



ORDINANCE NO. 401

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 I, DIVISION 3, SECTIONS 3.01 AND 3.03 REGARDING THE AUTHORITY OF THE BOARD OF ADJUSTMENT AND TOWN COMMISSION; PROVIDING FOR THE AMENDMENT OF ARTICLE III, DIVISION 2, SECTIONS 2.00 B. AND 2.01 C PERTAINING TO USES IN THE A-80 DISTRICT, SECTIONS 3.00 B AND 3.01 C; DIVISION 4, SECTIONS 4.00 B. AND 4.01 C; DIVISION 5, SECTION 5.01 C; DIVISION 6, SECTION 6.00 D AND 6.01 C; DIVISION 7, SECTION 7.00 B AND 7.01 C; DIVISION 8, SECTION 8.00 B AND 8.01 C; DIVISION 9, SECTION 9.01; DIVISION 10, SECTION 10.01; DIVISION 11, SECTION 11.01; PROVIDING FOR THE AMENDMENT OF ARTICLE IV, DIVISION 2, SECTION 2.00 TO ADD A SUBSECTION "D" PERTAINING TO VARIANCES FOR THE INITIAL MEASURING POINT OF A BUILDING, ARTICLE IV, DIVISION 3, SECTION 3.01 PERTAINING TO VARIANCES FOR THE PLACEMENT OF MORE THAN THREE FEET OF FILL ON A PROPERTY, SECTION 3.04 PERTAINING TO SETBACK FOR EASEMENTS AND DRIVEWAYS, SECTION 3.05 PERTAINING TO TENNIS COURT DESIGN AND LOCATION, SECTION 3.06 PERTAINING TO WALLS, FENCES, AND BULKHEADS/SEAWALLS, SECTION 3.07 PERTAINING TO DOCKS AND DUNE CROSSOVERS, SECTION 3.10 PERTAINING TO OFF-STREET PARKING AND SECTION 3.12 PERTAINING TO WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS AND CREATING DIVISION 5, ACCESSORY USES AND ARTICLE 6 REVERSE OSMOSIS PLANTS; PROVIDING FOR AMENDMENTS TO ARTICLE VI, DIVISION 2, PERTAINING TO SIGNS; PROVIDING FOR AMENDMENTS TO ARTICLE IX, DIVISION 2, SECTIONS 2.01 AND 2.02 PERTAINING TO NONCONFORMING STRUCTURES; PROVIDING FOR AMENDMENTS TO ARTICLE IX, DIVISION 4, SECTION 4.00 PERTAINING TO NONCONFORMING USES; PROVIDING FOR THE REPEAL OF ARTICLE X, DIVISIONS 3 AND 4 IN THEIR ENTIRETY; ARTICLE X, DIVISION 2, SECTION 2.01 AND 2.05 AND ARTICLE X, DIVISION 10, SECTION 10.06 AND 10.08; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR 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 Code of Ordinances of Jupiter Island, Florida (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 amend 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 findings of the Town Commission.

Section 2. Article 1, Division 3, Establishment, Authority, Composition and Meetings of Development Review Boards, Sections 3.01 Board of Adjustment and 3.03, Town Commission are hereby amended to read as follows:

Sec. 3.01. Board of adjustment.

A. *Establishment.* A board of adjustment for the town is created and established.

B. Authority; functions; powers and duties in general.

1. The board of adjustment has the following powers and duties.

- a. ~~Alternative development standards, increases in floor area, and variances.~~ The board of adjustment shall hear and decide application for the approval of certain variances based upon specific criteria for the uses as set forth herein. ~~approval using alternative development standards, increase in floor area, pursuant to article X, division 4, and variances~~
- b. *Other powers and duties.* The board of adjustment has the authority to carry out any other powers and duties provided in these land development regulations, or regulations delegated to it by the town commission.

2. ~~The chair, or in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses.~~

2. No member shall abstain from voting unless he has a conflict of interest pursuant to the provisions of law. F.S. ch. 112.

Sec. 3.03. Town Commission.

8. The Town Commission shall have the authority to review any application or proposal for development or improvements in the PLD or CPD zoning districts. The Town Commission may apply standards set forth in Division 2, Section 2.02 for impact review and any goals, objectives, or policies of the Town's Comprehensive Plan it determines to be appropriate. The Town Commission shall have the authority to apply conditions to [mitigate the impact] of any application or proposal for development or improvements within the PLD or CPD Zoning Districts.

Section 3. Article III, Division 2. "A-80 District: 4- 2 Acre Estate Residential District, Sections 2.00 B and 2.01 C are hereby amended to read as follows:

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~~ a variance by the Board of Adjustment in accordance with Art. IV, Division 5.

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~~ 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 in accordance with Art. IV, Division 6. ~~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.

Section 4. Article III, Division 3. "B-40 District": 1-acre Estate Residential District, Sections 3.00 and 3.01, are hereby amended to read as follows:

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 in accordance with Art. IV, Division 5.

Sec. 3.01. Prohibited uses.

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

- A. The rental of any portion of a lot or building which does not include the use and occupancy of the ~~single family~~ 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 in accordance with Art. IV, Division 6. ~~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.

Section 5. Article III, Division 4. "C-35 District": Central Riverfront Residential District, Sections 4.00 and 4.01 are hereby amended to read as follows:

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 in accordance with Art. IV, Division 5.

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~~ 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 in accordance with Art. IV, Division 6. ~~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.

Section 6. Article III, Division 5. "D-25 District", Island Core Residential District,

Sections 5.00 and 5.01 are hereby amended to read as follows:

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, ~~included~~ 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 in accordance with Art. IV, Division 5.

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~~ 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 in accordance with Art. IV, Division 6. ~~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.

Section 7. Article III, Division 6. "E-12 District": Island Core Residential District,

Sections 6.00 and 6.01 are hereby amended to read as follows:

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, ~~included~~ 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 under in accordance with Art. IV., Division 5.

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~~ 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 in accordance with Art. IV, Division 6. ~~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.

