AGENDA
TOWN OF JUNO BEACH, FLORIDA
PLANNING AND ZONING BOARD MEETING

March 24, 2014 5:30 pm
Council Chambers
340 Ocean Drive

NOTICE: If any person decides to appeal any decision of the Planning and Zoning Board at this meeting, he will need a record of the proceedings and for that purpose, he may need to ensure that a verbatim record of the proceedings is made, such record includes the testimony and evidence upon which the appeal is to be based. The Town does not prepare or provide such record. ***Persons with disabilities requiring accommodations in order to participate in the meeting should contact Vanessa Dunham, Town Clerk, at least 48 hours in advance to request such accommodations.***

~ CALL TO ORDER
~ PLEDGE OF ALLEGIANCE TO THE FLAG
~ ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA

1. **PUBLIC COMMENTS**

2. **MINUTES**

   Staff recommendation: *Consider a motion to approve the Planning and Zoning Meeting minutes of February 18, 2014.*

3. **REVIEW:**
   ORDINANCE NO. 668 – CREATING MEDICAL COMMERCIAL ZONING DISTRICT
   ORDINANCE NO. 669 – REZONING "POINT LOTS" TO MC DISTRICT
   ORDINANCE NO. 670 – REZONING SEMINOLE PLAZA TO MC DISRICT

   Staff Recommendation: *Consider a motion to recommend to the Town Council the proposed ordinances in accordance with Section 34-139 of the Town Code (a separate vote should be taken on each of the proposed ordinances).*

4. **COMMENTS FROM STAFF**

5. **COMMENTS FROM THE BOARD**

6. **ADJOURNMENT**

MARCH 26, 2014	TOWN COUNCIL MEETING	5:30 PM
APRIL 4, 2014	END OF SEASON ICE CREAM SOCIAL	6:00 PM
APRIL 7, 2014	PLANNING AND ZONING BOARD MEETING	5:30 PM
APRIL 21, 2014	PLANNING AND ZONING BOARD MEETING	5:30 PM
APRIL 23, 2014	TOWN COUNCIL MEETING	5:30 PM
MAY 5, 2014	PLANNING AND ZONING BOARD MEETING	5:30 PM

MAY 19, 2014	PLANNING AND ZONING BOARD MEETING	5:30 PM
MAY 26, 2014	MEMORIAL DAY – TOWN CENTER CLOSED	
MAY 28, 2014	TOWN COUNCIL MEETING	5:30 PM
JUNE 2, 2014	PLANNING AND ZONING BOARD MEETING	5:30 PM
JUNE 6, 2014	TOWN PICNIC	5:30 PM
For information on events, meetings and agendas, please call 626-1122		

MINUTES
TOWN OF JUNO BEACH

PLANNING AND ZONING BOARD MEETING

February 18, 2014
Council Chambers
340 Ocean Drive

PRESENT:	SYDNEY VICKERS, CHAIR WARREN TURNER, VICE CHAIR ANNE BOSSO, BOARDMEMBER DON FELICELLA, BOARDMEMBER MICHAEL STERN, BOARDMEMBER JACK KNEUER, ALTERNATE BOARDMEMBER
ALSO PRESENT:	RUBEN CRUZ, DIRECTOR OF PLANNING & ZONING LEONARD RUBIN, TOWN ATTORNEY ADA OLIVER, ADMINISTRATIVE SECRETARY

Chair Vickers called the Planning and Zoning Board Meeting to order at 5:30 pm.

Audience: 4

~ CALL TO ORDER
~ PLEDGE OF ALLEGIANCE TO THE FLAG
~ ADDITIONS, DELETIONS, SUBSTITUTIONS TO THE AGENDA –

1. **PUBLIC COMMENTS-** None

2. **MINUTES/MOTION**

MOTION: *Felicella/Stern made motion to approve the February 18, 2014 minutes.*

ACTION: *The motion passed unanimously.*

3. **WORKSHOP – (Amendment to Zoning Code – Legal Compliance and Creation of Medical Commercial Zoning District)**

Chair Vickers thanked Town Attorney Rubin for sending the Boardmembers the applicable ordinances from Boca Raton and Delray Beach electronically.

Town Attorney Rubin discussed the revised Amendment to the Zoning Code along with explanations of revisions and necessary changes. (See attached)

Boardmember Felicella asked if the Town would be protected until the ordinances are revised properly.

Town Attorney Rubin stated the Town is protected through the concept of "zoning in progress." The public is on notice of the pending changes.

Vice Chair Turner asked if congregate living facility is limited to the new Medical Commercial Zoning District.

Boardmember Bosso indicated she is not 100% convinced that group homes can't be considered congregate living.

Town Attorney Rubin indicated he will research the most verbiage regarding congregate living facilities and follow up with the Boardmembers.

