

ORDINANCE NO. 347

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, SO AS TO ADD A DEFINITION OF ENTRANCE FEATURE; AMENDING ARTICLE IV, SUPPLEMENTAL REGULATIONS, DIVISION III, DEVELOPMENT STANDARDS, BY MODIFYING SECTION 3.06 AND 3.16 REGARDING GATES, BY ADDING SECTION 3.18, MECHANICAL EQUIPMENT, AND BY ADDING SECTION 3.19, ENTRANCE FEATURE; BY AMENDING ARTICLE X DEVELOPMENT REVIEW AND APPROVAL: STANDARDS AND UNIFORM PROCEDURES; DIVISION II, IMPACT REVIEW, BY ADDING SECTION 2.03.G.7, STANDARDS FOR IMPACT REVIEW OF DEMOLITION, AND BY AMENDING DIVISION VIII, APPEALS, AT SECTION 8.01, BY WHOM TAKEN, SECTION 8.02, APPEAL PERIOD, SECTION 8.03, REVIEW BY TOWN COMMISSION, AND SECTION 8.04 RELATING TO SUSPENSION OF WORK UNTIL APPEAL RESOLVED; 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 "Entrance Feature", as follows:

"Entrance Feature: Any decorative structures, hardscape elements, landscape elements, or combination thereof, located at the entrance to a property or along the right-of-way boundaries, created with the expressed purpose of identifying or drawing attention to the property and/or exercising control of ingress and egress to the property. An Entrance Feature may include, although not necessarily be limited to, statues, decorative structures, earthworks, water bodies, fountains, ornamental light structures, flagpoles and landscape elements, either singly or in any combination thereof".

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 amending Sections 3.06.B. and 3.16 and adding Sections 3.18 and 3.19, to read as follows:

Sec. 3.06 Walls, Fences, and Bulkheads/Seawalls.

B. Height.

1. Within the front and side yards, no wall, gate or fence shall be constructed which exceeds six (6) feet in height, measured as follows:
 - a. in front yards, the vertical distance from the crown of the public road on which the front yard abuts to the highest point on the wall or fence; and
 - b. in other areas, the vertical distance from the finished grade adjacent to the wall or fence to the highest point on the wall or fence.

2. Within the building envelope, no wall, gate or fence which is not attached to a building shall be constructed which exceeds six (6) feet in height, except that mesh fences enclosing tennis courts may be constructed up to ten (10) feet in height. For the purpose of this paragraph, height is measured as the vertical distance from the finished grade adjacent to the wall or fence to the highest point on the wall or fence.

Sec. 3.16 Gates.

Gates shall be screened from all public rights-of-way to the fullest extent possible, or and set back from the front lot line a distance equal to one-third (1/3) of the depth of the required front yard, except on those lots south of the "S Curve" along South Beach Road and lots in the C-35 District. No gate shall be installed or maintained unless the Town's Public Safety Department has a means of immediate access to the property.

"Sec. 3.18 Mechanical Equipment.

- A. All mechanical equipment must be placed within the building envelope, unless placed completely below grade, as in an underground vault.
- B. Generators placed outdoors shall be contained within a factory-built enclosure specific for the size and type generator.
- C. All above-grade mechanical equipment shall be located behind a masonry site wall, wall to be at least as tall as the tallest piece of equipment meant to be screened, up to a height of six feet.
- D. All cooling towers shall be sunken into the earth at least three feet and screened with a six foot tall masonry wall.
- E. The maximum sound level of operating mechanical equipment shall not exceed 60 dBA during the daytime (8:00 am to 7:59 pm) and shall not exceed 55 dBA during the nighttime (8:00 pm to 7:59 am). These sound levels may be measured 7 meters from the equipment or at the property lines."

"Sec. 3.19 Entrance Feature.

All new entrance features, as defined in Article II, shall be subject to review by the Impact Review Committee."

Section 3. The Land Development Regulations of the Town of Jupiter Island are hereby amended at Article X, Development Review and Approval; Standards and Uniform Procedures, Division II, Impact Review, by amending Section 2.03, Standards for Impact Review of Demolition Applications, by adding subsection G.7, to read as follows:

"Sec. 2.03.G.7. Buildings proposed for demolition will receive pest control services to control rodents before and after the demolition."

