



ORDINANCE 393

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A OF THE TOWN'S CODE OF ORDINANCES WHICH CONTAINS THE TOWN'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE AMENDMENT OF ARTICLE II, SECTION 1.00 TO ADD DEFINITIONS; PROVIDING FOR AMENDMENTS TO THE TOWN'S RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR THE AMENDMENT OF ARTICLE IV, SECTION 2.01 TO DELETE A SUBSECTION REGARDING FLOOR AREA; PROVIDING FOR THE AMENDMENT OF ARTICLE X, DIVISION 3, SECTION 3.01 ADDING A NEW REGULATION "C" REGARDING THE MEASUREMENT OF THE INITIAL MEASURING POINT AS IT PERTAINS TO BUILDING HEIGHT AND THE PLACEMENT OF FILL; PROVIDING FOR THE AMENDMENT OF ARTICLE X, DIVISION 3, SECTION 3.10 REGARDING THE MAXIMUM NUMBER OF REQUIRED PARKING SPACES; PROVIDING FOR THE AMENDMENT OF ARTICLE X, SECTIONS 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11 AND 3.13 TO CHANGE THE WORD "SHALL" TO "MAY"; PROVIDING FOR THE AMENDMENT OF ARTICLE X, DIVISION 10, SECTION 10.02 TO ADD ADDITIONAL STAGING PLAN STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Jupiter Island, Martin County, Florida (Town) has such powers and authority as conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and,

WHEREAS, the Town Commission has previously created Land Development Regulations (LDR) codified in Appendix A of the Town's Code of Ordinances (Code); and,

WHEREAS, as part of the review of the Town's LDR, the Town's Administrative Official has concluded that amendments to certain Articles of the LDR are necessary and appropriate; and,

WHEREAS, the Town Commission has reviewed the proposed revisions to the Town's LDR and has determined that it is appropriate to incorporate them into the LDR

contained in Appendix A of the Code.

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

Section 1: The whereas clauses are incorporated herein as the legislative finding of the Town Commission.

Section 2. Article II, Section 1.00 "Definitions" is hereby amended to add the following definitions.

Sec. 1.00 Definitions.

Throughout these regulations, the following terms or words shall have the meanings indicated:

Accessway: The means of ingress and egress to property from a publicly dedicated right-of-way.

Accessory building (also, accessory structure): A detached, obviously subordinate building or structure that contains an accessory use, and which is located on the same lot as that of the principal building.

Accessory use: A use that is customarily and typically incidental to and subordinate to the principal use.

Administrative official: The town manager or the member of the town professional staff authorized by the town commission to enforce, interpret or administer these regulations.

Apparent mass: The perceived mass of an object when it is viewed from a particular vantage point and is placed in a particular context. The apparent mass of a building or structure is affected by such factors as size, configuration, design, orientation, topography, landscaping, distance, articulation, fenestration, color, the horizon, and other nearby buildings or structures.

Basement: A part of a building which:

1. Has a ceiling which is no higher than three feet above the adjacent ground level if located within the footprint of the first floor, or
2. Has a ceiling which is completely below ground level if located outside the footprint of the first floor.

(See Illustration 1: Basement, Exhibit A)

Bedroom: A bedroom is a room that can be used for sleeping and that:

1. Has a minimum of 70 square feet of conditioned space.

2. Is located along an exterior wall.
3. Has a closet and a door.
4. Has an emergency means of escape and rescue opening to the outside.

A room may not be considered a bedroom if it is used to access another room.

A bedroom does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.

Brush bin: A bin that is intended for the orderly collection of cut limbs, vegetation, and the like on a temporary basis until such debris can be removed from the property.

Building envelope: The three-dimensional area within a lot which is enclosed its sides by vertical planes extending from applicable setback lines and on the top by the applicable height limitation. (See Illustration 2: Building Envelope, Exhibit A)

Building: A permanent structure that has a roof and walls. Such term shall be construed as if followed by the phrase "or part thereof."

Building height: The height of a building, measured as provided in article IV, section 2.00.

Building, one-story: A building or portion of a building is one-story if it appears to contain one story, in that the outside walls of the building are no taller than 14 feet in height and:

1. If the roof is flat, the building is no taller than 16 feet in height. (See Illustration 3: Building Stories, Flat Roof, Exhibit A)
2. If the roof is sloped at an angle of less than or equal to three feet of height for every 12 feet in roof length, or is sloped at an angle of greater than or equal to two feet of height for every 12 feet in roof length but does not terminate at a peak or ridge, the building is no taller than 27 feet in height. (See Illustration 4: Building Stories, Pitched Roof 3:12 or Less, Exhibit A)
3. If the roof terminates at a peak or ridge and is sloped roof at an angle of greater than three feet of height for every 12 feet of roof length, the building is no taller than 30 feet in height. (See Illustration 5: Building Stores, Pitched Roof Greater than 3:12, Exhibit A)

Center line: The line midway between the side lines of a road right-of-way or the surveyed and prescribed center line established by Martin County, the State of Florida, or the town commission for a road right-of-way, which may or may not be the line midway between the existing or proposed side lines.

Certificate of appropriateness: A document evidencing the approval of the town commission for alterations to a designated historic building or landmark.

Certificate of occupancy: A statement signed by the administrative official setting forth that a building legally complies with the provisions of these regulations and that the same may be used for the purposes stated therein.

Coastal high hazard area: Is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from the Hurricanes (SLOSH) computerized storm surge model.

Common property line: A property boundary shared by more than one lot.

Completely enclosed: A building space bounded on all sides by a roof, the ground or floor, and exterior walls.

Comprehensive plan: The official public documents adopted by the town commission pursuant to Chapter 163, Part II, Florida Statutes, and Florida Administrative Code § 9J-5.

Contiguous: Contiguous means sharing a common property line.

Crown level, street: Center line elevation of the contiguous street.

Development, or to develop: The construction, alteration, demolition, or relocation of any building or structure on a lot, or a change in the use of a lot, or the modification of the physical characteristics of a lot. To develop is the act of creating development.

Development permit: Any order or permit granting, or granting with conditions, the right to develop.

Dwelling: A building used for human habitation.

Entrance feature: Any combination of 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.

Executive/employee/group vacation retreat: Simultaneous use or occupancy of a dwelling unit by a group of individuals other than a family.

Family: One or more persons occupying a single dwelling; however, no more than five unrelated persons who are not gainfully employed on the premises shall constitute a family.

Floor area: The sum of all of the areas of building floors and areas under certain other structures, measured as provided in article IV, section 2.01.

Floor area ratio (FAR): A measure of intensity of development, determined by dividing the total floor area on a lot by the lot area. (See Illustration 8: Floor Area Ratio, Exhibit A)

Front building line: The line of the exterior wall of the building nearest to the front line of the lot. (See Illustration 9: Front Building Line, Exhibit A)

Frontage, street: The portion of a lot that abuts a street. (See Illustration 10: Lot Width, Lot Depth, and Frontage, Exhibit A)

Garage: A building or portion of a building used for the parking or storage of motor vehicles.

Guest house or cottage: A building used as a temporary residence by non-paying guests.

Habitable Space: a space in a building for living, sleeping, eating or cooking.

Bathrooms, toilet rooms, closets, halls, screen enclosures or utility spaces and similar areas are not considered habitable spaces.

Land clearing: The felling or removal of any tree or removal of 15 percent or more of underbrush on unimproved land, or the placement or excavation of more than 50 cubic yards of soil.

Landscaped area: Land which is planted with and supports native or landscape plants.

Living Space: A space within a dwelling unit utilized for living, sleeping, eating, cooking bathing, washing and sanitation purposes. For this definition, living space and floor area are the same.