Director of Planning and Zoning Cruz indicated that the Boardmembers will receive updated Zoning Code books at the next meeting.

Chair Vickers asked the Boardmembers if they had any questions.

Vice Chair Turner indicated that the two ordinances should move forward.

Town Attorney Rubin agreed and advised they will both return in final form for recommendation to the Town Council.

5. **COMMENTS FROM STAFF -None**

6. **COMMENTS FROM THE BOARD-None**

7. **ADJOURNMENT** 5:55PM

Chair Vickers adjourned the meeting at 5:55PM

Chair Sydney Vickers

Ada Oliver, Administrative Secretary

MEMORANDUM

TO: Members of the Planning and Zoning Board

FROM: Leonard G. Rubin, Town Attorney

RE: **Recommendation to Town Council**
Ordinance No. 668 (Creating Medical Commercial Zoning District)
Ordinance No. 669 (Rezoning "Point Lots" to MC District)
Ordinance No. 670 (Rezoning Seminole Plaza to MC District)

DATE: March 20, 2014

CC: Joseph Lo Bello, CPA, Town Manager
Ruben Cruz, Director of Planning and Zoning
Vanessa Dunham, Town Clerk

At the last workshop meeting, the Board considered the most recent version of the proposed ordinance ensuring legal compliance with state and federal law and creating a new Medical Commercial (MC) Zoning District.

Ordinance No. 668 incorporates the most recent draft of the proposed ordinance, with only one significant change. In response to a question raised by the Board, the ordinance amends the Town Code to substitute the term "assisted living facility" for the term "congregate living facility" so as to be consistent with state statute. Assisted living facilities are a special exception use in both the Commercial General (CG) and Commercial Office (CO) Zoning Districts and are a permitted use in the Medical Commercial (MC) Zoning District. The Code definitions of the terms "assisted living facility" and "group homes" have been amended to specifically exclude substance abuse treatment providers licensed pursuant to Chapter 397, Florida Statutes.

Ordinance No. 669 rezones the six "point lots" north of the intersection of U.S. Highway One and Ocean Drive from the CG Zoning District to the MC Zoning District.

Ordinance No. 670 rezones Seminole Plaza from the CG Zoning District to the MC Zoning District.

As previously discussed with the Board, the rezoning of these properties does not in any way impair the uses currently permitted on these properties; rather the MC Zoning District provides a number of **additional** permitted uses, such as residential substance abuse treatment providers, outpatient substance abuse treatment providers, assisted living facilities, and transient residential uses.

Recommendation:

Staff seeks the Planning and Zoning Board's recommendation to the Town Council on the proposed ordinances in accordance with Section 34-139 of the Town Code. A separate vote should be taken on each of the proposed ordinances.

TOWN OF JUNO BEACH

ORDINANCE NO. 668

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

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

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

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

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

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

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

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

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

WHEREAS, the Town Council determines that the adoption of this Ordinance is in the best interests of the health, safety and welfare of the residents and citizens 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 confirmed and are incorporated herein.

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

ARTICLE I. IN GENERAL

* * *

Sec. 34-4. Definitions.

For the purposes of this chapter, the following terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural the singular; the term "used for" shall include the meaning "designed for"; the term "structure" shall include the term "building"; the term "lot" shall include the terms "plot" and "tract"; the word "shall" is mandatory and not directory.

* * *

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

* * *

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

* * *

Family means ~~a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. The term "family" does not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period~~ one person or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of persons not more than three in

number who are not so interrelated, occupying a dwelling as a single housekeeping unit. The persons thus constituting a family may also include gratuitous guests and domestic servants. Any person under the age of 18 years whose legal custody has been awarded to the state Department of Children and Family Services (DCF) or to a child-placing agency licensed by DCF, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this chapter. Nothing herein shall be construed to include any roomer or boarder as a member of a family.

* * *

Group home means one of the following: a foster care home, a family care home, family day care home, or adult day care home. These group homes are provided for pursuant to the requirements of F.S. chs. 166 and 419 and shall not include substance abuse treatment providers licensed pursuant to F.S. ch. 397.

* * *

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

* * *

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

* * *

Residential substance abuse treatment provider includes the

following licensed providers or facilities as specifically listed in Section 397.311(18), Florida Statutes, providing overnight services: (a) day or night treatment with community housing; (b) detoxification services; (c) medication-assisted treatment for opiate addition; (d) outpatient treatment and intensive outpatient treatment; (e) additions receiving facility; (f) intensive inpatient treatment facility; and (g) residential treatment facility. Residential substance abuse treatment providers may also provide outpatient substance abuse treatment services.

