed health care practitioner.
28 These uses shall not include establishments where patients are provided
29 services or otherwise lodged overnight and are subject to the additional
30 regulations set forth in article IV, division 15 of this chapter.

31 * * *

32
33
34 Outpatient substance abuse treatment provider includes the
35 following licensed facilities as specifically listed in Section 397.311(18),
36 Florida Statutes: (a) day or night treatment on an outpatient basis only; (b)
37 detoxification services on an outpatient basis only; (c) medication-assisted
38 treatment for opiate addiction on an outpatient basis only; and (d) outpatient
39 treatment and intensive outpatient treatment.

40 * * *

41
42
43 Residential substance abuse treatment provider includes the
44 following licensed providers or facilities as specifically listed in Section

1 policies, and procedures in advance of costly litigation, zoning relief may be
2 granted pursuant to this section.

3
4 (b) Application. A person or entity shall request relief under this
5 section prior to filing a lawsuit, by completing a zoning relief request form,
6 which is available from the Town's Planning and Zoning Department. The
7 form shall contain such questions and requests for information as are
8 necessary for evaluating the relief requested.

9
10 (c) Notice. The Town shall display a notice of the request for
11 zoning relief on the Town's public notice bulletin board and shall maintain
12 copies available for review in the Planning and Zoning Department and the
13 Town Clerk's Office. The notice shall advise the public that a request for
14 zoning relief under federal or state law is pending. The location, date and
15 time of the applicable public hearing shall be included in the notice. A
16 notification containing this information shall also be mailed by the Town
17 Clerk at least fifteen (15) days prior to the public hearing to the property
18 owners of record, their tenants or their agents, within a radius of three
19 hundred (300) feet of the property described in the request, if the request is
20 site-specific.

21
22 (d) Application and hearing. A hearing officer appointed by the
23 Town in accordance with subsection (k) of this section shall have the
24 authority to consider and act on requests for zoning relief submitted to the
25 Planning and Zoning Department. A public hearing shall be held by the
26 hearing officer on the request for relief within forty-five (45) days of receipt
27 of a completed application, unless the applicant agrees in writing to
28 extension of the hearing date. A final written determination shall be issued
29 by the hearing officer no later than thirty (30) days after the conclusion of
30 the public hearing. The final written determination may: (i) grant the relief
31 requested, (ii) grant a portion of the request and deny a portion of the
32 request, or impose conditions upon the grant of the request, or (iii) deny the
33 request. Any determination shall be final, in writing, and shall state the
34 reasons for the decision. The final written determination shall be provided
35 to the Town and sent to the applicant by certified mail, return receipt
36 requested.

37
38 (e) Additional information. If necessary, prior to the public
39 hearing, the Town may request additional information from the applicant,
40 specifying in sufficient detail what information is required. In the event a
41 request for additional information is made to the applicant by the Town, the
42 forty-five (45) day time period to hold a public hearing shall be extended to
43 ninety (90) days to include the time necessary to seek and review the
44 additional information. The applicant shall have fifteen (15) days after the

1 date the information is requested to provide the additional information. If the
2 applicant fails to timely respond with the requested additional information,
3 the Town shall notify the applicant and proceed with scheduling a public
4 hearing; however, the applicant and the Town may extend the time period
5 for conducting the hearing by mutual agreement. The hearing officer will
6 issue a final written determination regarding the relief requested as required
7 in subsection (d) of this section, based on the information in the Town's
8 possession at the time of the public hearing.
9

10 (f) *Criteria.* In determining whether the zoning relief request shall
11 be granted or denied, the applicant shall be required to establish:
12

13 (1) The applicant is a potential claimant under federal or state
14 law, including applicable legal precedent; and

15 (2) The applicant believes in good faith that the Town, through
16 implementation of its Code, has intentionally or unintentionally
17 violated federal or state law, for the reasons stated in the
18 zoning relief request; and
19

20 (3) The applicant satisfies the standard for relief set forth in the
21 applicable federal or state statute(s) or legal precedent.
22