Section 8. Article III, Division 7. "F-15 District": Island Core Residential District,

Sections 7.00 and 7.01 are hereby amended to read as follows:

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, ~~included~~ 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 in accordance with Art. IV, Division 5.

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~~ 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 in accordance with Art. IV, Division 6.5, ~~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.

Section 9. Article III, Division 8. "G-35 District": South Island Residential District,

Sections 8.00 and 8.01 are hereby amended to read as follows:

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, ~~included-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 in accordance with Art. IV, Division 5.

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~~ 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 in accordance with Art. IV, Division 6. ~~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.

Section 10. Article III, Division 9. "RCD District". Recreation Club District, Section

9.01 Prohibited uses are hereby amended to read as follows:

Sec. 9.01. Prohibited uses.

Any use not specifically permitted in these regulations is prohibited in the RCD District.

Reverse osmosis plants, except if the reverse osmosis plant is approved by the Board of Adjustment as an accessory use in accordance with Art. IV, Division 6. ~~pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.~~

Section 11. Article III, Division 10. "PLD District": Public Lands District, Section

10.01, is hereby amended to read as follows:

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 in accordance with Art. IV, Division 6. ~~pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.~~

Section 12. Article III, Division 11. "CPD District"; Conservation/Preservation

District, Sections 11.01 is hereby amended to read as follows:

Sec. 11.01. Prohibited uses.

Any use not specifically permitted in these regulations is prohibited in the CPD District.

Reverse osmosis plants, except if the reverse osmosis plant is approved by the Board of Adjustment as an accessory use in accordance with Art. IV, Division 6. ~~pursuant to the provisions of article X, section 3.13 of the Land Development Regulations.~~

Section 13. Article IV. Supplemental Regulations, Division 2. Measurements,

Section 2.00 is hereby amended to read as follows:

Sec. 2.00. Building height.

Building height is measured as follows:

- A. The initial measuring point is the highest elevation of the following:
 - 1. The lower of:
 - a. The average elevation of the finished grade across the front building line prior to the placement of fill, or
 - b. The finished floor elevation; or
 - 2. 8 6.5 feet NGVD; NAVD or
 - 3. ~~A point established by the Board of Adjustment using alternative development standards.~~
- B. The height of exterior walls is measured from the initial measuring point to the point at which the outside wall meets the horizontal eave of the roof or the bottom of a parapet wall.
- C. The height of the building is measured from the initial measuring point to the highest point on the building, excluding chimneys, ventilators, skylights, spires, belfries, cupolas, and similar architectural features that are usually carried above the roof level and not used for human occupancy, provided that each such feature shall be erected only to such height and size as is necessary to accomplish the purpose it is to serve.
- D. The Board of Adjustment may approve a variance to Article IV, section 2.00, regarding the initial measuring point for building height, if the applicant demonstrates:
 - 1. The new initial measuring point will not result in a building which is taller in elevation (NAVD) than the tallest building which could be constructed on a contiguous lot; and
 - 2. Will not result in a building which is more visible from adjacent properties or the public right-of-way than the existing surrounding structures.

Section 14. Article IV, Division 3, Development Standards, Sections 3.01, 3.04, 3.05, 3.06, 3.06A, 3.07, 3.07A, 3.10, 3.10A, 3.12, 3.12A, are hereby amended to read as follows:

Sec. 3.01. Fill.

If authorized as part of an approved site plan, up to three feet of fill may be placed on a lot. The Board of Adjustment may approve a variance for a greater amount of fill using alternative development standards if the applicant demonstrates that:

- A. The additional fill will not result in a building which is taller than the maximum height permitted on an adjacent lot; and
- B. Fill shall be placed in a manner that will not create an additional stormwater runoff onto an adjacent property or public right-of-way; and
- C. Fill shall be placed in a manner that will not create significant soil erosion; and
- D. The portion of the lot for where the fill is proposed to be added has not been previously filled pursuant to the approval of 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.
 - 1. The fill shall not result in a building which is more visible from adjacent property or a public right-of-way; and
 - 2. The fill is necessary to build the finished floor of the building at an elevation of 6.5 NAVD.

Sec. 3.04. Setbacks for easements and driveways.

- A. *Setback from access easement or private right-of-way.* No building shall be constructed within 20 feet of any access easement or right-of-way in favor of another party. ~~unless the board of adjustment approves such construction using alternative development standards~~
- B. *Driveway setback.* Driveways shall be set back from side lot lines as follows:
 - 1. In the A-80, B-40 and G-35 Districts, the improved surface of any driveway shall be set back at least eight feet from side and rear lot lines.
 - 2. In all other zoning districts, the improved surface of any driveway shall be set back at least three feet from side and rear lot lines.

Sec. 3.05. Tennis court design and location.

- A. *Required setbacks.*
 - 1. A tennis court shall be set back as if it were a building.
 - 2. No part of a tennis court shall be located within 50 feet of the mean high-water highwater mark.
 - 3. The required setback shall be measured from the outer edge of an apron, fence, or appurtenance to a tennis court.

B. *Lights.* A tennis court shall not be lit for night play, except that the Board of Adjustment may approve a variance lights using alternative development standards for tennis courts in the RCD District if the applicant demonstrates:

1. The lighting does not spill over onto any adjacent lot in a residential zoning district; and
2. The lighting standards and fixtures shall not be visible from any of the neighboring lots in the applicable zoning district; and
3. The lighting shall be turned off between the hours of 9:30 p.m. and 6:00 a.m.

C. *Backboards.* Tennis backboards are prohibited.

Sec. 3.06. Walls, fences, and bulkheads/seawalls.

