

**ORDINANCE 405**

**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 REGARDING FLOOR AREA AND LIVING SPACE; PROVIDING FOR THE AMENDMENT OF ARTICLE II, SECTION 1.00 TO AMEND DEFINITION OF LIVING SPACE; PROVIDING FOR AMENDMENTS TO ARTICLE III REGARDING THE MAXIMUM FLOOR AREA OF A PRINCIPLE DWELLING IN THE TOWN'S RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR THE AMENDMENT OF DIVISION 2 SECTION 2.02G; PROVIDING FOR THE AMENDMENT OF DIVISION 3, SECTION 3.02G; PROVIDING FOR THE AMENDMENT OF DIVISION 4 SECTION 4.02G; PROVIDING FOR THE AMENDMENT OF DIVISION 5 SECTION 5.02G; PROVIDING FOR THE AMENDMENT OF DIVISION 6 SECTION 6.02G; PROVIDING FOR THE AMENDMENT OF DIVISION 7 SECTION 7.02G; PROVIDING FOR THE AMENDMENT OF DIVISION 8 SECTION 8.02G; PROVIDING FOR THE AMENDMENT OF ARTICLE IV DIVISION 2 SECTION 2.01D REGARDING FLOOR AREA; 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 express 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.

*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 principal 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 acre.
- 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 principal 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 principal 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 principal dwelling shall not exceed 10,000 square feet.
4. 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~~ principal dwelling shall not exceed 10,000 square feet.
- ~~1.~~ 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 principal 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 acre.
- 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.

~~4. 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.
  - 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. Basement areas designated as living space are included in floor area calculations. Basement areas not designated as living space 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.

**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)*

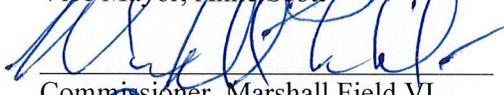
PASSED UPON FIRST READING ON THE 21<sup>ST</sup> DAY OF MARCH 2025. PASSED AND ADOPTED UPON SECOND READING ON THE 16<sup>TH</sup> DAY OF APRIL 2025.

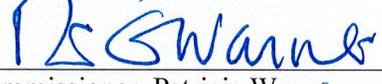
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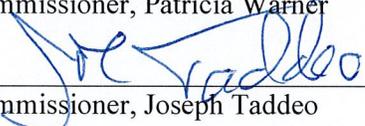
TOWN OF JUPITER ISLAND, FLORIDA

  
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Mayor, Penelope Townsend

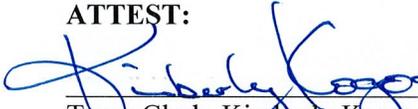
  
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Vice Mayor, Anne Scott

  
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Commissioner, Marshall Field VI

  
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Commissioner, Patricia Warner

  
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Commissioner, Joseph Taddeo

ATTEST:

  
\_\_\_\_\_  
Town Clerk, Kimberly Kogos