23 (g) *Exhaustion required.* Completion of the zoning relief
24 procedures shall be a supplement to and not a substitute for any other pre-
25 litigation dispute resolution processes available by law to the Town or the
26 applicant. Completion of the zoning relief procedures shall constitute the
27 exhaustion of all administrative remedies available from the Town.
28

29 (h) *Effect while pending.* While an application for zoning relief or
30 appeal of a determination of same is pending before the Town, the Town
31 will not enforce the Code, rules, policies, and procedures which are the
32 subject of the request against the applicant, except that the Town may seek
33 relief through the code enforcement procedures of Article VI "Code
34 Enforcement" of Chapter 2 "Administration" or through injunctive relief if an
35 imminent threat to the health, safety and welfare of the public is present.
36

37 (i) *Appeals.* The applicant or the Town Manager may appeal the
38 decision of the hearing officer on a request for zoning relief to the Town
39 Council in accordance with the following procedures:
40

41 (1) The denial or other disputed determination of a request for
42 zoning relief pursuant to this section may be appealed to the
43 Town Council by filing a notice of appeal, on a form provided
44 by the Town Manager, within thirty (30) days of the date of the

1 issuance of the final written determination by the hearing
2 officer in accordance with subsection (d).

3
4 (2) After receipt of the notice of appeal, the appeal will be placed
5 on a Town Council agenda for a hearing within sixty (60) days,
6 with public notice provided as required by subsection (c). At
7 the hearing, the applicant and the Town may present
8 evidence and testimony relating to the issues appealed, and
9 the standard of review for such appeal shall be *de novo*.

10
11 (3) At the hearing, the Town Council shall grant the appeal, deny
12 the appeal or grant the appeal subject to conditions.

13
14 (i) Additional provisions for zoning relief. The following
15 provisions shall be applicable:

16
17 (1) The Town shall display a notice in its public notice bulletin
18 board and on its website advising the public of this zoning
19 relief procedure and that applications for zoning relief may be
20 obtained from the Planning and Zoning Department.

21
22 (2) An applicant may apply for zoning relief on his or her own
23 behalf, or may be represented at all stages by a
24 representative designated by the applicant.

25
26 (3) The Town shall provide such assistance and accommodation
27 as is required pursuant to federal and state law, in connection
28 with a disabled person's request for zoning relief, including,
29 without limitation, assistance with reading application
30 questions, responding to questions, completing the form, filing
31 an appeal, and appearing at a hearing, etc., to ensure that the
32 process is accessible.

33
34 (k) Hearing officer. The Town Manager shall appoint one or more
35 hearing officers for a three-year term. A hearing officer shall be: (1) a retired
36 judge who has served in either the circuit court or a higher Florida court or
37 as a federal district judge or circuit federal judge, or (2) a retired hearing
38 officer of the State of Florida; or (3) a practicing member of the Florida Bar
39 with at least five (5) years of experience in the field of land use. A hearing
40 officer shall not reside or own property within or otherwise be employed by
41 the Town. If more than one hearing officer is appointed, each hearing officer
42 shall be assigned to particular applications on a rotating basis. The Town
43 Manager shall notify each hearing officer of each such rotating assignment.
44

1 **Section 4.** The Town Council hereby amends Article III, "District Regulations," of
2 Chapter 34, "Zoning," of the Town Code of Ordinances to read as follows:
3

4 **ARTICLE III. DISTRICT REGULATIONS**

5 **DIVISION I. GENERALLY**

6 * * *

7
8
9
10 **Sec. 34-243. Establishment of zoning districts.**

11 For the purpose of protecting, promoting and improving the public
12 health, safety, morals and the general welfare of the people, the town
13 hereby establishes the following districts:
14
15

| District Abbreviation | Zoning District | Applicable Code Division |
|-----------------------|---|---------------------------------|
| * * * | | |
| <u>MC</u> | <u>Medical Commercial Zoning District</u> | <u>Article III, division 22</u> |

