

**ORDINANCE NO. 39-10**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, PROVIDING FOR THE AMENDMENT OF CHAPTER 27, ENTITLED "ZONING" CREATING A NEW ARTICLE XIX TO BE ENTITLED "SMALL SCALE PLANNED UNIT DEVELOPMENT"; PROVIDING FOR A PURPOSE AND INTENT; PROVIDING FOR ADMINISTRATIVE SMALL SCALE PLANNED UNIT DEVELOPMENTS AND AMENDMENTS THERETO; PROVIDING FOR WAIVERS OF CERTAIN ZONING REGULATIONS; PROVIDING FOR USE REGULATIONS IN NON-RESIDENTIAL DISTRICTS; PROVIDING FOR RESIDENTIAL DENSITY BONUSES FOR THE PROVISION OF WORKFORCE HOUSING; PROVIDING FOR DESIGN REGULATIONS; PROVIDING FOR THE AUTHORITY TO WAIVE CERTAIN LANDSCAPING REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Jupiter, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapters 163 and 166, Florida Statutes; and

**WHEREAS**, the Town Council has adopted certain land development regulations which have been codified in Chapter 27 of the Town Code, entitled "Zoning"; and

**WHEREAS**, the Town Council has determined that the public's health, safety, and general welfare would be furthered by the creation of land development regulations

which provide for creation of small scale planned unit developments within the Town;  
and

**WHEREAS**, the Town Council has determined that the development of parcels of land that are less than 10 acres as planned unit developments would facilitate good planning practices in furtherance of the public's health, safety and general welfare.

**NOW, THEREFORE**, be it ordained by the Town Council of the Town of Jupiter, Florida that:

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

**Section 2.** Chapter 27 of the Town Code entitled "Zoning" is hereby amended to create a new Article XIX to be entitled "Small Scale Planned Unit Development", as follows:

**ARTICLE XIX. SMALL SCALE PLANNED UNIT DEVELOPMENT (PUD)**

**27-1830. Purpose and intent.**

- (1) Provide a method for parcels of land which are less than 10 acres, to develop as small scale planned unit developments;
- (2) Provide for design flexibility through the waiver of certain development regulations;
- (3) Provide for accessory residential in nonresidential zoning districts and mixed use in residential zoning districts;
- (4) Provide for unified design concepts compatible with the purpose and intent of the redevelopment overlay area or compatible with the context of the area if not in a redevelopment overlay area;
- (5) Provide incentives for private investment, redevelopment and reuse;

- (6) Provide for a method that allows the reuse, expansion or change of use of a previously approved development or property that increases the intensity or density on a site;
- (7) Foster the development of infill parcels;
- (8) Encourage workforce housing;
- (9) Encourage use of green design theories and techniques;
- (10) Encourage bioscience uses consistent with the Bioscience Overlay;
- (11) Encourage historic/archeological preservation and transportation improvements above the minimum code requirements.

**Section 27-1831 Small Scale Planned Unit Development requirements.**

- (1) A small scale planned unit development may depart from the strict application of property development regulations for the zoning district in which it is located. However, the small scale planned unit development regulations shall not be used to evade the land development regulations enacted by the Town. Rather, the regulations shall only be available to applicants who demonstrate that there are mutual benefits to both the applicant and the Town.
- (2) Applicants for small scale planned unit developments shall demonstrate that the development provides public benefits by meeting one or more of the following:
  - (a) Meeting the general planning principals and land development regulations of the redevelopment overlay area (ROA) designated by Article IX of Chapter 24, as applicable;
  - (b) Utilize green design theories and techniques in accordance with the green building program provided for in Article X, Division 40 and provide methods to ensure the public celebration or education of constructed and installed green

design theories such as the use of EcoArt, educational display and/or interpretative signs;

(c) Provide workforce housing units which exceed the number of units required to implement Policy 1.2.11 of the Housing Element of the Comprehensive Plan;

(d) Accommodate high technology and life science uses including bioscience research or biotechnology consistent with the Bioscience Overlay of the Town's Comprehensive Plan by designating square footage in a building as part of a development application.

