

ORDINANCE NO. 348

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE TOWN OF JUPITER ISLAND, BY AMENDING ARTICLE II, DEFINITIONS, TO ADD A DEFINITION OF POND; AMENDING ARTICLE IV, SUPPLEMENTAL REGULATIONS, DIVISION III, DEVELOPMENT STANDARDS, BY ADDING SECTION 3.20, POND DESIGN, CONSTRUCTION, AND MAINTENANCE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Land Development Regulations of the Town of Jupiter Island are hereby amended at Article II, Definitions; Section 1.00, to provide new definition of “Pond”, as follows:

“Pond - A pond is a body of standing water, either natural or man-made. Man-made ponds may be created specifically for habitat restoration, including water treatment, or for stormwater management. Others, like water gardens and koi ponds, are designed for aesthetic ornamentation as landscape or architectural features. Man-made ponds shall meet the Town regulations found in Article IV, Division III, Section 3.20.”

Section 2. The Land Development Regulations of the Town of Jupiter Island are hereby amended at Article IV, Supplemental Regulations, Division III, Development Standards, by adding Section 3.20, to read as follows:

“Sec. 3.20 Pond Design, Construction, and Maintenance.

- A. Maximum pond size (surface area) shall be 40% of total allowable floor area for the property.
- B. Pond setbacks shall equal or exceed all front, side and rear yard setback lines, or from the waterfront setback lines for properties located along the Intracoastal or ocean.
- C. Pond slopes shall not exceed a 4:1 pitch and pond depth shall not to exceed six (6) feet.
- D. Six foot high structural barriers (walls or fences) shall be installed along lot lines of neighboring properties.
- E. All ponds shall be lined with an EPDM rubber (or equivalent) liner.
- F. All ponds shall be provided with the circulation and filtration of water.
- G. Back-up power shall be provided to all pond equipment
- H. Minimum pond water levels per the plans shall be maintained, except to the extent not allowed by law during times of water restrictions.
- I. All pond equipment shall meet the setback and burial requirements of mechanical equipment found in Article IV, Section 3.18.
- J. Ponds with a water depth of 24 inches or greater shall be posted “No Swimming”.
- K. Natural (such as the use of certain fish), mechanical, or chemical means to mitigate the nuisances of mosquitoes and frogs shall be supplied to the pond.
- L. All ponds shall have properly engineered stormwater management to handle overflows and contain the water on the property.

- M. A basic operations and maintenance agreement shall be executed between the Town and property owner, in recordable format, stipulating that the Town has the ability to mitigate a pond that is not maintained to these standards or mitigate a pond that becomes a nuisance. All costs borne by the Town shall be paid by the pond owner.
- N. The owner shall provide a plan to the Town to mitigate offensive sound / noise created from animals attracted to the pond, the movement of water, and pond equipment.
- O. The Pond shall be maintained in good working condition at all times, in a manner consistent with the pond plans, specifications, and applicable laws and regulations.
- P. Pond maintenance shall include, without limitation, performing the following on a regular basis:
 - 1. Keeping the Pond in a clean, safe, and sanitary condition; and
 - 2. Mowing the grass around the Pond and removing all debris from the Pond.
- Q. Owner shall provide annually to the Town a statement that the pond is being maintained in compliance with the pond maintenance standards.”

Section 3. Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severability.

If any court of competent jurisdiction holds any word, part, section, paragraph or provision hereof to be unlawful or unconstitutional, such ruling or finding shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

Section 5. Codification.

This ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Jupiter Island.

Section 6. Effective Date.

This Ordinance shall become effective immediately upon passage.

PASSED UPON FIRST READING THE 16th DAY OF SEPTEMBER, 2014.

PASSED AND ADOPTED UPON SECOND READING THE FOLLOWING PUBLIC HEARING THE _____ DAY OF _____, 2014.

(SEAL)

TOWN OF JUPITER ISLAND, FLORIDA

Mayor

Vice Mayor

Commissioner

Commissioner

Commissioner

ATTEST:

Clerk