16
17 * * *

18 **DIVISION 14. COMMERCIAL GENERAL (CG) ZONING DISTRICT**

19 * * *

20
21
22 **Sec. 34-626. Uses permitted.**

23 Permitted uses in the CG commercial general district are as follows:
24

- 25
26
27 (1) Retail and service establishments, hardware stores, food
28 stores, clothing stores, drugstores, barbershops, beauty
29 salons and jewelry stores.
30
31 (2) Business services.
32 (3) Department stores.
33
34 (4) Churches, synagogues or other houses of worship.
35

- 1 (5) Nonprofit cultural centers.
- 2
- 3 (6) Professional offices (greater than 40,000 gross floor area
- 4 (GFA)).
- 5
- 6 (7) Medical & dental offices (~~greater than 20,000 GFA~~).
- 7
- 8 (8) Health spa/gym (greater than 20,000 GFA).
- 9
- 10 (9) Banks and financial institutions (greater than 50,000 GFA).
- 11
- 12 (10) Professional or studio-type schools (greater than 50,000
- 13 GFA).
- 14
- 15 (11) Public safety facilities such as fire and/or police stations.
- 16
- 17 (12) Day care centers, if not adjacent to a residential use or
- 18 residentially zoned property.
- 19
- 20 (13) Adult entertainment establishments.
- 21
- 22 (14) Outpatient substance abuse treatment provider.
- 23

24 **Sec. 34-627. Preferred permitted uses.**

25
26 Preferred permitted uses in the CG commercial general district are
27 as follows:

- 28
- 29 (1) Professional offices (40,000 gross floor area (GFA) or less).
- 30
- 31 ~~(2) Medical and dental offices (20,000 GFA or less).~~
- 32
- 33 (32) Residential (single-family and/or multifamily dwellings). A
- 34 maximum 75 percent of the total gross floor area on the site
- 35 may be used for residential.
- 36
- 37 (43) Health spa/gym (20,000 GFA or less).
- 38
- 39 (54) Banks and financial institutions (50,000 GFA or less).
- 40
- 41 (65) Retail deli, bakery.
- 42
- 43 (76) Retail landscape nursery w/outdoor displays.
- 44

- 1
2 (12) Uses utilizing optional building site area development
3 modifications identified in section 34-632.
4
5 (13) Restaurants and drinking establishments.
6

7 * * *

8
9 DIVISION 15. COMMERCIAL OFFICE (CO) ZONING DISTRICT

10 * * *

11
12
13 **Sec. 34-654. Uses permitted.**

14 Permitted uses in the CO commercial office district are as follows:

- 15 (1) Business or professional offices.
16
17 (2) Banks and financial institutions.
18
19 (3) Churches, synagogues and other houses of worship.
20
21 (4) Nonprofit cultural centers.
22
23 (5) Medical and dental clinics.
24
25 (6) Business and professional training facilities.
26
27 (7) Public safety facilities such as fire and/or police stations.
28
29 (8) Residential (single-family and/or multifamily dwellings). A
30 maximum 75 percent of the total gross floor area on the site
31 may be used for residential.
32
33 (9) Outpatient substance abuse treatment provider.
34

35 * * *

1 **Sec. 34-656. Special exception uses.**
2

3 Special exception uses in the CO commercial office district are as
4 follows:

- 5 (1) Public and private utility structures.
6
7 (2) Congregate Assisted living facilities (see article IV, division
8 12 of this chapter).
9
10 (3) Planned unit developments (see article V of this chapter).
11
12 (4) Community shopping centers.
13
14

15 DIVISION 22. MEDICAL COMMERCIAL (MC) ZONING DISTRICT
16

17 **Sec. 34-850. Purpose.**
18

19 The purpose of the Medical Commercial (MC) district is to provide
20 appropriate zoning locations where medical facilities may be established
21 when the need exists, in addition to compatible commercial use such as
22 retail shopping and personal service uses. Retail drive-in businesses are
23 not permitted.
24

25 **Sec. 34-851. Permitted uses.**
26

27 Permitted uses in the Medical Commercial (MC) district are as
28 follows:
29

- 30 (1) Retail and service establishments, hardware stores, food
31 stores, clothing stores, drugstores, barbershops, beauty
32 salons and jewelry stores.
33
34 (2) Business services.
35
36 (3) Department stores.
37
38 (4) Churches, synagogues or other houses of worship.
39
40 (5) Nonprofit cultural centers.
41
42 (6) Professional offices.
43
44 (7) Medical & dental offices.