Section 4. The Land Development Regulations are hereby amended at Article X, Development Review and Approval: Standards and Uniform Procedures; Division VIII, Appeals, to read as follows:

ARTICLE X DEVELOPMENT REVIEW AND APPROVAL: STANDARDS AND UNIFORM PROCEDURES

"Division VIII Appeals

Sec. 8.00 Authority and Purpose.

A. The Board of Adjustment is authorized to hear appeals from any requirement, decision or determination made by the Administrative Official, including interpretations, approval or denial of applications, conditions of development approval, and decisions made with regard to the enforcement of these regulations.

B. The Town Commission is authorized to:

1. Hear appeals from decisions of the Board of Adjustment; and
2. Hear appeals from decisions of the Impact Review Committee.

Sec. 8.01 By Whom Taken.

Any person aggrieved by a decision or interpretation by the Administrative Official, or a decision of the Impact Review Committee or Board of Adjustment, may seek review of such decision or interpretation pursuant to this Division. An aggrieved person shall mean the applicant or any person noticed of the application pursuant to code who made an appearance in person or in writing in regard to the initial application.

Sec. 8.02 Appeal Period.

All appeals shall be filed in writing within thirty (30) days after rendition of the order, requirement, decision, or determination from which such appeal is taken, or the right to appeal shall be barred. An order shall be considered rendered for purposes of an appeal from the Administrative Official on the date the Administrative Official makes a determination in writing relating to the matter under appeal and, in the case of an appeal from the Impact Review Committee or Board of Adjustment, the order shall be considered rendered on the date on which the decision or determination is made and approved by motion by the Impact Review Committee or Board of Adjustment.

Sec. 8.03 ~~Review by Town Commission.~~

~~Appeals pursuant to this Division filed with the Town Commission may be considered by the Town Commission on the basis of the record, de novo, or a combination of a review of the record and presentation of additional testimony. The Town Commission shall, prior to hearing an appeal, provide notice to the appellant of the guidelines under which the Commission shall consider the appeal. The Commission shall have the authority to make a final decision in regard to the matter being heard and/or, in its sole discretion, to remand the matter back to the body from which the appeal was taken with direction from the Commission. Appeals filed pursuant to this section shall set forth the alleged inconsistency or non-conformity with procedures or criteria set forth in this Chapter. Appeals shall be filed on forms provided by the Town. The Board of Adjustment and the Town Commission shall decide an appeal within sixty (60) days of the filing of such appeal, unless an extension of time is consented to by the applicant. The concurring vote of three-fifths (3/5) of the fully constituted members of the Board of Adjustment or the Town Commission, whichever shall be the appellate body, shall be necessary to reverse any order, requirement, decision or determination. Appeals filed pursuant to this Section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the chairperson. The Commission shall have the authority to render a final decision in regard to the matter being heard or in its sole discretion remand the matter back to the body from which the appeal was taken with direction from the Commission.~~

Sec. 8.04 Suspension of Work Until Appeal Resolved.

When an appeal has been filed, all proceedings and work on the premises that is related to the subject of the appeal shall cease until the appeal is resolved pursuant to this

Division unless the building official certifies to the Town Commission that, because of facts stated in the certificate, a stay would cause imminent peril to life and property, in which case proceedings or work shall not be stayed except by a restraining order which may be granted by the Town Commission or by a court of competent jurisdiction based upon due cause shown of imminent peril to life and property.”

Section 5. Repeal of Ordinances in Conflict.

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

Section 6. 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 7. Codification.

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

Section 8. Effective Date.

This Ordinance shall become effective immediately upon passage.

PASSED UPON FIRST READING THE 9th DAY OF JULY, 2014.

PASSED AND ADOPTED UPON SECOND READING THE FOLLOWING PUBLIC HEARING THE 16th DAY OF September, 2014.

(SEAL)



ATTEST:

Clerk

Gwen Carlisle

TOWN OF JUPITER ISLAND, FLORIDA

Mayor

Vice Mayor

Commissioner

Commissioner

Commissioner

Stephanie

Elizabeth F. Allen

Maura Baller

Chad Murray

Whitney D. Pelt