A. *Location and design of walls and fences.*

1. *Front yards.* Walls and fences may be constructed in required front yards provided that:
 - a. The walls or fences are set back at least 30 feet from the front lot line; and
 - b. The area between the walls or fences and the front lot line is comprehensively landscaped; and
 - c. Sight triangles with no leg smaller than 15 feet are preserved in both directions for each driveway that connects to the contiguous street.
2. *Side and rear yards.* Walls and fences may be constructed in required side yards, or rear yards of lots which are not waterfront, provided that:
 - a. The walls or fences are set back at least three feet from side lot lines unless an agreement to locate the wall or fence closer to the property line is executed by the applicant and the owner of the property which shares the property line and is provided to the town in recordable form; and;
 - b. The walls or fences are not constructed in or over any utility or other public easement; and
 - c. The area between the wall or fence and the side lot line is landscaped with hardy, low maintenance landscape material.
3. *Rear yards of waterfront lots.* No wall or fence may be constructed in a required rear yard of a ~~water front~~ waterfront lot unless the wall or fence will be used to enclose a pool and meets all of the following standards: unless, it is approved by the board of adjustment, using alternative development standards.

~~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 lots; 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.
4. *Within the building envelope.* Walls and fences may be constructed within the building envelope provided that the way walls or fences are attached to buildings does not create apparent mass in excess of the floor area and building volume permitted in the zoning district in which the lot is located.
- B. *Height.*
1. Within the front and side yards, no wall, gate or fence shall be constructed which exceeds six feet in height, measured as follows:
 - a. In front yards, the vertical distance from the crown of the public road on which the front yard abuts to the highest point on the wall or fence; and
 - b. In other areas, the vertical distance from the finished grade adjacent to the wall or fence to the highest point on the wall or fence.
 2. Within the building envelope, no wall, gate or fence which is not attached to a building shall be constructed which exceeds six feet in height, except that mesh fences enclosing tennis courts may be constructed up to ten feet in height. For the purpose of this paragraph, height is measured as the vertical distance from the finished grade adjacent to the wall or fence to the highest point on the wall or fence.
- C. *Materials.* Walls and fences shall be made of durable materials that are consistent and compatible with the design and materials of the principal building on a lot.
- D. *Bulkheads/seawalls.* Bulkheads/seawalls may be constructed, provided that:
1. The height of the bulkhead/seawall is no greater than necessary to accomplish its purpose; and
 2. The environmental impacts of the construction of the bulkhead/seawall are mitigated according to all applicable requirements; and
 3. All approvals from other governmental agencies with jurisdiction over seawall construction have been submitted to the Administrative Official.

Sec. 3.07. Docks and dune crossovers.

A. *Location.* Docks may be constructed only in the waters of the Indian River and waters tributary thereto. Dune crossovers may be constructed over the primary dune to provide access to the beach. Each dock or dune crossover and its associated pilings shall be located in the middle one-third of the lot on which the dock is an accessory use and oriented such that a docked boat would also be in a location that corresponds to the middle one-third of the lot on which the dock is an accessory use (See Illustration 20: Location of Dock, Exhibit A), unless the Board of Adjustment approves another location ~~provide using alternative development standards, if the applicant demonstrates that:~~

1. The proposed dock or dune crossover will not result in an obvious departure from the aesthetic character of the neighborhood, considering the existing structures and open space; and
2. 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 on the same side of the lot; and
3. The proposed dock or dune crossover is designed in a manner that does not materially obstruct the waterfront views from neighboring properties; and
4. The proposed dock or dune crossover:
 - a. 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 regulations of the applicable zoning district; or
 - b. Is located such that it is significantly smaller than any functional dock or dune crossover that could be constructed pursuant to the applicable zoning district regulations; or
 - c. 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 applicable zoning district regulations.

B. *Size.* No dock shall exceed 500 square feet, and no dune crossover shall have a sitting or reviewing deck exceeding 100 square feet in addition to the area of the walkway, unless approved by the Board of Adjustment. ~~approves a variance for additional area using alternative development standards.~~

C. *Height.*

1. *Docks.*
 - a. The deck of a dock shall not be higher than four feet above mean high water, or five feet above mean high water if the Department of Environmental Protection so requires after performing an official survey and providing a

statement of seagrass that is acceptable to the administrative official. (See Illustration 21: Dock Dimensions, Exhibit A)

- b. Pilings supporting such dock or used in conjunction therewith shall not be higher than eight feet above mean high water. (See Illustration 21: Dock Dimensions, Exhibit A)

2. *Dune crossovers.*

- a. The deck of a dune crossover shall not be higher than one foot above the existing grade, unless a variance for a greater height is approved by the Board of Adjustment in accordance with this section ~~using alternative development standards.~~
- b. Dune crossover posts and railings shall not be higher than three feet above the deck of the dune crossover.

D. *Design.*

- 1. Railings shall be of post and rail construction that does not create a material visual obstruction to the waters of the Indian River or tributaries, or to the Atlantic Ocean from contiguous lots or rights-of-way.
- 2. Fencing, screening, walls or louvered windbreaks on docks or dune crossovers are prohibited unless approved by the Board of Adjustment. ~~using alternative development standards.~~
- 3. Covered structures or buildings of any type are prohibited on docks and dune crossovers.
- 4. Dock boxes not exceeding 30 inches in height are permitted on docks; provided that such boxes are limited to one dock box per boat regularly moored at the dock. (See Illustration 21: Dock Dimensions, Exhibit A)
- 5. Overhead hoists, davits or machinery connected therewith shall not exceed eight feet above mean high water.
- 6. Dock construction shall meet the standards for dock construction as prescribed by the United States Army Corps of Engineers.

E. *Utilities.* All electrical and water service supplied to any dock or dune crossover in the town shall meet the standards for service as provided in the Florida Building Code.