- 1 (8) Health spa/gym.
- 2
- 3 (9) Banks and financial institutions.
- 4
- 5 (10) Professional or studio-type schools.
- 6
- 7 (11) Public safety facilities such as fire and/or police stations.
- 8
- 9 (12) Day care centers, if not adjacent to a residential use or
10 residentially zoned property.
- 11
- 12 (13) Adult entertainment establishments.
- 13
- 14 (14) Retail deli/bakery
- 15
- 16 (15) Residential (single-family and/or multifamily dwellings). A
17 maximum of 75 percent of the total gross floor area on the site
18 may be used for residential.
- 19
- 20 (16) Hotel/motel (150 rooms/units or less).
- 21
- 22 (17) Retail landscape nursery w/outdoor displays.
- 23
- 24 (18) Temporary festive outdoor markets (only fruits, vegetables,
25 plants, flowers, arts, and handcrafted items shall be sold).
26 Maximum two-year temporary permit, renewable at the
27 discretion of the town council.
- 28
- 29 (19) Outpatient substance abuse treatment provider.
- 30
- 31 (20) Residential substance abuse treatment provider, subject to a
32 maximum permitted density of 18 dwelling units per acre.
- 33
- 34 (21) Assisted living facilities (see article IV, division 12 of this
35 chapter).
- 36
- 37 (22) Transient residential facility (greater than 30 units for
38 timeshare).
- 39

Sec. 34-852. Accessory uses.

Accessory uses in the Medical Commercial (MC) district are as follows:

- 1 (1) Off-street parking and loading.
- 2
- 3 (2) Signs.
- 4
- 5 (3) Drive-in financial facilities.
- 6
- 7 (4) Accessory uses customarily incidental to the permitted or
8 approved special exception uses.
- 9
- 10 (5) Satellite dish antennas (see article IV, division 13 of this
11 chapter).
- 12

13 **Sec. 34-853. Special exception uses.**

14 Special exception uses in the Medical Commercial (MC) district are as
15 follows:

- 16
- 17
- 18 (1) Public parking garages.
- 19
- 20 (2) Public and private utility structures.
- 21
- 22 (3) Fuel service stations (see section 34-869).
- 23
- 24 (4) Supplemental off-site parking.
- 25
- 26 (5) Public and private academic schools.
- 27
- 28 (6) Convenience stores (see section 34-868).
- 29
- 30 (7) Vehicle minor repair facility (see section 34-870).
- 31
- 32 (8) Hotel/motel (greater than 150 rooms/units).
- 33
- 34 (9) Day care centers, if adjacent to a residential use or residentially
35 zoned property.
- 36
- 37 (10) Restaurants and drinking establishments.
- 38
- 39 (11) Uses utilizing optional building site area development
40 modifications identified in section 34-856.
- 41

42 **Sec. 34-854. Site plan and appearance review requirements.**

43 Site plan and appearance review is required for all uses.

44

Sec. 34-855. Building site area regulations.

The following building site area regulations shall apply to the Medical Commercial (MC) district:

(1) Minimum total area: 40,000 square feet.

(2) Minimum lot width: 150 feet.

(3) Minimum lot depth: 150 feet.

(4) Setbacks:

a. The following setback schedule shall apply, and all properties adjoining or adjacent to property with a residential or "R" zoning district designation shall incorporate a minimum of a 15-foot landscaped buffer within such adjoining yard or setback:

| <u>Setback Distance Requirements from Property Line</u> | | | |
|---|--------------|--------------|--------------|
| <u>Total Lot Area</u> | <u>Front</u> | <u>Side</u> | <u>Rear</u> |
| <u>1.5 acres or less</u> | <u>25'</u> | <u>20'</u> | <u>20'</u> |
| <u>More than 1.5 acres to 3 acres</u> | <u>35'</u> | <u>20'</u> * | <u>20'</u> * |
| <u>More than 3 acres</u> | <u>45'</u> | <u>20'</u> * | <u>20'</u> * |

*Where the rear or side setback adjoins property with a residential or "R" zoning district designation, the required setback shall be increased from 20 feet to 30 feet.