(e) Designation of a locally historic site, structure or building; and/or turning over significant archeological artifacts to the Town for display, public access and display of any found archeological artifacts on the subject property, and including the incorporation of on-site interpretive signage associated with the preservation of any historic/archeological sites.

(f) Provide for traffic or transportation right-of-way, easements, or improvements above and beyond the requirements to meet traffic concurrency.

(3) Applications for small scale PUDs shall be comprised of land less than 10 acres.

**Section 27-1832. Reviewing authority and application procedure for small scale planned unit developments.**

(1) Applications for an administrative small scale PUD shall demonstrate that the following criteria have been met:

(a) The land area shall not exceed two acres;

(b) Waivers to zoning regulations, as noted in Section 27-1833, shall not exceed twenty percent;

(c) Reductions in on-site parking requirements through the use of off-site parking shall meet Section 27-1261;

- (d) The approval of shared parking shall not result in a reduction of more than 15 percent of the number of parking spaces that would be required without shared parking;
- (e) Parking space size is not reduced for more than 20% of the total required spaces. The reduction in size shall meet the standards for compact parking spaces, as defined in Section 27-1258;
- (f) The application is limited to no more than three accessory residential units;
- (g) Amendments to approved small scale PUDs that were approved by the Town Council meeting the thresholds established in section 27-132;
- (h) Any application for a small scale planned unit development which meets the criteria listed in section 27-1832(1) above may be subject to review of the Planning and Zoning Commission and the approval of the Town Council, if the Director of the Planning and Zoning Department determines that the application would significantly alter the character and/or detract from the overall appearance of the areas;
- (i) If the subject property is located in a redevelopment overlay area (ROA), the general planning principals of the applicable ROA shall be met.
- (2) Applications for a small scale PUD requiring review of the Planning and Zoning Commission and approval by the Town Council include:

  - (a) Applications that exceed the criteria established in section 27-1833(1)(a) through (i);
  - (b) Applications that are over two acres but less than 10 acres in size;
- (3) Amendments to approved small scale PUDs shall refer to Section 27-916;
- (4) Application procedures for small scale PUDs shall refer to Section 27-939.

**Section 27-1833. Waivers of zoning regulations for small scale planned unit developments.**

(1) Subject to the Town Council or the Director of Planning and Zoning's determination that a small scale PUD's public benefit, is provided as required and enumerated in section 27-1831, the following waivers for a small scale PUD may be approved provided the purpose and intent of the applicable regulations are met:

(a) Building setbacks;

(b) Parking, except that administrative approvals shall be limited to shared parking per section 27-1260, off-site parking per section 27-1261, and compact parking spaces per section 27-1258;

(c) Parking aisle width;

(d) Building height:

1. Administrative approvals shall be limited to increasing the building height but not the number of stories. Provided, however that a building which is permitted increased height because it is a bioscience, life sciences, bioscience technology, high tech, laboratory, and/or office research use is not eligible for a waiver of the permitted additional building height;

2. Town Council approvals for building height waiver(s) are not limited.

(e) Green space, provided the total amount of green space is not less 50% of the required green space for the zoning district;

(f) Landscaping or buffer requirements, including walls or fences;

(g) Lot coverage;

(h) Lighting;

(i) Right-of-way.

- (2) Applications shall identify and explain the nature of each waiver requested, and the extent to which the requested waiver departs from the regulations established by this chapter. The Town Council or the Department of Planning and Zoning may require additional information to explain or justify a requested waiver.
- (3) The Town Council or the Director of Planning and Zoning may require or increase requirements of any of the following regulations, to mitigate the potential impacts of waiving:
- (a) Landscaping, including but not limited to larger size plant material and/or interior landscaping planted in an east-west configuration for shade dispersion;
  - (b) Building setbacks;
  - (c) Green space and/or environmental preservation areas either on-site or off-site per Section 26-77 "Alternative forms of mitigation".
  - (d) Recreation or other public land either on-site or off-site;
  - (e) Reduced building height; and/or
  - (f) Workforce housing.
- (4) Waivers for a small scale planned unit development may be approved by the Planning and Zoning Director or the Town Council, upon a finding that the applicant has provided a defined public benefit pursuant to Section 27-1831(2).