* * *

Transient residential facility means any building, or part thereof, in which the right of use or occupancy of any unit circulates among various occupants for specific periods of time less than a full year during any given year, but not necessarily for consecutive years, in accordance with a fixed time schedule on a periodically recurring basis extending for more than one year. Such accommodations may not include any meals except for breakfast, and the total number of sleeping rooms in any one transient residential facility, not including the owner or operator's, shall not exceed 15. The determination that a building, or part thereof, is a transient residential facility shall be made without regard to the form of ownership of the property or units therein, and it shall be immaterial whether the right of use or occupancy is derived from a leasehold or fee interest. Transient residential facilities are permitted only in the commercial general (CG), medical commercial (MC) and residential transient and multiple-family moderate density (RMT) zoning districts.

* * *

Section 3. The Town Council hereby amends Article II, "Administration and Enforcement," of Chapter 34, "Zoning," of the Town Code of Ordinances to adopt a new Division 8, "Zoning Relief Procedure," to read as follows (additional language underlined):

ARTICLE II. ADMINISTRATION AND ENFORCEMENT.

* * *

DIVISION 8. ZONING RELIEF PROCEDURE

Sec. 34-210. Zoning relief procedure.

(a) *Purpose and applicability.* In order to address possible or alleged violations of federal and state laws, subsequent to implementation of Chapter 34, "Zoning," of the Code of Ordinances or its related rules,

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The denial or other disputed determination of a request for zoning relief pursuant to this section may be appealed to the Town Council by filing a notice of appeal, on a form provided

by the Town Manager, within thirty (30) days of the date of the issuance of the final written determination by the hearing officer in accordance with subsection (d).

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

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

(j) *Additional provisions for zoning relief.* The following provisions shall be applicable:

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

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

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

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

rotating basis. The Town Manager shall notify each hearing officer of each such rotating assignment.

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

ARTICLE III. DISTRICT REGULATIONS

DIVISION I. GENERALLY

* * *

Sec. 34-243. Establishment of zoning districts.

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

District Abbreviation	Zoning District	Applicable Code Division
* * *		
MC	Medical Commercial Zoning District	Article III, division 22

* * *

DIVISION 14. COMMERCIAL GENERAL (CG) ZONING DISTRICT

* * *

Sec. 34-626. Uses permitted.

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

(1) Retail and service establishments, hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.

(2) Business services.

(3) Department stores.

(4) Churches, synagogues or other houses of worship.

(5) Nonprofit cultural centers.

(6) Professional offices (greater than 40,000 gross floor area (GFA)).

(7) Medical & dental offices ~~(greater than 20,000 GFA)~~.

(8) Health spa/gym (greater than 20,000 GFA).

(9) Banks and financial institutions (greater than 50,000 GFA).

(10) Professional or studio-type schools (greater than 50,000 GFA).

(11) Public safety facilities such as fire and/or police stations.

(12) Day care centers, if not adjacent to a residential use or residentially zoned property.

(13) Adult entertainment establishments.

(14) Outpatient substance abuse treatment provider.

Sec. 34-627. Preferred permitted uses.

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

(1) Professional offices (40,000 gross floor area (GFA) or less).

~~(2) Medical and dental offices (20,000 GFA or less).~~

(32) Residential (single-family and/or multifamily dwellings). A maximum 75 percent of the total gross floor area on the site may be used for residential.

(43) Health spa/gym (20,000 GFA or less).

(54) Banks and financial institutions (50,000 GFA or less).

(6~~5~~) Retail deli, bakery.

(7~~6~~) Retail landscape nursery w/outdoor displays.

(8~~7~~) Temporary festive outdoor markets (only fruits, vegetables, plants, flowers, arts, and handcrafted items shall be sold). Maximum two-year temporary permit, renewable at the discretion of the town council.

(~~9~~8) Professional or studio type schools (50,000 GFA or less).

(~~10~~9) Transient residential facilities (maximum 30 units or less for timeshare and maximum 15 rooms or less for bed and breakfast).

(~~11~~10) Hotel/motel (150 rooms/units or less).

* * *

Sec. 34-629. Special exception uses.

Special exception uses in the CG commercial general district are as follows:

(1) Public parking garages

(2) Public and private utility structures.

(3) Fuel service stations (see section 34-869).

(4) Supplemental off-site parking.

(5) Public and private academic schools.

(6) ~~Congregate~~ Assisted living facilities (see article IV, division 12 of this chapter).

(7) Transient residential facility (greater than 30 units for timeshare).

(8) Convenience stores (see section 34-868).

(9) Vehicle minor repair facility (see section 34-870).

(10) Hotel/motel (greater than 150 rooms/units).

(11) Day care centers, if adjacent to a residential use or residentially zoning property.

(12) Uses utilizing optional building site area development modifications identified in section 34-632.

(13) Restaurants and drinking establishments.