1 b. For all buildings higher than two stories, all stories above
2 the first two stories shall be set back a minimum of five
3 feet from the first story building facade and shall include
4 an architecturally compatible roof treatment or element
5 along such building line break (see graphic
6 representation in Exhibit 2 to section 34-631 of this
7 code).

8
9 (5) High-rise setback: see subsection (4) of this section.

10
11 (6) Maximum building height:

12
13 a. For buildings having two stories, the maximum building
14 height shall not exceed 30 feet. For buildings having
15 three stories, the maximum building height shall not
16 exceed 45 feet. No building shall exceed three stories,
17 except for those buildings which contain a minimum of
18 one floor of residential space which shall be permitted a
19 maximum of four stories and 60 feet in height.

20
21 b. For properties with a total lot area exceeding two acres,
22 all structures within 60 feet of a rear or side property line
23 adjoining property with an "R" or residential zoning
24 district designation shall not exceed the maximum
25 building height for the adjacent residential property (see
26 graphic representation of this concept in Exhibit 1 and
27 Exhibit 2 to section 34-631 of this code).

28
29 c. A minimum 20-foot building separation shall be required
30 between all principal structures on site.

31
32 (7) Maximum building dimension: 200 feet.

33
34 (8) Maximum lot coverage: 40 percent.

35
36 (9) Minimum landscaped open space: 15 percent of total lot area.
37 All building sides shall be required to install foundation planting
38 materials along a minimum of 40 percent of the length of each
39 facade. Such foundation plantings shall be at least four feet
40 deep, as measured from the edge of the building.

41
42 (10) Minimum parking:

43
44 a. See article IV, division 4 of this chapter. In addition, a

1 minimum of two parking spaces shall be required per
2 residential dwelling unit for permitted residential uses.

3
4 b. Parking shall be located behind the principal buildings
5 and screened from the roadway by structures and/or a
6 heavily landscaped buffer unless the town council
7 determines, in the exercise of its discretion, that this
8 requirement shall create an unsafe or hazardous
9 condition on site. In such event, the town council may
10 allow parking in other locations on site.

11
12 c. Any use proposing valet parking shall submit a plan to
13 the town council for review and approval. Such plan shall
14 be reviewed in conjunction with site plan review. Valet
15 parking shall not utilize more than 30 percent of the
16 required on-site parking for the approved use or uses.
17 The valet parking plan shall address each of the
18 following:

19
20 1. The location of the valet parking booth or area;

21
22 2. The location and number of parking spaces to be
23 utilized for valet parking;

24
25 3. Evidence that the business owns the parking
26 spaces proposed for valet use or a copy of any
27 agreement or lease that provides the business
28 with the right to use spaces owned by another
29 individual or entity for valet parking;

30
31 4. The impacts of valet parking on the shared
32 parking plan for the project (if one exists) and on
33 patrons who do not utilize such service;

34
35 5. The hours of operation; and

36
37 6. The location and text of any signage associated
38 with the valet parking operation and assigned
39 spaces.

40
41 (11) Loading: see section 34-985.

42
43 (12) Minimum architectural treatments: All sides of any building
44 within this district shall be designed with a variety of treatments

1 matching the general architectural theme of the project. The
2 intent of this requirement is to have all sides of the building
3 appear as the front facade, including those fronting a roadway,
4 alley or parking area.

5
6 **Sec. 34-632. Site area development modification option.**

7
8 (a) Purpose and intent.