**Section 27-1834. Use regulations in non-residential districts.**

- (1) Accessory residential units, as defined in Section 27-1669.1 of this Chapter, may be permitted in the medical center, commercial, industrial, quasi-public institutional and public institutional zoning districts.
- (2) Any proposed or existing auto oriented uses shall be designed or redeveloped to provide:

- (a) A street edge with buildings, low wall or fencing, additional landscaping to screen stored or parked vehicles, and/or a pedestrian amenity;
  - (b) A pedestrian entrance or walkway and architectural feature facing or abutting the street including but not limited to an arbor, entrance feature, or covered walk;
  - (c) Relocate the vehicular use areas to the side and/or rear of the building to the extent feasible.
- (3) Residential dwelling unit(s) which is proposed to be located above a bar or restaurant shall provide a one story buffer between uses or condition limiting the hours of operation of the bar or restaurant shall be required. If the hours of operation of an existing business are limited, the condition may not be required.

**Section 27-1835. Residential density bonuses.**

- (1) The Town Council may allow a density bonus of up to two dwelling units per acre above the density permitted in the residential or mixed use zoning districts consistent with the Comprehensive Plan.
- (2) Additional residential density may be approved for a small scale PUD in the mixed use zoning districts located outside of the Inlet Village Sector in accordance with the Town's Comprehensive Plan, specifically Housing Element Policy 1.2.11, and land development regulations provided the total density does not exceed 15 dwelling units per acre.
- (3) Additional residential density may be approved for a small scale PUD in a residential or mixed use zoning districts within the Inlet Village Sector in accordance with the Town's Comprehensive Plan, specifically Housing Element Policies 1.2.11 and 1.2.13, and land development regulations provided the total density does not exceed 15 dwelling units per acre.

**Section 27-1836. Design regulations for small scale planned unit developments.**

(1) All buildings shall face and provide a primary pedestrian access to a right-of-way, plaza, square, muse, courtyard or other publicly accessible area.

(2) Parking regulations.

(a) Parking under a building, or along arterial and collector roads, is permitted at-grade provided the parking is concealed with a building that contains some active use on the first floor, unless located on a nonconforming lot of record. If parking is proposed along a local street or road easement, the parking area underneath the building shall be concealed in accordance with the parking structure standards of Section 27-860.8(4) of this Code.

(b) No more than 25% of the required parking may be located in front of a building. The remainder of the parking shall be located to the rear or the side of the buildings to minimize off-street parking areas adjacent to street frontages. Off-street parking areas shall be setback at least 50 feet from any street intersections.

(c) Any alternative parking surfaces such as rock, gravel, or grass-crete may be approved by the Town Council provided the Town's requirements for stormwater quality and quantity and the Americans with Disabilities Act are met.

(3) Street and access regulations.

(a) New streets, road easements or vehicular access drives shall be connected to the existing road system to facilitate wherever possible a gridded roadway network pattern.

(b) All small scale planned unit developments shall provide vehicular and pedestrian cross access easements to adjacent properties to facilitate connectivity to abutting properties and streets.

(4) Architectural design regulations. The Town Council and Planning and Zoning Director may require buildings and structures to incorporate architectural features such as breezeways, detailing and fenestration related to the scale and mass of buildings, and a particular architectural style within small scale planned unit developments to create visual interest and provide for a pedestrian and residential scale.

(5) Parking structures shall meet the standards of Section 27-860.8(4) of this Code.

