

**ORDINANCE NO. 395**

**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 X, DIVISION 8 REGARDING APPEALS; PROVIDING FOR 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 Commission) recognizes its responsibility to the elected and appointed officials serving the Town; and,

**WHEREAS**, the Town Commission has determined that it is appropriate to amend Appendix A of the Town's Code of Ordinances to provide that an appeals of the decisions of administrative officials are for determination by the Town Commission; and,

**WHEREAS**, the Town commission has determined that it is appropriate to amend Appendix A of the Town's Code of Ordinances to provide that any affected person may take an appeal of the decision of an administrative official, the Board of Adjustment, or the Impact Review Committee; and

**WHEREAS**, the Town Commission has determined that it is appropriate to amend Appendix A of the Town's Code of Ordinances to provide that the standard of review of any appeals of the decisions of administrative officials, the Board of Adjustment or the Impact Review Committee shall be de novo.

**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 findings of the Town Commission.

**Section 2.** The Town Commission hereby amends Article X, Division 8, Sections 8.00, 8.01, 8.02 and 8.03 of Appendix A of the Town of Jupiter Island's Code, which contains the Town's Land Development Regulations, as follows:

**ARTICLE X. DEVELOPMENT REVIEW AND APPROVAL: STANDARDS AND UNIFORM PROCEDURES**

**DIVISION 8. - APPEALS**

**Sec. 8.00. - Authority and purpose.**

A. ~~The board of adjustment~~ town commission shall ~~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 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's written development order.

**Sec. 8.03. - Review.**

Appeals filed pursuant to this section shall include any information presented for consideration to the administrative official, board of adjustment, or impact review committee, but may also include any new facts or other information for consideration by the town commission and 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 60 days of the filing of such appeal, unless an extension of time is consented to by the applicant. The ~~concurring~~ affirmative vote of three-fifths 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 or modify any administrative decision or development order, requirement, decision or determination. Appeals filed pursuant to this section shall ~~be based on the record of the proceedings below and shall not~~ may be presented de novo. The time allotted for presentation of an appeal shall be determined by the mayor. ~~chairperson.~~ The commission shall have the authority to render a final decision in regard to the ~~matter~~ development order being heard appealed or ~~in its sole discretion~~ may remand the matter back to the body from which the appeal was taken with such direction from the commission it deems appropriate.

**Section 3. Severability.**

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 4. Repeal of Ordinances in Conflict.**

All other ordinances of the Town of Jupiter Island, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

**Section 5. Codification.**

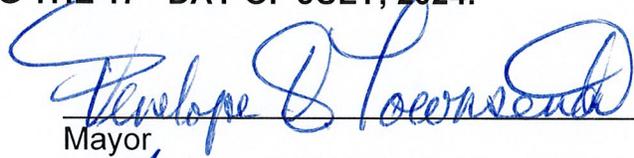
This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Jupiter Island.

**Section 6. Effective Date.**

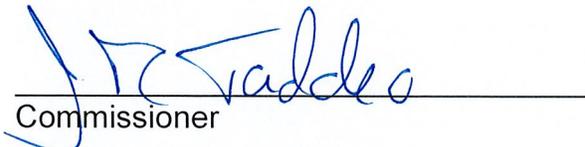
This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED UPON FIRST READING THE 12<sup>th</sup> DAY OF JUNE, 2024.**

**PASSED UPON SECOND READING THE 17<sup>th</sup> DAY OF JULY, 2024.**

  
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Mayor

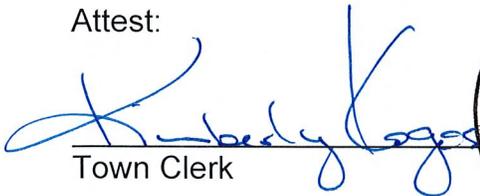
  
\_\_\_\_\_  
Vice-Mayor

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
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Commissioner

Attest:

  
\_\_\_\_\_  
Town Clerk