9
10 (1) The medical commercial (MC) district incorporates the
11 predominant business corridor along U.S. Highway 1, which
12 serves as a gateway to the town. In order to foster quality
13 development patterns and practices along this corridor, the
14 town council may consider modifications to the building site
15 area regulations specifically identified in this section. Any of
16 the identified modifications shall be requested in the form of a
17 special exception to the town council during site plan review
18 and shall be subject to any additional conditions necessary to
19 address the criteria set forth in section 34-93. No applicant
20 shall be entitled to such modifications by right; rather, the
21 applicant shall be required to demonstrate that the proposed
22 project meets the purpose and intent of this section.

23
24 (2) The purpose of this potential flexibility is to provide for creative
25 and innovative designs and approaches by the applicant that
26 will clearly promote a sustainable and livable mixed use
27 environment within the district.

28
29 (3) The potential modifications are intended to provide a vehicle
30 for quality, innovative development and redevelopment within
31 the town's commercial corridors. Consequently, all applicants
32 requesting such modification shall provide for the
33 enhancement of the physical appearance of landscaping,
34 architecture, signage and site development over and above
35 the site plan appearance standards generally applicable
36 within the town (see section 34-116).

37
38 (4) Each applicant shall also identify the public benefits derived
39 from the proposed development, such as the promotion of
40 public use, the preservation of natural resources, and the
41 integration of the project with the town's extensive natural
42 environment.

1 **(b) Applicability.** The provisions for modifications to the site area
2 development requirements set forth herein shall be made by special
3 exception, and may be applied to any proposed development order
4 application within the MC district that involves any mix of uses (i.e.,
5 retail/office; retail/residential; office/residential, etc.).

6
7 **(c) Boundaries.** The site area development modification shall
8 apply within the MC medical commercial zoning district.

9
10 **(d) Conflict with applicable regulations.** Where the provisions of
11 the modifications are in conflict with other zoning regulations applicable to
12 the property, the provisions of this section shall control, and are subject to
13 town council approval.

14
15 **(e) Performance standards.** All development within the MC
16 district shall comply with the rules and regulations of all agencies having
17 jurisdiction within the town and with all applicable requirements of this
18 chapter

19
20 **(f) Additional criteria.** All applicants seeking development
21 approval in accordance with the MC district shall comply with the standards
22 of the district, and with the town council's approval, as modified herein.
23 Furthermore, all applicants shall demonstrate the following:

24
25 **(1) The proposed development is consistent with the goals,**
26 **objectives and policies of the town comprehensive plan.**

27
28 **(2) The proposed development is consistent with the purpose and**
29 **intent of this section as set forth in subsection (a) of this**
30 **section, including, but not limited to, innovative and enhanced**
31 **architecture, landscaping, and public use areas.**

32
33 **(3) The proposed development includes adequate, safe and**
34 **appropriate public facilities and services**

35
36 **(4) The proposed development provides for pedestrian and**
37 **vehicular interconnection between adjacent projects as well**
38 **as a public focal point and/or public gathering place which**
39 **shall include a water, landscape or art feature.**

40
41 **(5) The proposed development is not detrimental to existing land**
42 **uses or the native ecosystems within the district.**

43
44 **(g) Potential building site area regulation modifications.**

- 1
2 (1) Minimum total lot area: 10,000 square feet; and the creation
3 of any new lots must meet the minimum requirement of 40,000
4 square feet.
- 5
- 6 (2) Minimum lot width: 100 feet.
- 7
- 8 (3) Minimum lot depth: 100 feet.
- 9
- 10 (4) Setbacks: See section 34-631(5); covered arcades, cafes,
11 awnings and walkways may extend up to eight feet into a
12 required front or side yard setback provided that the property
13 adjacent to such yard or setback does not have a residential
14 or "R" zoning district designation.
- 15
- 16 (5) Maximum building height: See section 34-631(8). No building
17 shall exceed 60 feet in height. Notwithstanding the foregoing,
18 the town council may approve five stories within this overall
19 height limitation for buildings with a mix of uses, including a
20 residential component, provided that the town council
21 determines that the applicant has demonstrated that the
22 proposed project meets the purpose and intent of this section.
- 23
- 24 (6) Maximum building dimension: 300 feet.
- 25
- 26 (7) Maximum lot coverage: 45 percent.
- 27
- 28 (8) Minimum landscaped open space: 15 percent. Additionally, all
29 building sides shall be required to install foundation planting
30 materials along a minimum of 30 percent of the length of each
31 facade. Such foundation plantings shall be at least four feet
32 deep, as measured from the edge of the building.
- 33
- 34 (9) Parking:
 - 35
 - 36 a. See section 34-631(12) for parking standards. A
37 minimum of 90 percent of the parking provided for a
38 project shall be located behind the principal buildings
39 and screened from the roadway by structures and/or a
40 heavily landscaped buffer.
 - 41
 - 42 b. Preferred permitted nonresidential uses may be
43 permitted up to a 25 percent reduction in the number
44 of spaces required pursuant to section 34-981(b)(5)

