



ORDINANCE NO. 390

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT.

WHEREAS, the Community Planning Act, Fla. Stat. § 163.3167 (the Act) requires the Town of Jupiter Island (the Town) to plan for the future development of the Town by adopting a comprehensive plan; and

WHEREAS, the Town has previously adopted a comprehensive plan which is in compliance with the Act; and

WHEREAS, the Fla. Stat. § 163.3177 of the Act requires the Town to adopt certain mandatory elements and the Town has previously done so in compliance with the Act:

WHEREAS, in its 2021 legislative session the Florida Legislature amended the Act to require local governments to adopt a property rights element as part of its comprehensive plan, codifying this requirement at Fla. Stat. §163.3177(6)(i)1.; and

WHEREAS, in accordance with the Act, the Town Commission hereby amends its comprehensive plan by adopting a Property Rights Element; and

WHEREAS, pursuant to Fla. Stat. §163.3184(11), a majority of the town's governing body have voted to transmit this amendment to the Town's comprehensive plan and the Town has received no comments from the reviewing agencies.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF JUPITER ISLAND:

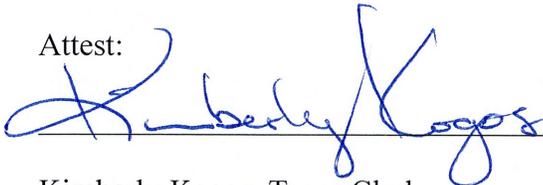
SECTION 1. The Town Commission of the Town of Jupiter Island hereby adopts an amendment to its comprehensive plan by adding the property rights element attached hereto and incorporated herein as **EXHIBIT A**.

PASSED AND ADOPTED this 9th day of September, 2024.



Mayor

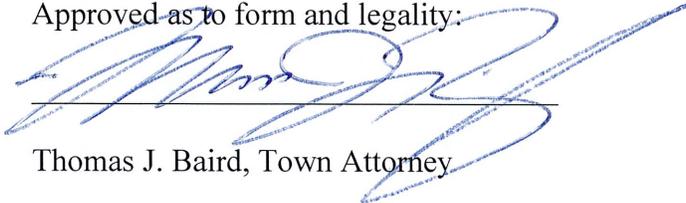
Attest:



Kimberly Kogos, Town Clerk



Approved as to form and legality:



Thomas J. Baird, Town Attorney

This ordinance passed and transmitted following (first) reading this 31st day of October, 2023.

This ordinance passed and adopted following (second) reading this 14th day of May, 2024.

This ordinance reheard, passed and adopted following (second, second) reading this 9th day of September, 2024.

EXHIBIT A

PROPERTY RIGHTS ELEMENT

Goal The Town of Jupiter Island will make decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1 The Town of Jupiter Island will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1 The Town of Jupiter Island will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.2 The Town of Jupiter Island will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 1.3 The Town of Jupiter Island will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 1.4 The Town of Jupiter Island will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

Objective 2 People have the right to participate in planning and development decisions that affect their lives and property. The Town of Jupiter Island decision-making will be transparent and follow the public hearing requirements of Florida law so that all people may participate in decisions that affect their lives and property. Land development regulations may provide for additional opportunities for people to participate in public hearings regarding planning and development decisions through the processes and standards contained in Chapter 166, Florida Statutes and the Town's Code of Ordinances.

Policy 2.1 All land use and development decisions that affect the lives and property of property owners and residents of the Town shall be made in a public hearing that complies with all applicable laws of the state and town.

Policy 2.2 The Town of Jupiter Island recognizes that planning and development decisions affect complex systems and have impacts that occur beyond the site of a particular development proposal. Any affected person, as defined in Fla. Stat. §163.3184(1)(a) of the Act may participate in and be a party to a hearing on decisions regarding the site of a development proposal.

Policy 2.3. An affected person's right to be heard. The Town of Jupiter Island recognizes that it should make planning and development decisions in response to true and accurate information. In all decisions this policy governs, the Town of Jupiter Island will provide every affected person an equal opportunity to be heard, and to be informed of all information on which the Town of Jupiter Island bases its decision. The Town of Jupiter Island will endeavor not to provide any affected person any greater opportunity to be heard than another affected person.

Policy 2.4 Notices of changes to future land use. The Town of Jupiter Island recognizes that a person cannot participate in decisions to amend the future land use of real property assigned by the town's comprehensive plan about which they are unaware. In addition to publishing notices as defined in Fla. Stat. §163.3164(40) of the Act pursuant to Fla. Stat. §166.41(3)(a), when the Town of Jupiter Island makes a decision to amend the land use designation or zoning of real property, the Town of Jupiter Island shall, at least 30 days before the hearing, mail notice of the hearing to the owners of real property and to residents within 1,320 feet of the real property to which the future land use decision relates.

Objective 3 People rely on this comprehensive plan and on the zoning designations of properties when deciding how to use property. The Town of Jupiter Island shall strive to make its decision-making reliable and predictable to promote sound, long-term investments in the town.

Policy 3.1 Majority-plus-one vote required. The Town of Jupiter Island may only amend the future land use of real property in the town by the affirmative vote of a majority plus one of the Town Commission.

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