* * *

DIVISION 15. COMMERCIAL OFFICE (CO) ZONING DISTRICT

* * *

Sec. 34-654. Uses permitted.

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

(1) Business or professional offices.

(2) Banks and financial institutions.

(3) Churches, synagogues and other houses of worship.

(4) Nonprofit cultural centers.

(5) Medical and dental clinics.

(6) Business and professional training facilities.

(7) Public safety facilities such as fire and/or police stations.

(8) Residential (single-family and/or multifamily dwellings). A maximum 75 percent of the total gross floor area on the site may be used for residential.

(9) Outpatient substance abuse treatment provider.

* * *

Sec. 34-656. Special exception uses.

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

(1) Public and private utility structures.

(2) ~~Congregate~~ Assisted living facilities (see article IV, division 12 of this chapter).

(3) Planned unit developments (see article V of this chapter).

(4) Community shopping centers.

DIVISION 22. MEDICAL COMMERCIAL (MC) ZONING DISTRICT

Sec. 34-850. Purpose.

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

Sec. 34-851. Permitted uses.

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

(1) Retail and service establishments, hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.

(2) Business services.

(3) Department stores.

(4) Churches, synagogues or other houses of worship.

(5) Nonprofit cultural centers.

(6) Professional offices.

(7) Medical & dental offices.

(8) Health spa/gym.

(9) Banks and financial institutions.

(10) Professional or studio-type schools.

(11) Public safety facilities such as fire and/or police stations.

(12) Day care centers, if not adjacent to a residential use or residentially zoned property.

(13) Adult entertainment establishments.

(14) Retail deli/bakery

(15) Residential (single-family and/or multifamily dwellings). A maximum of 75 percent of the total gross floor area on the site may be used for residential.

(16) Hotel/motel (150 rooms/units or less).

(17) Retail landscape nursery w/outdoor displays.

(18) Temporary festive outdoor markets (only fruits, vegetables, plants, flowers, arts, and handcrafted items shall be sold). Maximum two-year temporary permit, renewable at the discretion of the town council.

(19) Outpatient substance abuse treatment provider.

(20) Residential substance abuse treatment provider, subject to a maximum permitted density of 18 dwelling units per acre.

(21) Assisted living facilities (see article IV, division 12 of this chapter).

(22) Transient residential facility (greater than 30 units for timeshare).

Sec. 34-852. Accessory uses.

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

(1) Off-street parking and loading.

(2) Signs.

(3) Drive-in financial facilities.

(4) Accessory uses customarily incidental to the permitted or approved special exception uses.

(5) Satellite dish antennas (see article IV, division 13 of this chapter).

Sec. 34-853. Special exception uses.

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

(1) Public parking garages.

(2) Public and private utility structures.

(3) Fuel service stations (see section 34-869).

(4) Supplemental off-site parking.

(5) Public and private academic schools.

(6) Convenience stores (see section 34-868).

(7) Vehicle minor repair facility (see section 34-870).

(8) Hotel/motel (greater than 150 rooms/units).

(9) Day care centers, if adjacent to a residential use or residentially zoned property.

(10) Restaurants and drinking establishments.

(11) Uses utilizing optional building site area development modifications identified in section 34-856.

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

Site plan and appearance review is required for all uses.

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:

Setback Distance Requirements from Property Line			
Total Lot Area	Front	Side	Rear
1.5 acres or less	25′	20′	20′
More than 1.5 acres to 3 acres	35′	20′*	20′*
More than 3 acres	45′	20′*	20′*
*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.			

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

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

(6) Maximum building height:

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

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

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

(7) Maximum building dimension: 200 feet.

(8) Maximum lot coverage: 40 percent.

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

(10) Minimum parking:

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

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

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

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

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

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

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

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

5. The hours of operation; and

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

(11) Loading: see section 34-985.

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

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

Sec. 34-632. Site area development modification option.

(a) *Purpose and intent.*

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

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

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

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

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

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

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

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

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

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

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

(3) The proposed development includes adequate, safe and appropriate public facilities and services

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

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

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

(1) Minimum total lot area: 10,000 square feet; and the creation of any new lots must meet the minimum requirement of 40,000 square feet.

(2) Minimum lot width: 100 feet.

(3) Minimum lot depth: 100 feet.

(4) Setbacks: See section 34-631(5); covered arcades, cafes, awnings and walkways may extend up to eight feet into a required front or side yard setback provided that the property adjacent to such yard or setback does not have a residential or "R" zoning district designation.

(5) Maximum building height: See section 34-631(8). No building shall exceed 60 feet in height. Notwithstanding the foregoing, the town council may approve five stories within this overall height limitation for buildings with a mix of uses, including a residential component, provided that the town council determines that the applicant has demonstrated that the proposed project meets the purpose and intent of this section.