(6) All buildings shall provide the following elements:

- (a) Detailing and fenestration consistent with the front façade for all sides of a building which can be viewed by the public.
- (b) Ground level shade or coverings/awnings over the sidewalks;
- (c) Architectural detailing and fenestration elements that have a pedestrian scale with proportions and rhythm;
- (d) Clearly delineated building floors by using historically correct architectural elements such as balconies, arcades, colonnades, and awnings;
- (e) A pedestrian entrance facing the street and publicly viewed areas;

(7) Outdoor spaces such as a porch, patio terrace, balcony, stoop, arcade, colonnades or other features are required for all residential uses in accordance with the following design standards:

- (a) A balcony, deck, or terrace shall be located above the first floor for each residential unit proposed.
- (b) Outdoor space shall be provided with sufficient room to accommodate seating or the congregation of people;
- (c) Outdoor space shall be accessible from all residential dwelling units.

**Section 27-1837. Waivers to Landscape regulations.**

- (1) The interior landscape requirements of Section 23-62 may be reduced or waived by the Town Council or the Director of Planning and Zoning provided there is a finding that at least two of the features listed below have been incorporated into the small scale planned unit development:
  - (a) Alternative methods of shade have been provided to reduce heat gain in vehicle use areas, including but not limited to the provision of plantings in medians which achieve an east/west exposure, landscape diamonds for trees/palms with aeration holes;
  - (b) The use of a 3' high, low fence or wall shall be required to screen vehicle use areas from streets, alleys or interior drive aisles if landscaping or hedge material is not used to screen vehicle use areas;
  - (c) The use of landscape materials to soften the amount of hardscape such as vines on walls, espalier, potted plants, hanging baskets, window boxes;
  - (d) Creative hardscape design such as use of decorative pavers, colored concrete, and/or grass pavers;
  - (e) Proposed trees exceeding the minimum height requirements of the code.
- (2) The landscape buffer requirements, the amount of landscape buffer materials and/or the width of the landscape buffer, may be reduced between residential and non-residential zoning districts provided a minimum 6' high concrete wall is provided between the two properties.
- (3) Small scale planned unit developments shall provide street trees or palms, as required by the Town Council or the Director of Planning and Zoning.
- (4) At least 50 percent of the required greenspace shall be provided within 75 feet from the street and shall be consolidated into areas such as landscape buffers, foundation plantings, shaded and landscaped plazas, preserve areas, and/or interior landscape.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Codification.** The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

**Section 6. Effective Date.** This Ordinance shall become effective upon the full satisfaction of all conditions set forth herein as determined by the Town.

Upon First Reading this 9<sup>th</sup> day of September, 2010, the foregoing Ordinance was offered by Councilor Robert M. Friedman, who moved its adoption. The motion was seconded by Councilor Todd R. Wodraska, and upon being put to a roll call vote, the vote was as follows:

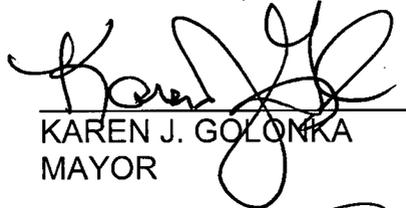
	AYE	NAY
MAYOR KAREN J. GOLONKA	Absent	
VICE-MAYOR WENDY HARRISON	X	
COUNCILOR ROBERT M. FRIEDMAN	X	
COUNCILOR JIM KURETSKI		X
COUNCILOR TODD R. WODRASKA	X	

Upon Second Reading this 21<sup>st</sup> day of December, 2010, the foregoing Ordinance was offered by Councilor Robert M. Friedman, who moved its adoption. The motion was seconded by Vice-Mayor Wendy Harrison, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR WENDY HARRISON	X	
COUNCILOR ROBERT M. FRIEDMAN	X	
COUNCILOR JIM KURETSKI	X	
COUNCILOR TODD R. WODRASKA	X	

The Mayor thereupon declared Ordinance 39-10 duly passed and adopted this 21<sup>st</sup> day of December, 2010.

TOWN OF JUPITER, FLORIDA

BY:   
 KAREN J. GOLONKA  
 MAYOR

ATTEST:

  
 SALLY M. BOYLAN, MMC  
 TOWN CLERK



(TOWN SEAL)

  
 THOMAS J. BAIRD, ESQ.  
 Approved as to form and legal sufficiency