Living Space within a basement that was developed prior to the adoption of this ordinance, shall not be included in non-conforming uses providing the property is not redeveloped over 50%.

Lot: A parcel of land platted as a lot pursuant to the laws of the State of Florida, or described by metes and bounds.

Lot of record: A platted lot which complied with each and every requirement of the Code of Ordinances and Land Development Regulations of the Town of Jupiter Island when the lot was recorded in the Office of the Clerk of the Circuit Court of Palm Beach or Martin County.

Lot area: The total land area of a lot. Lot area does not include submerged land for purposes of calculating floor area.

Lot, corner: A lot which is contiguous to two or more intersecting streets. (See Illustration 10: Lot Width, Lot Depth, and Frontage, Exhibit A)

Lot coverage: The percentage of the lot area that occupied by the footprint of floor area.

Lot depth: The shortest distance from the front lot line to the rear lot line measured in the general direction of the side lot lines. (See Illustration 10: Lot Width, Lot Depth, and Frontage, Exhibit A)

Lot line: The boundary of a lot.

Lot line, front: The lot line nearest to the principal street from which a lot takes access.

Lot line, rear: The lot line opposite the front lot line.

Lot line, side: Any lot line other than the front lot line or the rear lot line.

Lot width: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lines of the lot's building envelope. (See Illustration 10: Lot Width, Lot Depth, and Frontage, Exhibit A)

Manufactured housing: Housing that is manufactured in accordance with Florida Statutes defining manufactured housing.

~~*National Geodetic Vertical Datum ("NGVD"):* "Sea level" according to the National Geodetic Vertical Datum of 1929. Where referred to after a measurement, NGVD indicates that the measurement refers to an elevation above "sea level" (for example, 8.0 NGVD means eight feet above the established point for "sea level").~~

NAVD. North American Vertical Datum 1988. The North American Vertical Datum of 1988 is a survey leveling measurement for elevation that is tied to a single point of origin designated for survey use in the United States and Canada. This vertical reference datum supersedes and should replace the use of the National Geodetic Vertical Datum of 1929.

One-story porch or portico: An attached part of the main residence which is characterized by at least two open sides and a roof which is not taller than 14 feet in height. Open sides include those which are screened. (See Illustration 11: One-Story Porch or Portico, Exhibit A)

Owner of record: The owner of a lot as listed on the current Martin County tax roll.

Parking area: An area which is used for the parking of motor vehicles, including paved open areas, garages, and carports.

Plat: A map depicting the division or subdivision of land into lots, blocks, parcels, tracts, or portions thereof, however the same may be designated, prepared in accordance with the provisions of these land development regulations and F.S. § 177.

Plat of record: A plat recorded in the official records of Palm Beach or Martin County, Florida.

Public park: Any publicly owned park, playground, beach, parkway or other recreation area or open space, as well as areas designed as such in the public or recreational districts.

Reverse osmosis plant: An onsite facility to extract ground water or saline surface water and process the water for use through membranes as potable or irrigation quality water in excess of 250 gallons per day and dispose of residue wastewater or concentrate discharge. A reverse osmosis (RO) plant is prohibited in all zoning districts except as an accessory use approved by the board of adjustment using alternative development standards set forth in article X, section 3.13.

Roof, flat: A roof sloped at an angle of less than two feet of height for every 12 feet in roof length. If 50 percent or more of the area under roof is covered by a flat roof, the entire roof is a flat roof for the purposes of these land development regulations.

Sign: Any display of characters, letters, illustrations, or the complete structure on which any characters, letters, illustrations are stated, printed or applied (except buildings to which same may be attached).

Sign area: The background area upon which the message of a sign is placed, not including supporting structures of two inches in width or less that are without lettering or identification markings. If a sign does not have an obvious background area, the sign area is the area of the smallest rectangle which can enclose all of the letters and symbols of the sign. (See Illustration 12: Sign Area, Exhibit A)

Significant tree: A tree that has a significant impact on the visual character of a lot when viewed from adjoining properties or public rights-of-way; or a tree of 20 inches or greater in diameter at breast height located anywhere on a lot.

Single building: A single building is one which is separated by a linear distance of at least 25 feet from other buildings, measured from the closest points of the buildings, and which is landscaped in a manner that makes it appear to be a distinct and separate building from all vantage points. (See Illustration 13: Single Buildings, Exhibit A)

Single-family dwelling: As used in these regulations, shall mean a building or buildings on a property zoned for the single-family use and used for habitation of a single "family" as defined herein.

Street: A strip of land, owned privately or publicly, which affords the principal means of access to abutting property.

Staff quarters: A living area occupied by persons who are employed to provide maintenance or domestic services on the premises.

Streetscape plan: Text and drawings showing the planting of vegetation on private property between the front lot line and the front line of the building or on the public rights-of-way, with approval of the town and, in appropriate instances, Martin County and plantings which minimize the visual effect of structures from adjoining properties.

Subdivision: Subdivision means:

1. The division of any lot, lot of record, or parcel of land into two or more lots, parcels, tracts, tiers, blocks or units; or
2. The establishment or dedication of a new street or alley through a lot, lot of record, or parcel of land; or
3. Any combination or joinder of a lot, lot of record, or parcel of land (or portions thereof) with one or more other lots, lots of record, or parcels of land (or portions thereof); or
4. A subdivision shall not include joinder by unity of title of contiguous or abutting lots in the event said unity of title is approved by the town's administrative official, is recorded, and contains restrictions which shall run with the land providing that the unity of title shall not be used for purposes of increasing or intensifying building size, setbacks or other related standards otherwise applicable on the lot or lots standing alone prior to joinder by unity of title; providing further that said unity of title shall not be severed or released without approval of the town commission; neither shall a subdivision include a joinder of lots with the Martin County Property Appraiser's office for purposes of obtaining homestead status on the joined lots; providing that said joinder shall not be used for purposes of increasing or intensifying building size, setbacks or

other related standards otherwise applicable on the lot or lots standing alone prior to said joinder.

Subdivision, minor: A minor subdivision is any subdivision that:

1. Contains less than three lots before or after the subdivision; and
2. Contains a total of less than five acres of land; and
3. Does not create any additional developable lots than previously existed; and
4. Does not include new public infrastructure demands or modifications to public infrastructure.

Submerged land: Land which is submerged beneath the waters of the Intracoastal Waterway, the Indian River, or the Atlantic Ocean at mean high tide.

Substantially improved or reconstructed/substantial improvements or reconstruction: Construction or installation which either increases the floor area of a building by more than 50 percent or costs more than 50 percent more than the fair market value of the improvements on the lot, or both.

Terrace: An unoccupied open space, which is bounded on at least one, but not more than three sides, by the walls of a building. It may be bounded on one or more of the other sides by a wall or similar enclosure having a height of three feet or less.

Tree: Any plant having a trunk diameter of more than six inches or a height of more than ten feet.

Underbrush: Any plant other than a tree.

Undesirable plant: Any uncultivated vine or any plant or tree of the following species:

1. *Melaleuca Quinquenervia*, commonly known as punk tree, cajeput, or paper bark; and
2. *Schinus Terebinthifolius*, commonly known as Brazilian pepper or Florida holly.

Unity of title: An agreement for the benefit of the town evidenced by a document recorded in the Office of the Clerk of the Circuit Court of Martin County stipulating that specified parcels of land shall be held under single ownership and not divided or transferred, except in their entirety, unless first approved by the town commission after review of, and recommendation from, the board of adjustment.

Use: Any purpose for which a building or a tract of land may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or on a tract of land.