F. *Hoisting and daviting of boats.*

(a) No boat shall be hoisted or davited if:

- (1) Any part of the boat is positioned outside of the middle one-third of the lot, extended waterward; or

- (2) The dock to which the hoist or davit is attached does not conform to this section.
- (b) No boat shall be hoisted or daviged to such a height that the top of the main superstructure, but not including masts, antennas, outriggers or other attachments to said boat, shall be more than eight feet above mean high water, and no boat exceeding 31 feet in overall length shall be hoisted or daviged from the water and supported by a dock, unless approved by the impact review committee using the standards set forth in article X, division II, section 2.04.
- G. *Dock lighting.* These standards govern new and replacement dock lighting, and shall not apply to existing dock lighting, except for items (2)(c) and (2)(i).
1. Definitions:
 - *Dock lighting:* (1) Lighting that is used to provide a level of illumination to safely ingress and egress docks on and from a property, which includes, dock/piling-mounted light fixtures; (2) Security lighting; and (3) fishing lighting, which includes down-lighting fixtures into water (a.k.a. Snook Light, Goose neck, Bracket bar, Cobra head, etc.) and underwater/submergible lighting fixtures.
 - *Security lighting:* Lighting that is used to provide a level of illumination of a dock during security or emergency events, identify persons or objects (detection) or create a psychological deterrent to unwanted or criminal activity on the dock (deterrent). Security lighting is stand-by lighting, such as motion-actuated lights or lighting operated by switch or alarm. Security lighting shall be activated only by motion activation or during security or emergency events and will remain off during other times.
 - *Lumen:* The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.
 - *Special RCD lighting:* Lighting provided in connection with properties located within the Recreation Club District (RCD).
 2. In all cases, dock lighting associated with a specific property is to have minimal, if any, effect upon the adjoining properties as well as on any adjacent public rights-of-way. The following standards should be applied to all dock lighting projects, other than security lighting, which shall only be subject to subsection b. below:
 - a. All lighting shall be designed to prevent misdirected or excessive artificial light.

- b. All lighting fixtures shall have a glare shield, and the point source of light shall not be directly visible from adjacent properties. This includes, without limitations dock/piling-mounted light fixtures, down-lighting fixture into water (a.k.a. Snook Light, Goose neck, Bracket bar, Cobra head, etc.), underwater/submergible lighting fixture, flag poles, and security lighting.
- c. Metal halide bulbs, high-intensity bulbs such as high-pressure high-pressure sodium, and mercury vapor bulbs are prohibited.
- d. Special RCD lighting and marine navigation lights are exempt from this section.
- e. Plans, specifications, records and reports of a "security system plan" are exempt under F.S. § 119.07(1) and § 24(a), Article I of the State Constitution.
- f. Maximum lumens per single dock/piling-mounted lighting fixture shall not exceed 300 lumens; maximum lumens per single down-lighting fixture (a.k.a. Snook Light, Goose neck, Bracket bar, Cobra head, etc.) shall not exceed 500 lumens; and maximum lumens per single underwater/submergible light shall not exceed 10,000 lumens.
- g. Dock/piling-mounted lighting fixtures shall not exceed one per dock piling; down-lighting fixtures (a.k.a. Snook Light, Goose neck, Bracket bar, Cobra head, etc.) shall not exceed two per dock; and underwater/submergible light fixtures must be white in color and shall not exceed two per dock.
- h. Dock/piling-mounted lighting and down-lighting fixture(s) shall be mounted no higher than eight feet above mean high water. When used to illuminate the beginning and/or end of a dock, only one pole light at each section may be permitted and shall be installed no higher than eight feet above top of dock deck.
- i. Multicolor and/or flashing light fixtures shall be prohibited.
- j. All lighting project applicants must submit the Town of Jupiter Island Dock Lighting Self-Certification Form to the Building Department.

Sec. 3.10. Off-street parking.

- A. The maximum number of parking spaces provided shall be one and one-half parking spaces for each bedroom located on a lot.
- 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 variance provided using alternative development standards, the applicant demonstrates that it is not needed to achieve compliance with the landscaped open space requirement of the applicable zoning district and at least one of the following is met:

1. The reduced parking area will reasonably accommodate one car per bedroom; or
 2. The required parking is provided on an adjacent lot under common ownership, and the applicant provides an executed unity of title 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
 3. Required parking is provided on an adjacent lot that is subject to a parking easement agreement with the adjacent lot owner until or unless the applicant provides the required parking for the lot which it serves; or
 4. Clear and convincing evidence is provided to the Town 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.
- 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.
- D. *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.

Sec. 3.12. Wireless communications towers and antennas

A. *Findings and purpose.* The Town finds that it is in the public interest to regulate the placement, construction or modification of wireless communications towers and antennas within the municipal boundaries of the Town ~~in order~~ to protect the Town's unique aesthetic environment and community character. The Town Commission may approve a variance regarding the placement of communication towers and/or antennas, if the applicant demonstrates that:

1. The tower/antenna is in a PLD or RCD District; and
2. The tower/antenna will not interfere with the use and enjoyment of adjacent and nearby properties; and
3. The visual impact of the tower/antenna and associated structures is substantially mitigated by either or both of the following:
 - a. A combination of topography and existing or provided landscaping in the surrounding area; or
 - b. A "stealth" design; and
4. 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
5. Off-street parking for at least one maintenance vehicle is provided; and
6. There are no suitable existing towers, antennas, or other structures, or alternative technologies, that the applicant can utilize to provide the same service; and

7. The tower is set back at least 110 percent of the height of the tower from any neighboring properties in an RD zoning district; and
8. 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
9. Guy wires and accessory buildings satisfy the minimum zoning district setback requirements; and
10. The structure is designed to accommodate co-locations of equipment and attachments with a minimum wind load rated at 130 mph or more; and
11. A performance bond is posted in favor of the Town to cover the cost of the Town's removal of the structure if it is abandoned or otherwise violates these land development regulations.

B. *Tower permitted in PLD District as accessory use.*

1. *License or lease authorizing use.* Towers which are permitted as accessory uses in the PLD District are subject to joint use to provide public safety communications, and further subject to town commission approval of a license or lease authorizing the use of said tower. In considering approval of a license or lease, the Town Commission shall assess:
 - a. The inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas that provide service or coverage within the Town, including specific information about the location, height, and design of each tower, antenna or site; and
 - b. The availability of space on the tower, which shall be allocated on a first-come, first-served basis.