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a. *Generally.* The scheduled of off-street parking requirements is as follows. The town encourages the use of angled parking for its residents.

**SCHEDULE OF OFF-STREET PARKING REQUIREMENTS
JUNO BEACH, FLORIDA**

| <i>Use</i> | <i>Space Required Per Unit (unless otherwise specified in a particular zoning district)</i> |
|---|--|
| * * * | |
| Beauty shops, barbershops, medical & dental clinics and/or offices, <u>outpatient substance abuse treatment providers</u> , other personal services | 1 parking space per 200 sq. feet of gross floor area |
| * * * | |
| <u>Congregate Assisted living facilities</u> | 1 parking space for each adult extended care residence plus one parking space per four patient beds or residents plus one space per employee, including nurses and staff doctor, on shift of greatest employment |
| <u>Residential substance abuse treatment providers</u> | <u>1 parking space per four patient beds or residents plus one space per employee on shift of greatest employment.</u> |

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* * *

DIVISION 6. SIGNS

Sec. 34-1050. Prohibited signs.

The following signs shall be prohibited:

* * *

- (3) Banner signs in all zoning districts, except the CG commercial general, medical commercial (MC) and CO commercial office zoning districts (see section 34-1051(12) for restrictions). Ornamental signs are regulated separately (see section 34-1055 for restrictions).

* * *

1
2 (c) No site plan for a ~~congregate~~ assisted living facility shall be
3 certified until a declaration of restrictions in a form approved by the town
4 attorney has been recorded to run with the land records maintained by the
5 clerk of the circuit court in and for the county. This declaration of restrictions
6 shall expressly provide that:

- 7
8 (1) The conversion will not result in an increase in the number of
9 dwelling units permitted on the site unless the converted
10 project has obtained a valid PUD approval; if that approval
11 has not been granted, the converted project will have to
12 comply with the density permitted in the underlying zoning
13 district; and
14
15 (2) The total number of permitted units may be determined by
16 referring to the approved site plan on file with the planning and
17 zoning department.
18

19 **Sec. 34-1250. Supplemental property development regulations.**
20

21 (a) *Generally.* Unless otherwise provided, ~~congregate~~ assisted
22 living facilities (GALFs) shall be governed by the building site area
23 requirements for multiple-family dwellings in the RH residential multiple-
24 family—high-density zoning district or the planned unit development in
25 which it is established.
26

27 (b) *Cooking facilities.*

28
29 (1) *Central dispensing and consumption of*
30 *food.* Each ~~congregate~~ assisted living facility shall provide and
31 continuously maintain central facilities for daily food
32 dispensing and consumption.
33

34 (2) *Food preparation in individual living quarters.* Individual
35 kitchen facilities may be provided in the living quarters of a
36 GALF.
37

38 (c) *Maximum occupancy of sleeping area.* The maximum number
39 of persons per sleeping area shall be determined by applying the space
40 requirements of the state.
41

42 (d) *Accessory uses.* Permitted accessory uses are:
43

- 1 (1) Those accessory land uses customarily necessary to a
2 multiple-family residence; and
3
4 (2) Those noncommercial land uses customarily incidental to
5 a ~~congregate~~ assisted living facility, such as a common dining
6 room, a central kitchen, a nursing station, a medical
7 examining room, a chapel, a library, and offices necessary to
8 manage the facility.
9