(6) Maximum building dimension: 300 feet.

(7) Maximum lot coverage: 45 percent.

(8) Minimum landscaped open space: 15 percent. Additionally, all building sides shall be required to install foundation planting materials along a minimum of 30 percent of the length of each facade. Such foundation plantings shall be at least four feet deep, as measured from the edge of the building.

(9) Parking:

a. See section 34-631(12) for parking standards. A minimum of 90 percent of the parking provided for a project shall be located behind the principal buildings and screened from the roadway by structures and/or a heavily landscaped buffer.

b. Preferred permitted nonresidential uses may be permitted up to a 25 percent reduction in the number of spaces required pursuant to section 34-981(b)(5) provided that the town council determines that the applicant has demonstrated that the proposed project meets the purpose and intent of this section. This reduction in required parking shall not be available in conjunction with a shared parking plan.

(10) Signage: Mixed use developments may be entitled to utilize both the commercial and residential sign standards (see article IV, division 6 of this chapter).

Section 5. The Town Council hereby amends Article IV, "Supplemental Regulations," of Chapter 34, "Zoning," of the Town Code of Ordinances to read as follows:

ARTICLE IV. SUPPLEMENTAL REGULATIONS

* * *

DIVISION 3. ADULT ENTERTAINMENT ESTABLISHMENTS

Sec. 34-950. Applicable zoning districts.

Adult entertainment establishments may be permitted in retail centers of a minimum size of 50,000 square feet located in the CG commercial general zoning district and medical commercial (MC) zoning district provided the locational criteria of section 34-951 are met. Such establishments may not be located in outbuildings or on outparcels of such retail centers.

* * *

DIVISION 4. PARKING

* * *

Sec. 34-981. General requirements; off-street parking plan.

* * *

(b) Off-street parking plan.

* * *

(5) *Schedule of off-street parking requirements.*

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

Use	*Space Required Per Unit (unless otherwise specified in a particular zoning district)*
* * *	
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
* * *	
~~Congregate~~ <u>Assisted</u> living facilities	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>

* * *

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, <u>medical commercial (MC)</u> and CO commercial office zoning districts (see section 34-1051(12)

for restrictions). Ornamental signs are regulated separately (see section 34-1055 for restrictions).

* * *

Sec. 34-1051. Signs exempt from permit requirement.

The following signs shall be exempt from the permit requirement:

* * *

(12) Banner signs in the CG commercial general, medical commercial (MC) and CO commercial office zoning districts, provided such banner signs meet the following criteria:

* * *

DIVISION 12. ~~CONGREGATE~~ ASSISTED LIVING FACILITIES

Sec. 34-1246. Applicability.

The requirements of this division shall apply to all ~~congregate~~ assisted living facilities (~~C~~ALFs) within the town. These standards shall prevail over less restrictive standards applicable to such facilities imposed by this chapter or otherwise by law. All ~~C~~ALFs shall be subject to the requirements for special exception uses.

Sec. 34-1247. Maximum density.

The maximum density for any ~~congregate~~ assisted living facility shall be 18 dwelling units per acre.

Sec. 34-1248. Number of residents to be specified.

The total number of residents proposed, including resident staff, for a ~~congregate~~ assisted living facility shall be specified in the initial application and on the approved site plan.

Sec. 34-1249. Conversion to conventional dwelling units.

(a) Conversion to other uses. ~~Congregate~~ Assisted living facilities which are converted to other uses, including other residential uses, shall comply with all regulations in effect at the time of application for building permits for the new use.

(b) Prior to conversion to conventional dwelling units, a building designed to accommodate a ~~congregate~~ assisted living facility shall, if necessary, be structurally modified to comply with residential density restrictions in the comprehensive development plan and this chapter.

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

(1) The conversion will not result in an increase in the number of dwelling units permitted on the site unless the converted project has obtained a valid PUD approval; if that approval has not been granted, the converted project will have to comply with the density permitted in the underlying zoning district; and

(2) The total number of permitted units may be determined by referring to the approved site plan on file with the planning and zoning department.

Sec. 34-1250. Supplemental property development regulations.

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

(b) *Cooking facilities.*

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

(2) *Food preparation in individual living quarters.* Individual kitchen facilities may be provided in the living quarters of a ~~C~~ALF.

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

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

(1) Those accessory land uses customarily necessary to a multiple-family residence; and

(2) Those noncommercial land uses customarily incidental to a ~~congregate~~ assisted living facility, such as a common dining room, a central kitchen, a nursing station, a medical examining room, a chapel, a library, and offices necessary to manage the facility.

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

Sec. 34-1251. Location, concentration and neighborhood compatibility.