All costs relating to the installation of the antenna or any ancillary equipment relating thereto shall be borne by the applicant.

2. *Location and design standards.* Wireless communications antennas are permitted on towers as provided for in this subsection B, or on light pole structures which are located in rights-of-way or easements within the Town, subject to the following location and design standards:
 - a. The height of the antenna shall not exceed two feet above the existing light pole structure.
 - b. All light pole-mounted antennas shall be of a "stealth design" (to the maximum extent possible, the design shall use materials, colors, textures, screening, and landscaping that will blend the tower/antenna site and structures into the natural setting and surrounding buildings), except that antennas located in A-80, B-40, C-35, D-25, E-12, F-15 and G-35 Districts must be screened from the view of residents and pedestrians.
 - c. Equipment cabinets associated with light pole-mounted antennas shall be of a scale that makes them no more visually obtrusive than other types of utility

equipment boxes normally located within the rights-of-way within the town; and architecturally designed or camouflaged to be compatible with surrounding land uses, except that such equipment cabinets located in A-80, B-40, C-35, D-25, E-12, F-15 and G-35 Districts must be screened from the view of residents and pedestrians.

- d. The Town must approve the noise level and location of any generators or other equipment.
- e. Equipment cabinets associated with light pole-mounted antennas which are located outside the public right-of-way shall meet the requirements for accessory structures for the zoning districts in which the equipment cabinets are located.

C. *Other towers and antennas.*

- 1. No other tower or antenna shall be permitted in the Town, except pursuant to subsection B, above, unless the applicant demonstrates to the Town Commission that no reasonable alternative exists that can accommodate the applicant's proposed telecommunications service because:
 - a. No existing towers or structures located within the relevant geographic area accommodate antennas adequate to provide the applicant's service within the Town; and
 - b. The fees, costs, or contractual provisions required by the owner ~~in order to~~ share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable; and
 - c. There are other limiting factors that render existing towers and structures unsuitable; and
 - d. The applicant demonstrates that an alternative technology, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable.
- 2. If the applicant demonstrates that no reasonable alternative exists that can accommodate the applicant's proposed telecommunications service, the Town ~~Board of Adjustment~~ Commission shall refer the application to the board of adjustment to be heard using alternative development standards may consider the variance application and whether it meets the criteria in this Sec. 3.12 A-K.

D. *Operation and maintenance.* All tower and wireless communications antenna owners shall comply with the following operation and maintenance requirements:

- 1. All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with

such revised standards and regulations within six months of the effective date of such standards and regulations.

2. The owner of a tower shall ensure the structural integrity of the tower and related structures. The tower and structures must be maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the administrative official determines that the tower or a related structure fails to comply with such codes and standards and constitutes a danger to persons or property, then the owner shall bring such tower or structure into compliance with such codes or standards within 30 days of receiving written notice from the Town.
 3. No signs, other than those required by law and approved by the Town, shall be allowed on a tower, antenna or related structure or enclosure, including fences.
- E. *Abandonment of towers or antennas.* Any tower or antenna that is not operated for a continuous period of two years shall be considered abandoned, and the owner of such tower or antenna shall remove same, along with any related structures, with 90 days of receipt of written notice from the town notifying the owner of such abandonment.

Section 15. Article VI – Signs, Division 2, Standards, 2.02, sign design standards is hereby amended to read as follows.

Sec. 2.02. Sign design standards.

All signs within the Town shall be designed and constructed according to the following standards:

- A. *Materials.* Permanent signs shall be constructed of first-class quality materials, such as marine plywood, plexiglass or aluminum, and all lettering and other identification markings shall be permanently affixed. Residential building identification affixed to mailboxes and signs relating to security are exempt from this requirement.
- B. *Prohibited elements.* The following are prohibited design elements:
 1. Flashing, moving, rotating, revolving, oscillating, or animated elements; and
 2. Changeable copy; and
 3. Extruding figures; and
 4. Illumination ~~in excess of~~ more than 600 lumens. ~~unless a variance is approved by the Board of Adjustment. using alternative development standards;~~ and
 5. Neon tubes, strip lighting of any nature, and flashing or intermittent illumination.
- C. *Size and proportions.* The size and proportions of signs shall be as follows:

1. In the A-80, B-40, C-35, D-25, E-12, F-15 and G-35 Districts, the ratio of the horizontal dimension to the vertical dimension of the sign area shall be 3:2, and no sign shall be larger than 18 inches horizontally by 12 inches vertically.
2. In the PLD, CPD, and RCD Districts, no sign area shall exceed six square feet unless the ~~Board of Adjustment~~ Town Commission finds that all of the standards of Sec. 2.02 F below are met. ~~approves the larger sign area using alternative development standards.~~

D. *Maximum number of permanent signs.*

1. In the A-80, B-40, C-35, D-25, E-12, F-15 and G-35 Districts, no more than two permanent signs shall be permitted on any lot, unless the additional signs are not visible from any public contiguous lot, public right-of-way, private access easement, or waterway.
2. In the PLD, CPD, and RCD Districts, no more than one sign shall be permitted per street frontage, except that additional signs designating ingress and egress shall be permitted in such numbers as required for safety, provided that each additional sign:
 - a. Has a sign area of no greater than four square feet; and
 - b. Is no higher than six feet above the adjacent paving; and
 - c. None of the additional signs are within two feet of a lot line.

E. *Illumination.* Permanent signs in any zoning district may be illuminated with low-level reflective lighting not exceeding 600 lumens, provided that neon tubes, strip lighting, and flashing or intermittent lights are not used. The Board of Adjustment may approve a variance under Sec. 2.02 (F). below.

F. Variance for signs.

1. The Town Commission may approve a sign variance in the PLD, RCD, and CPD zoning districts, provided an applicant demonstrates:
 - 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.
2. The Board of Adjustment or Town Commission, as applicable may approve a variance to section 2.02(E), regarding illumination 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.