Use, principal: The primary purpose for which land or a building is used as permitted in the applicable zoning district.

Wireless communications antenna: Any exterior device used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals. This term does not include over-the-air reception devices which deliver or receive broadcast signals, direct broadcast signals, direct broadcast satellite

services or multichannel multipoint distribution services, as defined and regulated by 47 C.F.R. § 1.4000, as amended.

Yard: A required open space clear from the ground upward, unoccupied and unobstructed by any building. (See Illustration 6: Yards, Exhibit A)

Yard, front: A yard extending across the front of a lot, being at least the required minimum distance between the front lot line and the front of any building. (See Illustration 6: Yards, Exhibit A)

Yard, rear: A yard extending across the rear of a lot, being at least the required minimum distance between the rear property line and the rear of any building. (See Illustration 6: Yards, Exhibit A)

Yard, side: A yard between any building and the side lot line, extending from the required front yard to the required rear yard and being at least the minimum horizontal distance between a side lot line and the side of any building. (See Illustration 6: Yards, Exhibit A)

Section 3. Article III, Divisions 1 through 8 are hereby amended as follows:

DIVISION 1. ZONING DISTRICTS: BOUNDARIES; APPLICABILITY

Sec. 1.00. Zoning districts established.

A. The town is divided into the following districts:

1. 2-Acre Estate Residential District "A-80".
2. 1-Acre Estate Residential District "B-40".
3. Central Riverfront Residential District "C-35".
4. Island Residential District "D-25".
5. Island Core Residential District "E-12".
6. Island Core Residential District "F-15".
7. South Island Core Residential District "G-35".
8. Recreation Club District "RCD".
9. Public Lands District "PLD".
10. Conservation/Preservation District "CPD".

B. These districts shall apply to all land in the town in the manner shown on a map entitled the Official Zoning Map of the Town of Jupiter Island ("official zoning map"), which is provided in Exhibit "B" to these land development regulations.

Sec. 1.01. Interpretation of district boundaries

Where uncertainty exists with respect to the location of any district boundaries as shown on the official zoning map, the following rules shall govern:

- A. Where district boundaries follow the outside lines of plats which have been recorded in the public records of Martin or Palm Beach County, Florida, such outside lines of plats shall be the boundaries of the district.
- B. Where district boundaries follow recorded lot lines, such lot lines shall be the boundaries of the district.
- C. Where district boundaries follow the ocean, a stream, a lake or any other body of water, the boundary line shall be the limit of the jurisdiction of the town unless otherwise indicated on the official zoning map.
- D. If, for any reason, it is determined that any land is not located within a zoning district on the official zoning map, the property shall be deemed to be located within the B-40 District determined to be otherwise by the town commission.

Sec. 1.02. Applicability.

Except as hereinafter provided, no building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, moved, or altered, except in conformity with the regulations of this article for the zoning district in which the building or land is located.

DIVISION 2. "A-80 DISTRICT": 2-ACRE ESTATE RESIDENTIAL DISTRICT

Sec. 2.00. Permitted uses.

The following uses are permitted in the A-80 District:

- A. Single-family dwelling.
- B. Accessory uses which are customarily and typically incidental to a single family detached dwelling and do not involve any business activity, including staff quarters, garages and surface parking, guest houses, beach houses, greenhouses, garden storage structures, tennis courts, swimming pools, docks and dune crossovers. No more than two accessory buildings for living quarters shall be permitted. Pickleball courts shall be prohibited. Accessory uses not listed herein are prohibited, unless approved as an alternative accessory use by the board of adjustment.

Sec. 2.01. Prohibited uses.

The following uses are prohibited in the A-80 District:

- A. The rental of any portion of a lot or building which does not include the use and occupancy of the single family dwelling which is the principal building on the lot.
- B. Storage of manure or odor – or dust-producing substances or uses within 50 feet of any lot line.

- C. Reverse osmosis plants, except if the reverse osmosis plant is approved by the board of adjustment as an accessory use pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

Sec. 2.02. Development standards.

Development within the A-80 District shall comply with the following standards:

- A. *Density*. Density shall not exceed one dwelling unit per two acres of lot area.
- B. *Building limit*. No lot shall be developed with more than one single-family dwelling unit.
- C. *Building height*. The height of any building shall not exceed two stories.
- D. *Minimum lot area*. The minimum lot area is two acres.
- E. *Minimum lot width*. The minimum lot width is 200 feet.
- F. *Permitted floor area*. The maximum floor area permitted on any lot within this district shall not exceed a floor area of:
 - 1. Seventeen and one-quarter percent of the lot area that is less than or equal to one acre; plus
 - 2. Seven percent of the lot area that is greater than one acre, but less than or equal to four acres; plus
 - 3. Three and one-half percent of the lot area that is greater than four acres.
- G. *Maximum floor area of single building*. The maximum floor area of a ~~single building~~ principle dwelling shall not exceed 10,000 square feet.
 - 1. The maximum floor area of an accessory building or an accessory building used for Living Quarters shall not exceed one third of the square footage of the principal dwelling.
 - 2. For this section, floor area and living space are the same.
- H. *Required yards*. Each lot shall have front, side and rear yards that are equal to or greater than the following:
 - 1. *Front yard*: 50 feet.
 - 2. *Side yard*:
 - a. Twenty-five feet for one-store buildings.

- b. Thirty feet for two-story building. (See Illustration 7: One- and Two-Story Setback Lines, Exhibit A)
- 3. *Rear yard*: 50 feet except for waterfront lots, which shall comply with article IV, section 3.02
- I. *Permitted encroachments*. Eaves and overhangs of 30 inches in depth may encroach into any required yard.
- J. *Required landscaping*. Minimum landscaped area shall be 50 percent of the lot area.

DIVISION 3. "B-40 DISTRICT": 1-ACREA ESTATE RESIDENTIAL DISTRICT

Sec. 3.00. Permitted uses.

The following uses are permitted in the B-40 District:

- A. Single-family dwelling.
- B. Accessory uses which are customarily and typically incidental to a single family detached dwelling and do not involve any business activity, including staff quarters, garages and surface parking, guest houses, beach houses, greenhouses, garden storage structures, tennis courts, swimming pools, docks and dune crossovers. No more than two accessory buildings for living quarters shall be permitted. Pickleball courts shall be prohibited. Accessory uses not listed herein are prohibited, unless approved as an alternative accessory use by the board of adjustment.

Sec. 3.02. Development standards.

Development within the B-40 District shall comply with the following standards:

- A. *Density*. Density shall not exceed one dwelling unit per acre of lot area.
- B. *Building limit*. No lot shall be developed with more than one single-family dwelling unit.
- C. *Building height*. The height of any building shall not exceed two stories.
- D. *Minimum lot area*. The minimum lot area is one acres.
- E. *Minimum lot width*. The minimum lot width is 140 feet.
- F. *Permitted floor area*.
 - 1. The maximum floor area permitted on any lot within this district shall not exceed a floor area of:
 - a. Seventeen and one-quarter percent of the lot area that is less than or equal to one acre; plus
 - b. Seven percent of the lot area that is greater than one acre, but less than

or equal to four acres; plus

- c. Three and one-half percent of the lot area that is greater than four acres.
2. For the purpose of calculating maximum floor area, the lot area of two lots which are separated by a roadway may be combined, if:
- a. The lot from which the floor area is transferred lies between the Intracoastal Waterway and a public road, and due to the location of the waterfront setback line and the setback requirements of the B-40 district, cannot reasonably be developed with a building; and
 - b. The lots which are the subject of the transfer of floor area:
 - (1) Are legally described as a single lot; or
 - (2) Are subject to a unity of title; or
 - (3) Are held under common ownership and a unity of title in recordable form is provided by the applicant and approved by the town in conjunction with the transfer of floor area; and
 - c. A "no build" easement over the property from which the floor area has been transferred is provided by the applicant in recordable form and approved by the town in conjunction with the transfer of floor area.