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

(1) *Mandatory standards.*

a. Each ~~congregate~~ assisted living facility shall:

1. Be located within five road miles of a full service professional fire rescue station;

2. Not be established on a septic tank; and

3. Not obtain potable water from a private well.

b. A ~~congregate~~ assisted living facility shall be contiguous and have primary access to a paved collector or arterial street.

(2) *Qualitative guidelines.* Each application for a special exception for a ~~congregate~~ assisted living facility shall also be evaluated based on the following qualitative guidelines. No 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 paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

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

Section 9. This ordinance shall be effective immediately upon adoption.

FIRST READING this _____ day of _____, 2014.

SECOND, FINAL READING AND ADOPTION this _____ day of _____, 2014.

_____	_____	_____
AYE	NAY	MORTON LEVINE, MAYOR
_____	_____	_____
AYE	NAY	BILL GREENE, VICE MAYOR
_____	_____	_____
AYE	NAY	ELLEN ANDEL, VICE MAYOR PRO TEM
_____	_____	_____
AYE	NAY	JIM LYONS, COUNCILMEMBER
_____	_____	_____
AYE	NAY	JASON HASELKORN, COUNCILMEMBER

ATTEST:

_____
VANESSA M. DUNHAM
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
LEONARD G. RUBIN
TOWN ATTORNEY

TOWN OF JUNO BEACH, FLORIDA

ORDINANCE NO. 669

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, REZONING SIX PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 5.04 ACRES IN SIZE LOCATED ON THE EAST SIDE OF U.S. HIGHWAY ONE AND NORTH OF THE INTERSECTION OF U.S. HIGHWAY ONE AND OCEAN DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM THE COMMERCIAL GENERAL (CG) ZONING DISTRICT TO THE MEDICAL COMMERCIAL (MC) ZONING DISTRICT; AMENDING THE TOWN ZONING MAP; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town initiated an amendment to the its Zoning Code to create a new Medical Commercial (MC) Zoning District; and

WHEREAS, the Town wishes to rezone six parcels of property totaling approximately 5.04 acres, as more particularly described in Composite Exhibit "A" attached hereto and incorporated herein ("Property") from the Commercial General (CG) Zoning District to the Medical Commercial (MC) Zoning District; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has conducted a public hearing on the proposed amendment to the Town's Zoning Map; and

WHEREAS, the Town Council has conducted two public hearings and determines that the rezoning of the Property is consistent with the Town Comprehensive Plan and meets the criteria for amendments to the Town's Zoning Map as set forth in Article II, Division 5 of Chapter 34 of the Town Code of Ordinances; 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.

Section 2. The Town Council hereby amends the Town's Zoning Map to change the zoning designation of six contiguous parcels of real property totaling approximately 5.04 acres, as described in Composite Exhibit "A" attached hereto and incorporated herein, from Commercial General (CG) to Medical Commercial (MC).

Section 3. The Planning and Zoning Director is hereby directed ensure that the Town Zoning Map is amended to reflect the rezoning of the property.

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

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

Section 6. This Ordinance shall be effective immediately upon adoption.

FIRST READING this _____ day of _____, 2014.

SECOND, FINAL READING AND ADOPTION this _____ day of _____, 2014.

_____	_____	_____
AYE	NAY	MORTON LEVINE, MAYOR
_____	_____	_____
AYE	NAY	BILL GREENE, VICE MAYOR
_____	_____	_____
AYE	NAY	ELLEN ANDEL, VICE MAYOR PRO TEM
_____	_____	_____
AYE	NAY	JIM LYONS, COUNCILMEMBER
_____	_____	_____
AYE	NAY	JASON HASELKORN, COUNCILMEMBER

ATTEST:	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
_____	_____
VANESSA M. DUNHAM	LEONARD G. RUBIN
TOWN CLERK	TOWN ATTORNEY

COMPOSITE EXHIBIT "A"

Parcel One (12750 U.S. Highway One)

PCN: 28-43-41-33-00-002-0020

A parcel of land in Section 33, Township 41 South, Range 43 East, Palm Beach County, Florida and more particularly described as follows:

From the quarter section corner of the north line of said Section 33, said quarter section corner being a point in the easterly right-of-way line of State Road Number 5 (U.S. Highway #1) (120 foot right-of-way) as shown on the Plat recorded in Road Plat Book 2, Page 118, Palm Beach County Public Records, run southwardly along said right-of-way line of State Road Number 5, 200.04 feet, more or less, to a point in a line parallel to and 200 feet southwardly from (measured at right angles) the north line of said Section 33; then run southwardly along the said line of State Road Number 5, 924.1 feet, more or less, to the point of beginning; running thence (1) along said line of State Road Number 5 southwardly along a curve to the right with a radius of 11,459.2 feet the arc distance of 200 feet (the chord bearing and distance of said are being south 6 degrees 14 minutes 08 second west 19.92 feet) to a concrete monument in the south line of Government Lot 2 of said Section 33; thence (2) along said line of Government Lot 2 south 87 degrees 39 minutes 52 seconds east 70.28 feet to a concrete monument in the westerly right-of-way line of Ocean Drive (formerly State Road Number 5 and to be designated as A-1-A) (66 foot right-of-way); thence (3) along said line of Ocean Drive north 16 degrees 51 minutes 08 seconds east 26.60 feet to an iron pipe at a point of curve in the said line of Ocean Drive; thence (4) northeastwardly along a curve to the right with a radius of 5,762.65 feet and an arc distance of 193.21 feet (the chord bearing and distance of said arc being north 17 degrees 19 minutes 08 seconds east 193.20 feet) to an iron pipe in line of land now or formerly of Jet Industries, Inc; and thence (5) along said line of land of Jest Industries, Inc., north 84 degrees 03 minutes 52 seconds west 112.18 feet to the place of beginning.

Parcel Two (12770 U.S. Highway One)

PCN: 28-43-41-33-00-002-0070

A parcel of land in Section 33, Township 41 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

From the quarter section corner on the North line of said Section 33, said corner being a point in the easterly right of way line of State Road No. 5 as shown in Road Plat Book 2, Page 118, Palm Beach County Public Records, run Southerly along said Easterly right of way line a distance of 202.99 feet to the beginning of a curve, concave to the West, having a radius of 11,519.20 feet; thence Southerly along the arc of said curve and easterly right of way line, subtending an angle of 4 01'45" a distance of 810.06 feet; thence South 83 48'46" East (the North line of Section 33 is assumed to bear North 87 46'35" West and all other bearings mentioned herein are relative thereto) 69.29 feet to the Point of Beginning of the herein described parcel; thence continue South 83 48'46" a distance of 71.86', more or less, to a point in the Westerly right of way line of Ocean Boulevard (old U.S. No. 1), said point also being on a curve concave to the East having a radius of 5762.65 feet; thence Southerly along the arc of said curve and along said right of way subtending angle of 1 07'25" a distance of 113.00 feet; thence North 83 48'46" West a distance of 38.50 feet; thence North 2 17'41" East a distance of 110.25 feet, more or less, to the Point of Beginning.

Parcel Three (12800 U.S. Highway One)

PCN: 28-43-41-33-16-000-0010

All of the Plat of Boundary Plat of Seminole Point Properties, according to the Plat thereof recorded in Plat Book 54, Page 78 of the Public Records of Palm Beach County, Florida

Parcel Four (12830 U.S. Highway One)

PCN: 28-43-41-33-00-002-0050

The South 150 feet of the North 400 feet of a parcel of land in Section 33, Township 41 South, Range 43 East, Palm Beach County, Florida as per the following legal description:

From the quarter section corner in the North line of said Section 33, said quarter section corner being a point in the Easterly right-of-way line of Sate Road No. 5, as shown on the plat recorded in Road Plat Book 2, Page 118, Palm Beach County public records, run Southerly along the said Easterly right-of-way a distance of 202.99 feet to the point of curvature of a circular curve, concave to the West, radius 11,519.2 feet;

thence Southerly along the arc of said curve and along said Easterly right-of-way line, through a central angle of 0°28'58", a distance of 97.06 feet more or less to a point in the said Easterly right-of-way line, said point being the intersection of said Easterly right-of-way line and a line parallel with the 300 feet Southerly from (measured at right angles to) said North line of Section 33, and said point being the point of beginning and the Northwesterly corner of the herein described parcel;
thence Southerly along the arc of said curve and the said Easterly right-of-way line, a distance of 923 feet, more or less, to a point, said point being 220 feet Northerly from (measured along the said Easterly right-of-way line) the intersection of the said Easterly right-of-way line and the South line of Government Lot 2, Section 33, Township 41 South, Range 43 East;

thence run Easterly a distance of 112.18 feet, more or less, to a point in the Westerly right-of-way line of State Road A-1-A (Ocean Drive) formerly State Road No. 5, said point being 218.91 feet Northerly from (measured along said Westerly right-of-way line) the South line of Government Lot 2;

thence Northerly along said Westerly right-of-way line of said Road A-1-A, a distance of 885.27 feet, more or less, to a point, said point being the intersection of the said Westerly right-of-way line and a line parallel with the 300 feet Southerly from (measured at right angles to) the North Line of Section 33;

thence Westerly along said parallel line, a distance of 395.17 feet, more or less, to the Point of Beginning.

