



ORDINANCE NO. 399

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A, ARTICLE X, DIVISION 3, SECTION 3.02 ENTITLED "PLACEMENT OF MORE THAN THREE FEET OF FILL"; 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 Commission) has all the powers and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and,

WHEREAS, the Director of the Town's Building, Planning and Zoning Department has recommended the amendment of Article X, Division 3, Section 3.02 of Appendix A of the Town's Code of Ordinances regarding alternative development standards; and,

WHEREAS, the Town Commission has determined that it is appropriate to amend Article X, Division 3, Section 3.02 of Appendix A of the Town's Code of Ordinances regarding alternative development standards regarding the placement of more than three feet of fill.

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

Section 1: Whereas clauses are incorporated herein as the legislative findings of the Town Commission.

Section 2. The Town Commission hereby amends Article X, Division 3, Section 3.02 of Appendix A of the Town of Jupiter Island's Code of Ordinances, as follows:

DIVISION 3. – ALTERNATIVE DEVELOPMENT STANDARDS.

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

The board of adjustment 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:~~ 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~~ and
- F. ~~2.~~ The fill is necessary to build the finished floor of the building at an elevation of 6.5 ~~8.0~~ NGVD NAVD.

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 17th DAY OF JULY, 2024.

PASSED UPON SECOND READING THE 9th DAY OF SEPTEMBER, 2024.



Mayor



Vice-Mayor



Commissioner



Commissioner



Commissioner

Attest:



Town Clerk