G. *Maximum floor area of single building.* The maximum floor area of a single building principle dwelling shall not exceed 10,000 square feet.

1. The maximum floor area of an accessory building or an accessory building used for Living Quarters shall not exceed one third of the square footage of the principal dwelling.

2. For this section, floor area and living space are the same.

H. *Required yards.* Each lot shall have front, side and rear yards that are equal to or greater than the following:

- 1. *Front yard:* 50 feet.
- 2. *Side yard:*
 - a. Twenty feet for one-story buildings.
 - b. Twenty-five feet for two-story buildings. (See Illustration 7: One- and Two-Story Setback Lines, Exhibit A)

3. *Rear yard*: 50 feet except for waterfront lots, which shall comply with article IV, section 3.02.

DIVISION 4. "C-35 DISTRICT": CENTRAL RIVERFRONT RESIDENTIAL DISTRICT

Sec. 4.00. Permitted uses.

The following uses are permitted in the C-35 District:

- A. Single-family dwelling.
- B. Accessory uses which are customarily and typically incidental to a single family detached dwelling and do not involve any business activity, including staff quarters, garages and surface parking, guest houses, beach houses, greenhouses, garden storage structures, tennis courts, swimming pools, docks and dune crossovers. No more than two accessory buildings for living quarters shall be permitted. Pickleball courts shall be prohibited. Accessory uses not listed herein are prohibited, unless approved as an alternative accessory use by the board of adjustment.

Sec. 4.01. Prohibited uses.

The following uses are prohibited in the C-35 District:

- A. The rental of any portion of a lot or building which does not include the use and occupancy of the single family dwelling which is the principal building on the lot.
- B. Storage of manure or odor- or dust- producing substances or uses within 50 feet of any lot line.
- C. Reverse osmosis plants, except if the reverse osmosis plant is approved by the board of adjustment as an accessory use pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

Sec. 4.02. Development standards.

Development within the C-35 District shall comply with the following standards:

- A. *Density*. Density shall not exceed one dwelling unit per 35,000 square feet of lot area.
- B. *Building limit*. No lot shall be developed with more than one single family dwelling unit.
- C. *Building height*. The height of any building shall not exceed two stories.
- D. *Minimum lot area*. The minimum lot area is 35,000 square feet.

- E. *Minimum width of lot.* The minimum width of a lot shall be 125 feet, measured at the front yard setback line and along the shore of the riverfront.
- F. *Percentage of lot coverage.*
1. The maximum floor area permitted on any lot within this district shall not exceed a floor area of:
 - a. Twenty percent of the lot area that is less than or equal to one acre; plus
 - b. Ten percent of the lot area that is greater than one acre, but less than or equal to four acres;
 - c. Three and one-half percent of the lot area that is greater than four acres.
 2. Second story portions of a single building shall not exceed 50 percent of the first floor footprint.
 3. The maximum floor area of a single building including second story shall not exceed 10,000 square feet.
 4. The following are excluded from the calculation of lot coverage in the C-35 District
 - a. Eaves and overhangs not wider than 30 inches.
 - b. One-story porches and/or porticos and or pergolas which do not exceed ten percent of the total lot cover.
- G. *Maximum floor area of single building.* The maximum floor area of a single ~~building~~ principle dwelling shall not exceed 10,000 square feet.
1. The maximum floor area of an accessory building or an accessory building used for Living Quarters shall not exceed one third of the square footage of the principal dwelling.
 2. For this section, floor area and living space are the same.
- H. *Required yards.* Each lot shall have front, side and rear yards that are equal to or greater than the following:
1. *Front yard:* 30 feet.
 2. *Side yard:*
 - a. Twenty feet for one-story buildings.
 - b. Twenty-five feet for two-story buildings.
 3. *Rear yard:* 35 feet, except for waterfront lots, which shall comply with article

IV, section 3.02.

- H. *Permitted encroachments.* Eaves and overhangs of 30 inches in depth may encroach into any required yard.
- I. *Required landscaping.* Minimum landscaped area shall be 30 percent of the lot area.

DIVISION 5. "D-25 DISTRICT": ISAND CORE RESIDENTIAL DISTRICT

Sec. 5.00. Permitted uses.

The following uses are permitted in the D-25 District:

- A. Single-family dwelling.
- B. Accessory uses which are customarily and typically incidental to a single family detached dwelling and do not involve any business activity, including staff quarters, garages and surface parking, guest houses, beach houses, greenhouses, garden storage structures, tennis courts, swimming pools, docks and dune crossovers. No more than two accessory buildings for living quarters shall be permitted. Pickleball courts shall be prohibited. Accessory uses not listed herein are prohibited, unless approved as an alternative accessory use by the board of adjustment.

Sec. 5.01. Prohibited uses.

The following uses are prohibited in the D-25 District:

- A. The rental of any portion of a lot or building which does not include the use and occupancy of the single family dwelling which is the principal building on the lot.
- B. Storage of manure or odor- or dust- producing substances or uses within 50 feet of any lot line.
- C. Reverse osmosis plants, except if the reverse osmosis plant is approved by the board of adjustment as an accessory use pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

Sec. 5.02. Development standards.

Development within the D-25 District shall comply with the following standards:

- A. *Density.* Density shall not exceed one dwelling unit per 25,000 square feet of lot area.

- B. *Building limit.* No lot shall be developed with more than one single-family dwelling unit.
- C. *Building height.* The height of any building shall not exceed two stories.
- D. *Minimum lot area.* The minimum lot area is 25,000 square feet.
- E. *Minimum lot width.* The minimum lot width is 100 feet.
- F. *Permitted floor area.* The maximum floor area permitted on any lot within this district shall not exceed:
1. If the lot area is less than 37,500 square feet: 3,750 square feet or 20 percent of lot area, whichever is greater.
 2. If the lot area is greater than 37,500 square feet but less than or equal to one acre: 7,500 square feet.
 3. If the lot area is greater than one acre but less than or equal to four acres: 7,500 square feet plus seven percent of the lot area that is greater than one acre.
 4. If the lot area is greater than four acres: 16,650 square feet plus three and one-half percent of the lot area that is greater than four acres.
- G. *Maximum floor area of single building.* The maximum floor area of a single building principle dwelling shall not exceed 10,000 square feet.
1. The maximum floor area of an accessory building or an accessory building used for Living Quarters shall not exceed one third of the square footage of the principal dwelling.
 2. For this section, floor area and living space are the same.
- H. *Required yards.* Each lot shall have front, side and rear yards that are equal to or greater than the following:
1. *Front yard:* 30 feet.
 2. *Side yard:*
 - a. If the lot width is 125 feet or less:
 - (1) Twenty feet for one-story buildings.
 - (2) Twenty-five feet for two-story buildings. (See Illustration 7: One- and Two-Story Setback Lines, Exhibit A)
 - b. If the lot width is greater than 125 feet:
 - (1) Twenty-five feet for one-story buildings.

- (2) Thirty feet for two-story buildings. (See Illustration 7: One- and Two-Story Setback Lines, Exhibit A)
- 3. *Rear yard*: 35 feet except for waterfront lots, which shall comply with article IV, section 3.02.
 - I. *Permitted encroachments*. Eaves and overhangs of thirty (30) inches in depth may encroach into any required yard.
 - J. *Required landscaping*. Minimum landscaped open space shall be equal to 30 percent of the lot area that is less than or equal to 25,000 square feet and 50 percent of the lot area that is greater than 25,000 square feet.