Section 16. Article IX. - Nonconformities. Division 2. Nonconforming Structures, Sections 2.01 and 2.02 are hereby amended to read as follows.

Sec. 2.01. Nonconforming docks or dune crossovers.

A nonconforming dock or dune crossover shall be considered a "building," subject to the provisions of section 2.02, below. However, if the nonconforming dock or dune crossover is nonconforming due to location, the property owner may apply for approval a variance from the Board of Adjustment using alternative development standards to make the dock or dune crossover "conforming" in accordance with Sec. 2.02 D below.

Sec. 2.02. Nonconforming buildings.

- A. *Continuation.* Any building which was lawfully in existence on the effective date of these land development regulations, or any amendment thereto, which is made nonconforming by the adoption of these land development regulations or any such amendment thereto, may be continued and maintained or repaired notwithstanding such nonconformity.
- B. *Extension or expansion.* No nonconforming building shall be enlarged, increased, expanded or altered in any way unless such enlargement, increase, expansion or alteration complies with each requirement of these Land Development Regulations.
- C. *Replacement.* In the event part or all of a nonconforming building is destroyed or made structurally unsound by fire, casualty, or other Act of God (which shall include, but not be limited to, wood eating organisms, degraded concrete, or similar factor not within the control of the property owner) to the point where repair is impracticable, the building may be reconstructed or replaced if approved by the Board of Adjustment using Sec. 2.02(C).A. below. using alternative development standards.
- D. The Board of Adjustment may approve a variance for the replacement of a destroyed nonconforming building, dock, or dune crossover, provided the applicant demonstrates that all of the standards below are met:
 - 1. All or a material part of the nonconforming building has been destroyed by fire, casualty, or an Act of God; and
 - 2. The building will be replaced with a building that is located in either:
 - a. The same location as the destroyed building, 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 rights-of-way or neighboring properties; and:

(1) The totality of nonconformities of the building to be replaced is reduced by the replacement building, and if an individual nonconformity is increased, the increase is not material; or

(2) The totality of nonconformities of the replacement building is unchanged and the Building Official determines that there will be a material safety benefit realized by the relocation of the building; and

(3) Is of the character and architectural style of the building that previously existed, unless such character or architectural styles are impracticable due to state or federal regulations; and

(4) The Building Official determines that the replacement building complies with these land development regulations to the maximum extent possible; and

(5) The replacement building contains no more floor area than the building to be replaced; and

(6) The application for approval has been submitted to the Town within three years of the date on which the destruction occurred.

Section 17. Article IX, Division 4. - Nonconforming Uses, Sections 4.00 is hereby amended to read as follows:

Sec. 4.00. Nonconforming uses.

A. *Continuation.* Any use which was lawfully in existence on the effective date of these land development regulations, or any amendment thereto, which is made nonconforming by the adoption of these land development regulations or any such amendment thereto, may be continued and maintained notwithstanding such nonconformity.

B. *Extension or expansion.* A nonconforming use shall not be enlarged, increased, intensified, or expanded to occupy a greater floor or land area than it occupied on the effective date of these land development regulations or an amendment thereto, which adoption or amendment rendered the use nonconforming.

C. *Conversion.* The Board of Adjustment may approve a variance for the conversion of a nonconforming use to another nonconforming use with fewer external impacts ~~alternative development standards.~~ if an applicant demonstrates:

1. The existing nonconforming use has not been terminated by discontinuance or destruction; and

2. The proposed use is more compatible with the predominant character of the uses in the zoning district than the existing nonconforming use; and
3. The proposed use will have no greater adverse effect on the surrounding lots than the existing nonconforming use, in that:
 - a. It will generate the same or lower level of traffic; and
 - b. It will have no impact or a positive impact on surrounding property values; and
 - c. It involves the same or lower level of dust, noise, or odors; and
 - d. If the existing nonconforming use also includes a nonconforming sign, the nonconforming sign shall be removed.

D. *Termination.*

1. *By discontinuance.* If a nonconforming use is discontinued for a period of six consecutive months, the nonconforming use shall not be resumed or re-established, and any subsequent use of the land or structure shall conform to every requirement of these land development regulations.
2. *By destruction or partial destruction.* In the event that 50 percent or more of the existing floor area of a building occupied by a nonconforming use is destroyed by fire or other casualty, Act of God, or by the acts of the owner or any lessee, agent or representative of the owner thereof, the nonconforming use shall be deemed terminated and shall not be resumed or re-established, and any subsequent use of the land or structure shall conform to each and every requirement of these land development regulations.

Section 19. Article X, Division 2, Impact Review, Sections 2.01 and 2.05 are hereby amended to read as follows:

Sec. 2.01. Applicability.

Impact review by the Impact Review Committee is required if:

1. The total floor area on the lot proposed for development, including existing and proposed floor area, will be greater than 70 percent of the maximum floor area permitted in the underlying zoning district; and
2. The application:
 - a. Is for a required approval that is not subject to administrative review pursuant to any paragraph of article X, section 1.00 or board of adjustment review pursuant to any provision of article X, division ~~3, 4, or 5~~; or
 - b. Has been referred to the Impact Review Committee pursuant to article X, section 1.02; or
 - c. Requests approval of the demolition of a principal building or guest house and is not part of, or concurrently filed with, an application for development approval of a new principal building or guest house.

Sec. 2.05. Duration of approval.

Approvals granted either administratively or as a result of referral to the Impact Review Committee, shall be valid for one year from the time granted. Commencement of work under said approval shall be considered as the date upon which a building permit is granted, and work having begun on the project. If work is not commenced within one year of the approval, then an extension of up to one year may be approved on good cause shown by application to the Board of Adjustment. ~~Projects approved under article X, divisions 1 and 2, which have not been commenced prior to the adoption of this section shall have 12 months from the adoption of this section to commence work.~~

Section 18. Article X, Division 3., Sections 3.00 – 3.16 Alternative Development Standards and Division 4, Sections 4.00 – 4.04, Increase in Floor Area are hereby repealed in their entirety.