10 (e) *Commercial land uses.* A limited amount of commercial uses
11 may be established as a permitted use in a ~~congregate~~ assisted living
12 facility. Such uses shall be limited to retail and ~~congregate~~ assisted living
13 personal service uses designed to serve exclusively the residents of the
14 facility, such as a barber or beauty shop, small convenience retail sales and
15 banking services. No more than ten percent of the gross floor area of the
16 facility shall be dedicated to such commercial uses. There shall be no
17 exterior signage or other indication of existence of commercial uses which
18 may attract nonresidents.
19

20 **Sec. 34-1251. Location, concentration and neighborhood**
21 **compatibility.**
22

23 The following standards and guidelines shall apply to ~~congregate~~
24 assisted living facilities:
25

- 26 (1) *Mandatory standards.*
27
28 a. Each ~~congregate~~ assisted living facility shall:
29
30 1. Be located within five road miles of a full service
31 professional fire rescue station;
32
33 2. Not be established on a septic tank; and
34
35 3. Not obtain potable water from a private well.
36
37 b. A ~~congregate~~ assisted living facility shall be contiguous
38 and have primary access to a paved collector or arterial
39 street.
40
41 (2) *Qualitative guidelines.* Each application for a special
42 exception for a ~~congregate~~ assisted living facility shall also be
43 evaluated based on the following qualitative guidelines. No

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special exception shall be approved unless it is demonstrated that, to the greatest extent possible, each facility shall:

- a. Be physically designed to conform to and be compatible with the general architectural character of the neighborhood in which it will be established; and
- b. Each application for a special exception shall be accompanied by a mapped inventory of all approved and all existing licensed facilities, and all proposed facilities applications which have been filed with the planning and zoning department within a one-mile radius of the proposed facility.

DIVISION 13. SATELLITE DISH ANTENNAS

Sec. 34-1279. Technical requirements.

(a) *Zoning districts.* Satellite dish antennas shall be permitted as an accessory structure in all zoning districts, excluding the beach zoning district where they shall not be permitted under any circumstances. Satellite dish antennas shall be a permitted accessory use in the CG commercial general, MC medical commercial, CO commercial office, REC-PUB public recreation and GOV government zoning districts and special exception accessory use in all other permissible zoning districts.

(b) *Site area regulations.*

(1) In all zoning districts, other than RV park, MH manufactured home community, CG commercial general, MC medical commercial and CO commercial office, satellite dish antennas shall:

* * *

(2) In the CG commercial general, MC medical commercial and CO commercial office zoning districts, the satellite dish shall:

* * *

Section 6. The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Juno Beach.

Section 7. If any section or provision of this Ordinance or any portion thereof, any

1 paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid,
2 such decision shall not affect the validity of the remainder of this Ordinance.

3
4 **Section 8.** All ordinances or parts of ordinances of the Town of Juno Beach,
5 Florida, which are in conflict with this Ordinance, are hereby repealed to the extent of such
6 conflict.

7
8 **Section 9.** This ordinance shall be effective immediately upon adoption.

9
10 FIRST READING this 23rd day of April, 2014.

11
12 SECOND, FINAL READING AND ADOPTION this 28th day of May, 2014.

13
14
15 X _____
16 AYE NAY

[Signature]
MORTON LEVINE, MAYOR

17
18 X _____
19 AYE NAY

[Signature]
ELLEN ANDEL, VICE MAYOR

20
21 X _____
22 AYE NAY

[Signature]
BILL GREENE, VICE MAYOR PRO TEM

23
24 X _____
25 AYE NAY

[Signature]
JIM LYONS, COUNCILMEMBER

26
27 X _____
28 AYE NAY

[Signature]
JASON HASELKORN, COUNCILMEMBER

29
30
31 ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

32
33 [Signature]
34 VANESSA M. DUNHAM
35 TOWN CLERK

[Signature]
LEONARD G. RUBIN
TOWN ATTORNEY

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