DIVISION 6. "E-12 DISTRICT": ISLAND CORE RESIDENTIAL DISTRICT

Sec. 6.00. Permitted uses.

The following uses are permitted in the E-12 District:

- A. Single-family dwelling.
- B. Accessory uses which are customarily and typically incidental to a single family detached dwelling and do not involve any business activity, including staff quarters, garages and surface parking, guest houses, beach houses, greenhouses, garden storage structures, tennis courts, swimming pools, docks and dune crossovers. No more than two accessory buildings for living quarters shall be permitted. Pickleball courts shall be prohibited. Accessory uses not listed herein are prohibited, unless approved as an alternative accessory use by the board of adjustment.

Sec. 6.01. Prohibited uses.

The following uses are prohibited in the E-12 District:

- A. The rental of any portion of a lot or building which does not include the use and occupancy of the single family dwelling which is the principal building on the lot.
- B. Storage of manure or odor- or dust- producing substances or uses within 50 feet of any lot line.
- C. Reverse osmosis plants, except if the reverse osmosis plant is approved by the board of adjustment as an accessory use pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

Sec. 6.02. Development standards.

Development within the E-12 District shall comply with the following standards:

- A. *Density*. Density shall not exceed one dwelling unit per 12,500 square feet of lot area.

- B. *Building limit.* No lot shall be developed with more than one single-family dwelling unit.
- C. *Building height.* The height of any building shall not exceed two stories.
- D. *Minimum lot area.* The minimum lot area is 12,500 square feet.
- E. *Minimum lot width.* The minimum lot width is 100 feet.
- F. *Permitted floor area.* The maximum floor area permitted on any lot within this district shall not exceed:
 - 1. If the lot area is less than 37,500 square feet: 3,750 square feet or 20 percent of lot area, whichever is greater.
 - 2. If the lot area is greater than 37,500 square feet but less than or equal to one acre: 7,500 square feet.
 - 3. If the lot area is greater than one acre but less than or equal to four acres: 7,500 square feet plus seven percent of the lot area that is greater than one acre.
 - 4. If the lot area is greater than four acres: 16,650 square feet plus three and one-half percent of the lot area that is greater than four acres.
- G. *Maximum floor area of single building.* The maximum floor area of a single ~~building principle dwelling~~ shall not exceed 10,000 square feet.
 - 1. The maximum floor area of an accessory building or an accessory building used for Living Quarters shall not exceed one third of the square footage of the principal dwelling.
 - 2. For this section, floor area and living space are the same.
- H. *Required yards.* Each lot shall have front, side and rear yards that are equal to or greater than the following:
 - 1. *Front yard:* 30 feet.
 - 2. *Side yard:*
 - a. If the lot width is 125 feet or less:
 - (1) Twenty feet for one-story buildings.
 - (2) Twenty-five feet for two-story buildings. (See Illustration 7: One- and Two-Story Setback Lines, Exhibit A)
 - b. If the lot width is greater than 125 feet:

- (1) Twenty-five feet for one-story buildings.
 - (2) Thirty feet for two-story buildings. (See Illustration 7: One- and Two-Story Setback Lines, Exhibit A)
3. *Rear yard*: 35 feet except for waterfront lots, which shall comply with article IV, section 3.02.
- I. *Permitted encroachments*. Eaves and overhangs of 30 inches in depth may encroach into any required yard.
 - J. *Required landscaping*. Minimum landscaped open space shall be equal to 30 percent of the lot area that is less than or equal to 25,000 square feet and 50 percent of the lot area that is greater than 25,000 square feet.

DIVISION 7. "F-15 DISTRICT": ISLAND CORE RESIDENTIAL DISTRICT

Sec. 7.00 Permitted uses.

The following uses are permitted in the F-15 District:

- A. Single family dwelling.
- B. Accessory uses which are customarily and typically incidental to a single family detached dwelling and do not involve any business activity, including staff quarters, garages and surface parking, guest houses, beach houses, greenhouses, garden storage structures, tennis courts, swimming pools, docks and dune crossovers. No more than two accessory buildings for living quarters shall be permitted. Pickleball courts shall be prohibited. Accessory uses not listed herein are prohibited, unless approved as an alternative accessory use by the board of adjustment.

Sec. 7.01. Prohibited uses.

The following uses are prohibited in the F-15 District:

- A. The rental of any portion of a lot or building which does not include the use and occupancy of the single family dwelling which is the principal building on the lot.
- B. Storage of manure or odor- or dust- producing substances or uses within 50 feet of any lot line.
- C. Reverse osmosis plants, except if the reverse osmosis plant is approved by the board of adjustment as an accessory use pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations.

Sec. 7.02. Development standards.

Development within the F-15 District shall comply with the following standards:

- A. *Density.* Density shall not exceed one dwelling unit per 15,000 square feet of lot area.
- B. *Building limit.* No lot shall be developed with more than one single family dwelling unit.
- C. *Building height.* The height of any building shall not exceed two stories.
- D. *Minimum lot area.* The minimum lot area is 15,000 square feet.
- E. *Minimum lot width.* The minimum lot width is 100 feet.
- F. *Permitted floor area.* The maximum floor area permitted on any lot within this district shall not exceed:
 - 1. If the lot area is less than 37,500 square feet: 3,750 square feet or 20% of lot area, whichever is greater.
 - 2. If the lot area is greater than 37,500 square feet but less than or equal to one acre: 7,500 square feet.
 - 3. If the lot area is greater than one acre but less than or equal to four acres: 7,500 square feet plus seven percent of the lot area that is greater than one acre.
 - 4. If the lot area is greater than four acres: 16,650 square feet plus three and one-half percent of the lot area that is greater than four acres.
- G. *Maximum floor area of single building.* The maximum floor area of a single building principle dwelling shall not exceed 10,000 square feet.
 - 1. The maximum floor area of an accessory building or an accessory building used for Living Quarters shall not exceed one third of the square footage of the principal dwelling.
 - 2. For this section, floor area and living space are the same.
- H. *Required yards.* Each lot shall have front, side and rear yards that are equal to or greater than the following:
 - 1. *Front yard:* 30 feet.
 - 2. *Side yard:*
 - a. If the lot width is 125 feet or less:
 - (1) Twenty feet for one-story buildings.

- (2) Twenty-five feet for two-story buildings. (See Illustration 7: One- and Two-Story Setback Lines)
- b. If the lot width is greater than 125 feet:
 - (1) Twenty-five feet for one-story buildings.
 - (2) Thirty feet for two-story buildings. (See Illustration 7: One- and Two-Story Setback Lines)
- 3. *Rear yard*: 35 feet except for waterfront lots, which shall comply with Article IV, Section 3.02.
 - I. *Permitted encroachments*. Eaves and overhangs of 30 inches in depth may encroach into any required yard.
 - J. *Required landscaping*. Minimum landscaped open space shall be equal to 30 percent of the lot area that is less than or equal to 25,000 square feet and 50 percent of the lot area that is greater than 25,000 square feet.

DIVISION 8. "G-35 DISTRICT": SOUTH ISLAND RESIDENTIAL DISTRICT

Sec. 8.00. Permitted uses.

The following uses are permitted in the G-35 District:

- A. Single family dwelling.
- B. Accessory uses which are customarily and typically incidental to a single family detached dwelling and do not involve any business activity, including staff quarters, garages and surface parking, guest houses, beach houses, greenhouses, garden storage structures, tennis courts, swimming pools, docks and dune crossovers. No more than two accessory buildings for living quarters shall be permitted. Pickleball courts shall be prohibited. Accessory uses not listed herein are prohibited, unless approved as an alternative accessory use by the board of adjustment.