Parcel Five (Vacant)

PCN: 28-43-41-33-27-000-0000

All of the Plat of Palms of Juno Beach, according the Plat thereof recorded in Plat Book 111, Pages 39 and 40 of the Public Records of Palm Beach County, Florida

Parcel Six (12870 U.S. Highway One)

PCN: 28-43-41-33-00-002-0030

A parcel of land in Section 33, Township 41 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

From the Quarter Section corner in the North line of said Section 33, said Quarter Section corner being a point in the easterly right-of-way line of State Road No. 5, as shown on the plat recorded in Road Plat Book 2, Page 118, Palm Beach County Public Records, run southerly along the said easterly right-of-way line a distance of 202.99 feet to the point of curvature of a circular curve, concave to the west, radius 11,519.2 feet; thence southerly along the arc of said curve and along the Easterly right-of-way line, through a central angle of 0°28'58", a distance of 97.06 feet, more or less, to a point in the said Easterly right-of-way line, said point being the intersection of said easterly right-of-way line and a line parallel with and 300 feet southerly from (measured at right angles to) the said north line of Section 33, and said point being the Point of Beginning and the Northwesterly corner of the herein described parcel; thence southerly along the arc of said curve and the said easterly right-of-way line, a distance of 823 feet, more or less, to a point, said point being 220 feet northerly from (measured along the said easterly right-of-way line), the intersection of the said easterly right-of-way line and the south line of Government Lot 2, Section 33, Township 41 South, Range 43 East; thence run easterly, a distance of 112.18 feet, more or less, to a point in the westerly right-of-way line of State Road A-1-A (Ocean Drive), formerly State Road No. 5, said point being 218.91 feet northerly from (measured along said westerly right-of-way line of State Road A-1-A) the intersection of said westerly right-of-way line with the south line of said Government Lot 2; thence northerly, along said westerly right-of-way line of State Road A-1-A, a distance of 885.27 feet, more or less to a point, said point being the intersection of the said westerly right-of-way line and a line parallel with and 300 feet southerly from (measured at right angles to) the North line of said Section 33; thence westerly along said parallel line, a distance of 395.17 feet, more or less, to the Point of Beginning. Containing 4.7 acres, more or less.

TOWN OF JUNO BEACH, FLORIDA

ORDINANCE NO. 670

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, REZONING A PARCEL OF PROPERTY APPROXIMATELY 5.13 ACRES IN SIZE LOCATED ON THE WEST SIDE OF U.S. ONE AND NORTH OF ROLLING GREEN ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN, GENERALLY KNOWN AS SEMINOLE PLAZA FROM THE COMMERCIAL GENERAL (CG) ZONING DISTRICT TO THE MEDICAL COMMERCIAL (MC) ZONING DISTRICT; AMENDING THE TOWN ZONING MAP; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town initiated an amendment to the its Zoning Code to create a new Medical Commercial (MC) Zoning District; and

WHEREAS, the Town wishes to rezone a parcel of property approximately 5.13 acres in size, as more particularly described in Exhibit "A" attached hereto and incorporated herein ("Property") from the Commercial General (CG) Zoning District to the Medical Commercial (MC) Zoning District; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has conducted a public hearing on the proposed amendment to the Town's Zoning Map; and

WHEREAS, the Town Council has conducted two public hearings and determines that the rezoning of the Property is consistent with the Town Comprehensive Plan and meets the criteria for amendments to the Town's Zoning Map as set forth in Article II, Division 5 of Chapter 34 of the Town Code of Ordinances; 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.

Section 2. The Town Council hereby amends the Town's Zoning Map to change the zoning designation of the approximately 5.13 acre of real property described in Exhibit "A" attached hereto and incorporated herein from Commercial General (CG) to Medical Commercial (MC).

Section 3. The Planning and Zoning Director is hereby directed ensure that the Town Zoning Map is amended to reflect the rezoning of the property.

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

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

Section 6. This Ordinance shall be effective immediately upon adoption.

FIRST READING this _____ day of _____, 2014.

SECOND, FINAL READING AND ADOPTION this _____ day of _____, 2014.

_____	_____	_____
AYE	NAY	MORTON LEVINE, MAYOR
_____	_____	_____
AYE	NAY	BILL GREENE, VICE MAYOR
_____	_____	_____
AYE	NAY	ELLEN ANDEL, VICE MAYOR PRO TEM
_____	_____	_____
AYE	NAY	JIM LYONS, COUNCILMEMBER
_____	_____	_____
AYE	NAY	JASON HASELKORN, COUNCILMEMBER

ATTEST:	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
_____	_____
VANESSA M. DUNHAM	LEONARD G. RUBIN
TOWN CLERK	TOWN ATTORNEY

EXHIBIT "A"

13205 U.S. Highway One

PCN: 28-43-41-28-41-001-0000

All of the plat of Seminole Plaza according to the Plat thereof, as recorded in Plat Book 53, Page 157 of the Public Records of Palm Beach County, Florida.