Section 19. Article X, Division 10, Development Permits, Sections 10.06 and 10.08 are hereby amended to read as follows:

Sec. 10.06. Validity and Duration of Permit.

~~A development permit shall be valid for a period of 18 months from the date of issuance.~~

In accordance with Section 105.4.1 of the Florida Building Code, a building permit shall expire unless the work commences within a 6-month period after issuance, or where the work authorized under such permit has been abandoned for a period of 6 months after the work has commenced.

A building permit shall lapse where there is no longer any active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in the case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process, in accordance with Section 105.4.1.3 of the Florida Building Code.

Sec. 10.08. Permit extensions.

- ~~A. The Administrative Official may issue, for good cause shown, a permit extension of up to 180 days.~~
- ~~B. In the event all work is not completed and a certificate of occupancy issued within the 180 days extension granted by the Administrative Official, all work shall cease on the property, until a further extension is approved by the Board of Adjustment for good cause shown.~~

Section 20. Article IV, Supplemental Regulations is hereby amended to create Division 5, entitled "Accessory Uses and Article 6, Reverse Osmosis Plants, as follows:

ARTICLE IV. SUPPLEMENTAL REGULATIONS

DIVISION 5. ACCESSORY USES

Section 1.00. Applicability.

The Board of Adjustment may approve as accessory uses that are not otherwise listed as "Permitted Uses" in the residential districts of Article III, Divisions 2, 3, 4, 5, 6, 7, and 8 provided that it finds that all of the following standards have been met:

Sec. 2.00. Standards.

- 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 there are screens and buffers that 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 of rights-of-way; and
- G. The proposed accessory use will generate the same or lower level of traffic than another 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.

DIVISION 6. REVERSE OSMOSIS PLANTS

Sec. 1.00. Applicability.

The Board of Adjustment may consider a variance for an application for the installation of a reverse osmosis plant as an accessory use to a primary use on properties

of two acres or greater. Applications must be prepared by appropriately licensed professionals.

Sec. 2.00. Requirements for submission of applications.

- A. All plans, reports, letters of assurances, and other documents related for an RO plant shall be prepared by a licensed, professional hydrogeologist (P.G.), or a licensed professional engineer with experience and practice in the design and implementation of reverse osmosis facilities. The certification of documents indicates that they were prepared under a licensed engineer or hydrogeologist's who shall be responsible for supervision, direction or control. Any plans or documents prepared by an individual who is not properly licensed may result in the town referring the individual to the appropriate agencies, i.e. the South Florida Water Management District and Florida Department of Environmental Protection and/or the Department of Professional Regulation.
- B. Applications for a reverse osmosis plant accessory use shall provide the following information, which shall be subject to the review and approval of the town engineer for completeness and technical compliance:

 - 1. Reverse osmosis plant systems shall include the certification and seal, if applicable by a professional licensed engineer with sufficient experience with reverse osmosis plant systems that the reverse osmosis plant meets all design conditions. The following submissions shall be submitted to the Town and shall be subject to the Town Engineer's review. The Town Engineer shall prepare a report of his findings, which shall be presented to the Board of Adjustment at its hearing on the application.
 - 2. Drawings shall include the location of the system on the property, topography of the lot, location of on-site wastewater disposal drain field on the property, and proximity to buildings and on-site wastewater disposal drain fields on adjoining properties.
 - 3. Plans shall include the size of the system, anticipated water supply, product and wastewater flow rates, maximum capacity, anticipated locations of water supply withdrawals, depths, appurtenant facilities, and wastewater or system concentrate discharge disposal locations.
 - 4. Chemical handling plan and storage. Copies of Material Data Status Sheets (MSDS) sheets for all known chemicals shall be submitted.
 - 5. Plans and calculations showing anticipated product water storage location and size of storage system.
 - 6. Plans for the structure housing the proposed system.

7. A landscape plan for screening of said structures.

8. Plans for emergency generator facilities and fuel.

9. Electric plans.

10. Monitoring systems and data collection.

11. As-built plans.

C. *Hydrogeology and geotechnical.* Shall evaluate the impacts to existing surficial freshwater resources from saline or hypersaline wastewater or concentrate discharge from the reverse osmosis plant by professional geologist with experience in shallow barrier island aquifer systems and shall submit the following.

1. Plans identifying the location and use of surface water bodies and existing surficial aquifer wells within a 1,000-foot radius of the project site.

2. A subsurface study including:

a. Geologic formations within zones of surficial aquifer water supply and area of wastewater or concentrate discharge.

b. Water quality profile of the surficial aquifer that identifies fresh and saline water layers.

c. Permeability tests of proposed wastewater or concentrate discharge zone including a bench scale load test performed in the presence of the Town's representative.

d. Modeling of expected migration of wastewater or concentrate discharge plume with evaluation of impact to adjacent properties irrigation water withdrawal wells, on-site wastewater disposal drain-fields, and surface water bodies.

3. Design report that includes proposed facilities, testing results, modeling results and certification by a State of Florida licensed geologist or engineer.