Sec. 8.01. Prohibited uses.

The following uses are prohibited in the G-35 District:

- A. The rental of any portion of a lot or building which does not include the use and occupancy of the single family dwelling which is the principal building on the lot.
- B. Storage of manure or odor- or dust-producing substances or uses within 50 feet of any lot line.
- C. Reverse Osmosis plants, except if the Reverse Osmosis plant is approved by the board of adjustment as an accessory use pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.
- D. Executive/employee/group vacation/retreats are prohibited in this zoning district.
- E. Any other use not specifically permitted in these regulations

Sec. 8.02. Development standards.

Development within the G-35 District shall comply with the following standards:

- A. *Density.* Density shall not exceed one dwelling unit per acre of lot area.
- B. *Building limit.* No lot shall be developed with more than one single family dwelling unit.
- C. *Building height.* The height of any building shall not exceed two stories.
- D. *Minimum lot area.* The minimum lot area is one acres.
- E. *Minimum lot width.* The minimum lot width is 100 feet.
- F. *Permitted floor area.*
 - 1. The maximum floor area permitted on any lot within this district shall not exceed a floor area of:
 - a. Nineteen percent of the lot area that is less than or equal to one acre; plus
 - b. Seven percent of the lot area that is greater than one acre, but less than or equal to four acres; plus
 - c. Three and one-half percent of the lot area that is greater than four acres.
 - 2. For the purpose of calculating maximum floor area, the lot area of two lots which are separated by a roadway may be combined, if:
 - a. The lot from which the floor area is transferred lies between the Intracoastal Waterway and a public road, and due to the location of the waterfront setback line and the setback requirements of the G-35 district, cannot reasonably be developed with a building; and
 - b. The lots which are the subject of the transfer of floor area:
 - (1) Are legally described as a single lot; or
 - (2) Are subject to a unity of title; or
 - (3) Are held under common ownership and a unity of title in recordable form is provided by the applicant and approved by the town in conjunction with the transfer of floor area; and
 - c. A "no build" easement over the property from which the floor area has been transferred is provided by the applicant in recordable form and approved by the town in conjunction with the transfer of floor area.
- G. *Maximum floor area of single building.* The maximum floor area of a single

~~building principle dwelling~~ shall not exceed 10,000 square feet.

1. The maximum floor area of an accessory building or an accessory building used for Living Quarters shall not exceed one third of the square footage of the principal dwelling.

2. For this section, floor area and living space are the same.

H. *Required yards.* Each lot shall have front, side and rear yards that are equal to or greater than the following:

1. *Front yard:* 50 feet.

2. *Side yard:*

a. If the lot width is 125 feet or less:

(1) Fifteen feet for one-story buildings.

(2) Twenty feet for two-story buildings.

b. If the lot width is greater than 125 feet:

(1) Twenty feet for one-story buildings.

(2) Twenty-five feet for two-story buildings.

3. *Rear yard:* Waterfront lots shall comply with article IV, section 3.02.

I. *Permitted encroachments.* Eaves and overhangs of 30 inches in depth may encroach into any required yard.

J. *Required landscaping.* Minimum landscaped area shall be 50 percent of the lot area.

Section 4. Article IV, Division 2, Section 2.01 Floor Area is hereby amended as follows:

Sec. 2.01. Floor area.

Floor area is measured as follows:

A. All areas on all floors of all buildings which are included within the outside faces of their exterior walls, including floor penetration areas for circulation and shaft areas that connect one floor to another, except basements and other floors below the first floor, which are counted as provided in paragraphs D and E of this section (See Illustration 14: Floor Area Measurement, Buildings, Exhibit A), plus

- B. If any portion of a building is taller than one-story, a second floor will be assumed for that portion of the building, regardless of whether the floor is in place (See Illustration 14: Floor Area Measurement, Buildings, Exhibit A), plus
- C. Fifty percent of all areas described in paragraphs 1, 2, 3, 4 and 5, below, with no specific area counted more than once:
 - 1. Areas which are covered, but not completely enclosed by walls (including but not limited to gazebos, trellises, porticos, pergolas, patios, balconies, carports, and porches) (See Illustration 15: Floor Area Measurement, Balconies, Exhibit A), except that with regard to these structures or buildings any area which is enclosed by walls which are less than three feet in height and are directly underneath a building or structure which is constructed on pilings pursuant to the requirements of state or federal law. ~~the following are not counted as floor area:~~
 - ~~a. Ten percent of the maximum permitted floor area on the parcel proposed for development or 1,000 square feet (both measured without the 50 percent adjustment), whichever is less; and, in addition,~~
 - ~~b. The unenclosed areas, and any areas which are enclosed by walls which are less than three feet in height, which are directly underneath a building which is constructed on pilings, in instances in which such construction is required by state or federal law.~~
 - 2. Areas which are covered by a roof overhang or balcony that extends more than 30 inches in horizontal distance from a building wall (See Illustration 15: Floor Area Measurement, Balconies and Illustration 16: Floor Area Measurement, Overhangs, Exhibit A).
 - 3. Areas which are open to the air, but completely surrounded by walls that are seven feet in height or taller, unless the walls have substantial penetrations that mitigate the appearance of mass (See Illustration 17: Floor Area Measurement, Walled-in Areas, Exhibit A).
 - 4. Areas of freestanding, uncovered decks, and uncovered porches which are attached to the first floor of a building, that are greater than seven feet in height to the top of the railing as measured from adjacent ground level (See Illustration 18: Floor Area Measurement, Decks, Exhibit A).
 - 5. Areas which are within screened enclosures.
- D. Basements do not count as floor area, and no floor or part of a floor which would otherwise qualify as a basement shall be disqualified as a basement due to access to ground level which is provided by light wells that:
 - 1. Extend no more than four feet from the outside wall of the building and cumulatively occupy no more than 25 percent of the length of the first floor wall

- to which they are adjacent; and
- 2. Are configured such that they are not visible from:
 - a. The building envelopes of neighboring properties; and
 - b. Public rights-of-way.
- E. Floors or parts of floors which are below the first floor, but do not qualify as basements, are counted as follows:
 - 1. If the entire floor does not qualify as a basement, then the entire floor is counted as floor area.
 - 2. If part of the floor does not qualify as a basement, then only that area which does not qualify as a basement is counted as floor area. (See Illustration 19: Floor Area Measurement, Basements, Exhibit A)
 - 3. If a single wall of a floor which is below the first floor is exposed such that it no longer qualifies as a basement wall, but no floor area can be calculated due to the absence of a depth measurement, then the width of the exposed wall shall be multiplied by five feet to calculate the floor area of the exposed portion of the floor.

Section 5. Article IV, Division 3, Section 3.10. "Off street parking" is hereby amended as follows:

- A. The maximum number of parking spaces provided shall be one and one-half parking spaces for each bedroom located on a lot.

A.B. *Minimum dimensions.* A parking area of at least 20 feet by ten feet exclusive of driveway or aisle, must be provided for each bedroom located on a lot. The board of adjustment may approve a smaller parking area using alternative development standards.

B.C. *Parking in public rights-of-way prohibited.* The construction, maintenance or use of the public road rights-of-way for off-street parking within the town is prohibited.

GD *Head in parking prohibited.* The construction of a driveway or a head-in parking area which requires or allows a vehicle to back into a public street is prohibited.

Section 6. Article X, Division 3, Section 3.01 is amended to read as follows:

Sec. 3.01. – Alternative development standards regarding initial measuring point for building height.

