

ORDINANCE NO. 372

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING ORDINANCE NO. 355, DESIGNATING SOUTH BEACH ROAD/COUNTY ROAD 707 AS A CANOPY TREE ROAD FOR ITS SPECIAL SCENIC AND HISTORIC QUALITIES; FURTHER AMENDING SECTION 1.03 TO INCLUDE AN AMENDMENT TO SUBSECTION A., TO INCLUDE SOUTH BEACH ROAD/COUNTY ROAD 707 AS A DESIGNATED CANOPY TREE ROAD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 355 was adopted by the Town for the purposes of creating and designating canopy tree roads within the Town of Jupiter Island; and

WHEREAS, pursuant to Section 1.03, Ficus Allée was designated as a canopy tree road; and

WHEREAS, under Section 1.03 (B.), it is provided that the Town may consider requests to designate other roadways as canopy tree roads; and

WHEREAS, the Town Commission has met to consider the appropriateness of the designation of South Beach Road/County Road 707 as a canopy tree road based upon the road's historic association with the development of Jupiter Island and the exquisitely manicured landscaping, magnificent trees and canopies lining said road; and

WHEREAS, the purpose of this Ordinance is to add South Beach Road/County Road 707 as a designated canopy tree road.

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

**Section 1.** Ordinance No. 355 is hereby amended at Section 1.01, Definitions, as follows:

“Section 1.01 – Definitions.

*Canopy tree road.* A section of roadway where the trees form a continuous canopy over the roadway.

*Canopy tree road protection zone.* All lands within 100 feet of the centerline of designated roads where trees form a continuous canopy over the roadway are to be treated as canopy tree road protection zones.

*Ficus Allée.* Ficus Allée, within the Town of Jupiter Island municipal limits, refers to the section of SE Bridge Road from SE Beach Road to the center of the Intracoastal Waterway. Outside the municipal limits, Ficus Allée continues along Bridge Road until it reaches SE Gomez Avenue.

*Ficus Allée canopy tree road protection zone.* Ficus Allée within the Town of Jupiter Island municipal limits is hereby defined as a canopy tree road protection zone.

*Ficus Allée Tree Inventory Map.* The official inventory of Ficus Allée trees is maintained by the Town of Jupiter Island Public Works Department. A copy is on file with the Town Clerk.

*Ficus nitida.* The species of Ficus tree which forms the canopy of trees of Ficus Allée.

*Ficus Tree Allée Future Care Plan.* A document describing the best management practices in the care of the Ficus nitida trees. The Future Care Plan is maintained by the Town of Jupiter Island Public Works Department. A copy is on file with the Town Clerk.

*Town.* The Town of Jupiter Island, a Florida municipal corporation.”

**Section 2.** Section 1.03 – Designation of protected canopy tree roads is hereby amended to read as follows:

“Section 1.03 – Designation of protected canopy tree roads.

- A. Ficus Allée and South Beach Road/County Road 707.
  1. Ficus Allée and South Beach Road/County Road 707 are beautiful and historic reminders of the special quality of life of Jupiter Island and Martin County.
  2. The Ficus Allée and South Beach Road/County Road 707 are important natural landmarks, recognizable to residents and visitors alike.
  3. Ficus Allée and South Beach Road/County Road 707 have important connections to the founders of the Town.
  4. Ficus Allée and South Beach Road/County Road 707 are hereby designated as canopy tree roads.
  5. Best management practices are described in the document titled Ficus Tree Allée and South Beach Road/County Road 707 Future Care Plan, which may be amended from time to time.
  6. The Town shall maintain a nursery of Ficus nitada trees for use when replanting becomes necessary.

7. Each tree is documented on the Ficus Allée – South Beach Road/County Road 707 tree inventory map maintained by the Town Public Works Department.

B. Consideration of additional roadways.

1. The Town may consider requests to designate other roadways as canopy tree roads. The request may be initiated by either the Town or by an abutting property owner. The request should be in writing and should include:
  - a. a description of the proposed section of roadway; and
  - b. a description of the cultural, historic or environmental significance of the section of roadway.
2. The Town Commission shall hold an initial discussion at a regular meeting of the Commission to consider the appropriateness of the designation.
3. If approved initially, the Town Commission shall initiate an amendment to this ordinance adding the section of roadway.
4. The adoption of the ordinance shall follow all of the normal procedures for such, including but not limited to, notifying all affected property owners.”

**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 17<sup>th</sup> DAY OF July, 2018.

PASSED AND ADOPTED UPON SECOND READING THE FOLLOWING  
PUBLIC HEARING THE 12<sup>th</sup> DAY OF September, 2018.

(SEAL)

TOWN OF JUPITER ISLAND, FLORIDA

Whitby Peters  
Mayor

Maura M Callens  
Vice Mayor

Peter H. Conner  
Commissioner

Denise D. Townsend  
Commissioner

ABSENT  
Commissioner

ATTEST:

Maesta M.D.  
Clerk