D. *Permits.* All applicable federal, state and local permits shall be identified and obtained and provided to the Town.

1. Permitting wastewater or concentrate discharge and proper disposal of same.

2. If wastewater or concentrate discharge is exempt from permitting, provide written proof that agency reviewed data submitted by reverse osmosis applicant and issued a written exemption.
 3. Certificate from a licensed engineer that no overflows of wastewater or concentrate discharge to surface water will occur.
- E. Chemicals. A certificate of a licensed engineer as to the chemical hazards from chlorine, acid storage for reverse osmosis plant and identification of the plan for chemical delivery, storage, use and disposal, including:
1. Anticipated chemicals used for the system, quantities used per month, along with the MSDS sheets for each chemical, and quantities to be stored on the lot.
 2. A storage system that safely houses and contains chemicals from escaping onto the ground or into the air.
 3. The method for and frequency of delivery of chemicals to the lot and removal of spent chemical containers for disposal off-site.
- F. Noise. A certificate of a licensed engineer that the maximum sound level from the reverse osmosis plant operation shall not exceed 72 decibels measured at the exterior of the reverse osmosis plant and shall not exceed 65 decibels measured at the property lines with a plan for addressing noise abatement from high pressure pumps.
- G. Odor. A certificate of a licensed engineer addressing odor control if source water for reverse osmosis contains hydrogen sulfide demonstrating that no odors will leave the lot.
- H. Setbacks. A certificate of a licensed engineer that all reverse osmosis plant facilities and appurtenances shall be located within the building envelope as defined by the yard setback requirements for the subject zoning districts.
- I. Minimum lot size. A certificate of a licensed engineer that the lot size is a minimum of two acres.
- J. Adverse impacts. A certificate of a licensed engineer providing assurances that there will not be any adverse impacts on adjoining property owner's irrigation water withdrawal wells, on-site wastewater disposal drain- fields, and surface water bodies.

Sec. 3. Standards for approval of applications.

- A. The Board of Adjustment may approve a reverse osmosis plant provided it finds that all of the following provisions have been:
1. All requirements relating to lot size, setbacks, noise and odor.

2. There would not be any adverse environmental impacts created by the installation of the reverse osmosis plant upon the property.
3. All chemicals and machinery relating to the operation of the reverse osmosis plant is contained within a safe, noise-proof structure.
4. The reverse osmosis plant shall be totally screened from view from adjoining properties, rights-of-way and waterways.
5. The town engineer has determined, based upon a review of the engineering and any other applicable plans, that would not be any adverse impacts on an adjoining property owner's irrigation water withdrawal well, on-site wastewater disposal drain-fields, and surface water bodies.

Sec. 4. Conditions subsequent to approval of a reverse osmosis plant.

A. Prior to the final issuance of a Certificate of Occupancy for reverse osmosis plants a completion report shall be filed which includes test results of the installed as-built facilities including:

1. Load test installed wastewater or concentrate disposal system that includes monitoring of water levels within the disposal trench and at least one monitor well outside the disposal trench and in the path of the discharge plume.
2. Evaluate load test results and certification that the disposal system performs as designed without impact to existing Town water resources, natural resources or adjoining property owner's irrigation water withdrawal wells, on-site wastewater disposal drain-fields, and surface water bodies.

Sec. 5. Requirements relating to monitoring of disposal system for reverse osmosis plants.

Property owners who have installed a reverse osmosis plant on their property shall annually provide on, or before the anniversary date of the permit issued authorizing the installation of the system the following information:

1. Assurance that surface flooding has not occurred.
2. Assurance that wastewater is not being discharged to surface water.
3. Assurance that the surficial aquifer (if present) is not being adversely impacted by wastewater.
4. Assurance that an adjoining property owner's irrigation water withdrawal wells, on-site wastewater disposal drain-fields, and surface water bodies are not being impacted.

5. Assurance that the reverse osmosis plant is in compliance with all federal, state, county and town regulations.
6. The property owner shall submit to an inspection of the reverse osmosis plant by Town staff and/or Town consultants.

In the event a property owner fails to provide any of the above assurances pursuant to the annual inspection report, the Town may suspend the operation of the reverse osmosis plant until the property owner demonstrates that it is in compliance with this criterion.

Sec. 6. Application fees, permits, annual operations and maintenance fees for reverse osmosis plants.

The application fee for the proposed installation of a reverse osmosis plant is \$7,500.00. In the event the Board of Adjustment approves the installation of a reverse osmosis plant, the property owner shall pay to the Town such additional fees as are required by ordinance. Once the reverse osmosis plant has been permitted and installed, the property owner shall obtain from the Town an annual operation and maintenance permit and pay the annual fee of \$2,000.00.

Section 20. 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 21. Severability.

If any court of competent jurisdiction holds any word, part, section, paragraph or provision hereof to be unlawful or unconstitutional, such ruling or finding shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

Section 22. Codification.

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

Section 23.

This Ordinance shall become effective immediately upon execution.

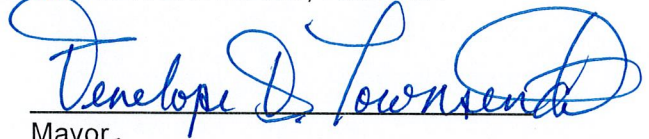
(Continued on Next Page)

PASSED UPON FIRST READING THE 6th DAY OF NOVEMBER, 2024.

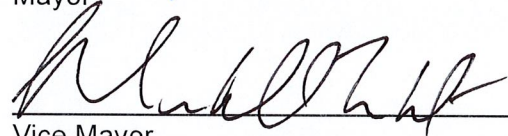
PASSED AND ADOPTED UPON THE SECOND READING FOLLOWING
PUBLIC HEARING THE 6th DAY OF DECEMBER, 2024.

(SEAL)

TOWN OF JUPITER ISLAND, FLORIDA



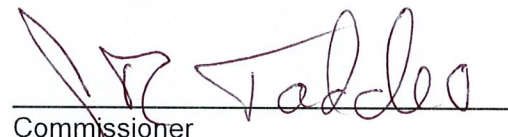
Mayor



Vice Mayor



Commissioner

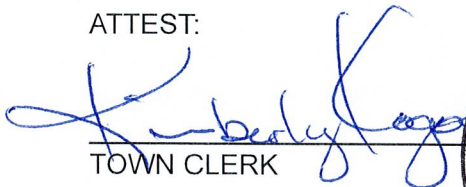


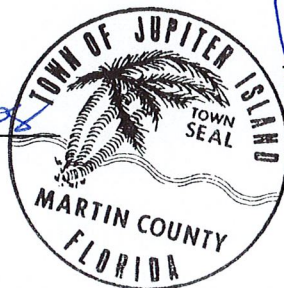
Commissioner



Commissioner

ATTEST:


TOWN CLERK



#5854059 v5 18270-00002