



ORDINANCE NO. 416

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 IV, DIVISION 3, SECTION 3.01 "FILL;" PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVING 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, this ordinance is necessary and appropriate to amend the LDR to eliminate reference to the Board of Adjustment ("BOA"), and to replace reference to the BOA with the Development Review Board; and

WHEREAS, the Town Commission has concluded that it is necessary and appropriate to clarify certain Articles of the LDR previously adopted to confirm its policy direction requiring variance applicants establish the standards set forth in Article X, Division 5, Section 5.00, to establish a legal hardship entitling the applicant to the variance relief requested; and

WHEREAS, the Town Commission has reviewed the revisions to the Town's LDR as set forth herein and finds that the adoption of this ordinance will further the public health, safety and general welfare.

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 IV, Division 3, Development Standards, Sections 3.01 is hereby amended to read as follows:

Sec. 3.01. Fill.

If authorized as part of an approved site plan, up to ~~three~~ four feet of fill may be placed on a lot. The ~~board of adjustment~~ development review board may approve a variance for a greater amount of fill provided it finds that the applicant has met the standards contained in Art. IX, Division 5, Section 5.00 and 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.

Section 3. 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 4. 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 5. Codification.

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

Section 6 Effective Date. This ordinance shall become effective immediately upon execution.

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ORDINANCE NO. 416 PASSED UPON FIRST READING THE 16th DAY OF January, 2026.

PASSED AND ADOPTED UPON THE SECOND READING FOLLOWING PUBLIC HEARING THE 25th DAY OF February, 2026.

(SEAL)

TOWN OF JUPITER ISLAND, FLORIDA

Tenelope S. Townsend

Mayor

Annex JSM

Vice Mayor

Michael Hill

Commissioner

D. Warner

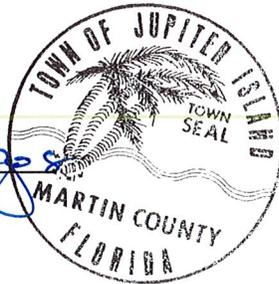
Commissioner

J. Taddes

Commissioner

ATTEST:

Kimberly Kees
TOWN CLERK



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