The board of adjustment ~~shall~~ may approve the use of alternative development standards to article IV, section 2.00, regarding the initial measuring point for building height if the applicant demonstrates:

- A. The new initial measuring point will not result in a building which is taller in elevation (NGVD) than the tallest building which could be constructed on a

contiguous lot without the use of alternative development standards for fill or initial measuring point; and

- B. The use of alternative development standards will not result in a building which is constructed without the use of alternative development standards.
- C. The use of alternative development standards shall not result in a building which is more visible from adjacent properties or the public right-of-way than the existing surrounding structures.

Section 7. Article X, Sections 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, and 3.10

are amended to read as follows:

Sec. 3.02. - Same—Placement of more than three feet of fill

The board of adjustment ~~shall~~ may approve the use of alternative development standards to article IV, section 3.01, regarding the placement of more than three feet of fill on a lot, if the applicant demonstrates that:

- A. The additional fill will not result in a building which is taller than the maximum height permitted on any adjacent lot without the use of alternative development standards; and
- B. Fill will be placed in a manner that will not result in additional stormwater runoff onto adjacent property or public rights-of-way; and
- C. Fill will be placed in a manner that will not result in significant soil erosion; and
- D. The portion of the lot for which the fill is proposed has not previously been filled pursuant to a special exception or the use of alternative development standards, or the elevation of said portion of the lot has decreased by more than three feet since the fill was placed; and
- E. Either:
 - 1. The use of alternative development standards will not result in a building which is more visible from adjacent property or public rights-of-way than that which could be constructed without the use of alternative development standards, or
 - 2. The fill is necessary in order to build the finished floor of the building at an elevation of 8.0 NGVD.

Sec. 3.03. - Same—Court lighting or illuminated signage.

The board of adjustment ~~shall~~ may approve the use of alternative development standards to article IV, section 3.05(B), regarding court lighting, or article VI, section 2.02(E), regarding illuminated signage, if the applicant demonstrates that:

- A. The lighting will not spill over onto any adjacent lot in a residential zoning district; and
- B. The lighting standards and fixtures are not visible from any neighboring lot in a residential zoning district; and
- C. The lighting will be turned off between the hours of 9:30 p.m. and 6:00 a.m.

Sec. 3.04. - Same—Fences and walls.

The board of adjustment ~~shall~~ may approve the use of alternative development standards to article IV, section 3.06, regarding construction of a fence or wall within a required rear yard of a waterfront lot, if the applicant demonstrates that the wall will be used to enclose a pool, and:

- A. The wall or fence does not exceed four feet in height; and
- B. The wall or fence is designed and constructed in a manner which will be visually compatible with the character of the buildings on the lot where the wall or fence is proposed; and
- C. The wall or fence will not interfere with the visual access to the water from the building envelopes of adjacent parcels of land; and
- D. The wall or fence is constructed to comply with F.S. ch. 515 or Section 424 of the Florida Building Code; and
- E. In the area waterward of the waterfront setback line, the wall or fence does not extend more than ten feet from the edge of the pool which it encloses.

Sec. 3.05. - Same—Docks and dune crossovers.

The board of adjustment ~~shall~~ may approve the use of alternative development standards to article IV, section 3.07, regarding docks and dune crossovers, if the applicant demonstrates that:

- A. The proposed dock or dune crossover will not result in an obvious departure from the aesthetic character of the neighborhood, taking into account existing structures and open space; and
- B. The proposed dock or dune crossover will not result in the destruction or removal of a significant tree within a required setback, or the significant tree is relocated

in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

- C. The proposed dock or dune crossover is designed in a manner that does not materially obstruct the waterfront views from neighboring property; and
- D. The proposed dock or dune crossover:
 - 1. Provides materially better protection for seagrass beds, environmentally sensitive littoral zones, dune vegetation, or sea turtle nesting areas than a dock or dune crossover that could be constructed pursuant to the underlying district regulations; or
 - 2. Is located such that it is significantly smaller than any functional dock or dune crossover that could be constructed pursuant to the underlying district regulations; or
 - 3. Is feasible only using alternative development standards because due to the conditions of the lot (which, for docks, includes the relationship between the lot and the location of the channel), no dock or dune crossover could feasibly be constructed pursuant to the underlying district regulations.

Sec. 3.06. - Same—Reduction of required parking area.

The board of adjustment ~~shall~~ may approve the use of alternative development standards to article IV, section 3.10(A), regarding the reduction of required parking area, if the applicant demonstrates that the use of alternative development standards is not needed to achieve compliance with the landscaped open space requirement of the underlying zoning district and at least one of the following:

- A. The reduced parking area will reasonably accommodate one car per bedroom; or
- B. The required parking is provided on an adjacent lot under common ownership, and the applicant provides an executed covenant in recordable form that ensures that a parking easement will be provided if the common ownership ceases, to be effective until the required parking is provided on the lot which it serves; or
- C. The required parking is provided on an adjacent lot that is subject to a parking easement that provides the required area and is effective until the required parking is provided on the lot which it serves; or
- D. Clear and convincing evidence supports a finding that the most likely use of the lot will require less parking area than is otherwise required by these land development regulations.

Sec. 3.07. - Same—Communications towers and/or antennas.

The board of adjustment ~~shall~~ may approve the use of alternative development standards to article IV, section 3.12, regarding communications towers and/or antennas, if the applicant demonstrates that:

- A. The tower/antenna is in a PLD or RCD District; and
- B. The tower/antenna will not interfere with the use and enjoyment of adjacent and nearby properties; and
- C. The visual impact of the tower/antenna and associated structures is substantially mitigated by either or both of the following:
 - 1. A combination of topography and existing or provided landscaping in the surrounding area; or
 - 2. A "stealth" design; and
- D. The proposed ingress and egress to the tower and/or antenna will not interfere with the safe flow of traffic on adjacent rights-of-way; and
- E. Off-street parking for at least one maintenance vehicle is provided; and
- F. There are no suitable existing towers, antennas, or other structures, or alternative technologies that do not require the use of towers or structures, that the applicant can utilize to provide the service; and
- G. The tower is set back at least 110 percent of the height of the tower from any neighboring property in an RD zoning district; and
- H. The tower is set back at least 130 percent of the height of the tower from any neighboring property in a residential zoning district; and
- I. Guys and accessory buildings satisfy the minimum zoning district setback requirements; and
- J. The structure is designed to accommodate co-locations of equipment and attachments with a minimum wind load rated at 130 mph; and
- K. A performance bond is posted in favor of the town to cover the cost of removing the structure if it is abandoned or otherwise violates these land development regulations.

Sec. 3.08. - Same—Increase in sign area.

The board of adjustment ~~shall~~ may approve the use of alternative development standards to article VI, section 2.02, regarding the sign area in the PD, RD, and CPD zoning districts, if the applicant demonstrates that either:

- A. The proposed sign:
 - 1. Is demonstrably more attractive than a sign that could otherwise be constructed in the underlying zoning district; and
 - 2. Is no more than six feet in height; and
 - 3. Is less than 12 square feet in area; or
- B. The sign area of the proposed sign is necessary to convey critical information that will protect the public health and safety.

Sec. 3.09. - Same—Replacement of nonconforming building.

The board of adjustment ~~shall~~ may approve the use of alternative development standards to article IX, section 2.02, regarding the replacement of a nonconforming building, if the applicant demonstrates that:

- A. All or a material part of the nonconforming building has been destroyed by fire, casualty, or other Act of God; and
- B. The building will be replaced with a building that:
 - 1. Is located in either:
 - a. The same location as the building to be replaced, and is designed and configured such that the extent of the prior nonconformity is not increased; or
 - b. A different location than the building to be replaced, and is designed and configured such that the replacement building does not have a greater apparent mass when viewed from public streets or neighboring properties; and either:
 - (1) The extent of the totality of nonconformities of the building to be replaced is reduced in the replacement building, and if an individual nonconformity is increased, the increase is not material; or
 - (2) The extent of the totality of nonconformities of the building to be replaced is unchanged in the replacement building, and a material safety benefit will be realized by the relocation of the building; and

2. Is of the character and architectural style that previously existed unless such character or architectural styles is impracticable due to state or federal regulations; and
- C. The replacement building complies with these land development regulations to the maximum extent possible; and
- D. The replacement building contains no more floor area than the building to be replaced.
- E. The application for approval using alternative development standards is filed within three years of the date on which the destruction occurred.

Sec. 3.10. - Same—Conversion of one nonconforming use to another nonconforming use.

The board of adjustment ~~shall~~ may approve the use of alternative development standards to article IX, section 2.03, regarding the conversion of one nonconforming use to another, if the applicant demonstrates that:

- A. The existing nonconforming use has not been terminated by discontinuance or destruction; and
- B. The proposed use is more compatible with the predominant uses in the zoning district than the existing nonconforming use; and
- C. The proposed use will have no greater adverse effect on the surrounding occupants and properties than the existing nonconforming use, in that:
 1. It will generate the same or lower level of traffic; and
 2. It will have either no impact or a positive impact on surrounding property values; and
 3. It involves the same or lower level of dust, noise, or odors; and
 4. If the existing nonconforming use also involves a nonconforming sign, the nonconforming sign is removed.

Sec. 3.11. - Alternative development standards regarding the approval of accessory uses.

The board of adjustment ~~shall~~ may consider an alternative development standard to approve an accessory use not listed under "Permitted Uses", as detailed in article III, division II, section 2.00.B, division III, section 3.00.B, division IV, section 4.00.B, division

V, section 5.00.B, division VI, section 6.00.B, and division VII, section 7.00.B, if the applicant demonstrates that:

- A. The proposed accessory use will not adversely affect the public interest; and
- B. The proposed accessory use is consistent with the surrounding neighborhood character; and
- C. The visibility of the proposed accessory use from public rights-of-way, adjacent properties, the beach, the ocean and the intracoastal waterway is minimized in a manner that is consistent with the surrounding neighborhood character; and
- D. Proposed screens and buffers are sufficient to ensure compatibility of the proposed accessory use with adjacent properties; and
- E. The location, design and character of the proposed accessory use will not adversely affect adjacent properties; and
- F. The proposed accessory use is designed and located so that all buildings and structures associated with the accessory use are screened from view from adjacent properties and public roads; and
- G. The proposed accessory use will generate the same or lower level of traffic than other permitted accessory uses; and
- H. The proposed accessory use is customarily and typically incidental to and subordinate to the principal use; and
- I. The proposed accessory use will not result in substantial noise, dust, glare, or odor impacts on any other property in the neighborhood where it is to be located, nor shall said use result in such noise, dust, glare or odor impacts greater than those which accompany listed permitted accessory uses.

Section 8. Article X, Division 10, "Development Permits" is hereby amended as follows:

Sec. 10.00 Permitted uses

Public buildings, grounds and facilities related to the provision of public services to the residents of the town are permitted in the PLD District. No more than one wireless communications tower per lot is permitted as an accessory use.

Sec. 10.01 – Prohibited uses.

Any use not specifically permitted in these regulations is prohibited in the PLD district.

Reverse osmosis plants, except if the reverse osmosis plant is approved by the board of adjustment as an accessory use pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.

Sec. 10.02 – Staging plan required, standards.

All applications for a development permit must include a staging plan that demonstrates compliance with the following standards.

- A. Trailers, for purposes of storage or office during development:
 - 1. Are screened from view from contiguous lots and public rights-of-way, and
 - 2. Do not exceed 200 square feet; and
 - 3. Will be removed immediately upon completion of the project or any storm watch condition as issued by the National Weather Service (NWS).
- B. Off-street parking is provided for all vehicles used by any person, firm or corporation involved or engaged in development work on the parcel proposed for development at any given time, and said off-street parking is screened from view from contiguous lots and public rights-of-way.
- C. Materials that are stored on-site are screened from view from contiguous lots and public rights-of-way, and are safely stored and reasonably secured.
- D. Dumpsters and trash receptacles are adequate to prevent trash piles or debris from gathering during the course of construction, and are screened from view from contiguous lots and public rights-of-way, are located so as to minimize the impact of their associated noise, dust, and odors on contiguous lots.
- E. Fencing. On all construction sites where work is being performed, the owner shall be responsible for installing a minimum six-foot high chain link fence with an eight-foot gate and screening along the frontage at the road and along neighboring property lines as needed, to shield the work from public view. The fence and screen shall be maintained throughout construction. Signage on the fence is prohibited.
- F. Vehicle Wheel Cleaning Blanket. The owner shall be responsible for installing a vehicle wheel cleaning blanket on all unpaved driveways where construction vehicles enter the road. The blanket shall be maintained in good condition throughout construction.
- G. Construction Gate Keeper. Where deemed necessary by the Building Official to control access to a site, the owner of a property shall be responsible for retaining a gatekeeper to direct construction traffic on and off the public roads.
- H. Pest Control. Commencing with the clearing of a property, the owner shall be

responsible for retaining and maintaining monthly pest control service to prevent disturbance to adjacent properties throughout construction.

- I. Port-a-let Placement. The owner shall be responsible for placing a port-a-let on the property during construction, in a location approved by the Building Official. The Port-a-let shall be screened to prevent public view.

Section 9. 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 10. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

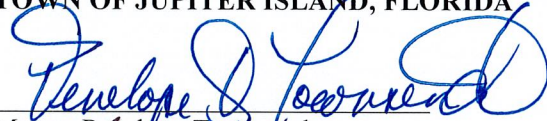
Section 11. Effective Date. This ordinance shall take effect upon its execution.

(Continued on next page)

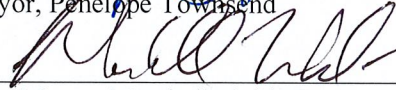
PASSED UPON FIRST READING ON THE 21st DAY OF MARCH 2024. PASSED AND
ADOPTED UPON SECOND READING ON THE 17th DAY OF April 2024.

(SEAL)

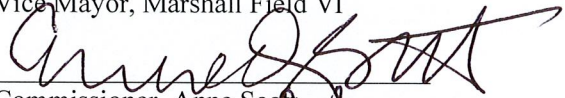
TOWN OF JUPITER ISLAND, FLORIDA



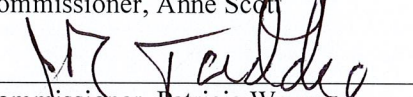
Mayor, Penelope Townsend



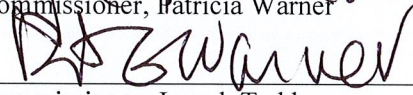
Vice Mayor, Marshall Field VI



Commissioner, Anne Scott

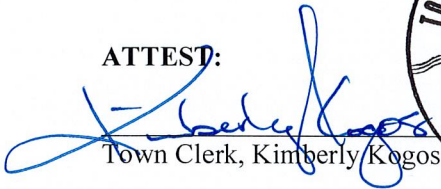


Commissioner, Patricia Warner



Commissioner, Joseph Taddeo

ATTEST:



Town Clerk, Kimberly Kogos

